

The Sun newspaper has set out the terms for Britain remaining in the EU

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By Democratic Audit UK

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*The UK has voted to Leave the European Union by a small margin. However one of the Leave side's largest cheerleaders, the Sun newspaper (owned by Rupert Murdoch), has spelled out the potential arrangement under which it could support the UK's continued membership of the EU, as **Stephen Barber** explains.*



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What could a post Brexit Europe look like? What sort of relationship with the EU have the British people voted for? The answers to these big questions are entirely speculative. We simply do not know. Sensible voices calling for the UK to maintain its membership in some form are denounced as undemocratic fanatics despite the evidence of voter remorse and the truth that most people did not fully appreciate what they voted for. What to do? Well might I suggest we look to that eurosceptic tabloid The Sun For answers?

Yes Really. An article authored by former Political Editor Trevor Kavanagh 'Boris Johnson and Michael Gove WILL honour their [promise to Sun readers](#)' sheds some light on this brave new world. In it Kavanagh set out five promises which he claims Leave leaders Boris Johnson and Michael Gove made to 'Sun readers' and by extension these should be the basis for the future relationship with the EU:

- 1. British laws will trump Brussels' edicts*
- 2. British Supreme Court will uphold them*
- 3. Immigration will be on our terms*
- 4. We will trade freely in the European Single Market*
- 5. There will be no second referendum*

Sensible observers will note the contradictions between British laws trumping Brussels and operating within the

rules of the single market but nonetheless, this offers a useful guide. The reality of the referendum is that it was unclear exactly what 'Leave the European Union' meant. Our relationship is more complex than simple membership of a club; there are rights, responsibilities and an internal market which is vital to British business. This very point will be at the heart of parliamentary debates and attempts by remain supporters to frustrate exit and the triggering of Article 50 (though this could be within the prerogative powers of the prime minister).

There has been a fair amount of discussion since last Friday morning about whether it would be possible for Britain to win a further deal from Brussels that would allow the government to re-run the referendum with a view to the UK retaining membership of the EU. Even Cabinet Minister Jeremy Hunt has argued for this. But what might a deal look like? Well The Sun has very helpfully offered a framework.

Kavanagh's article suggests a world where British business continue to enjoy the benefits of the Single Market but where Parliament is sovereign and free movement of people can be restricted within the EU. I am surely not alone in believing that a deal along these lines is achievable without Britain exiting the Union.

In the past when voters in Ireland France and Denmark have rejected EU treaties in referendums, concessions are offered and a new referendum is held. Boris Johnson himself alluded to this possibility at the start of the referendum campaign when he wrote that 'all EU history shows that they only really listen to a population when it says No.' That is a country can negotiate new terms when its people have rejected the project. Despite the harsh words, the same can surely be true now and a package of measures could be assembled that is acceptable to the majority of mainstream opinion – in Britain and the continent.

Take the question of sovereignty and the Supreme Court. Practice in Germany offers a way out here since the German Constitutional Court currently considers the interpretation of EU law. We could do this. The UK could begin the practice of using our own Supreme Court to examine European Court of Justice decisions to judge if they breach British constitutional practice. Leading QC Anthony Speaight even suggested that Parliament should amend section 2 of the European Communities Act (1972) 'to clarify that the domestic courts are not to enforce EU instruments and decisions if they find them to be outside EU competences, and that ECJ decisions as to whether acts are within or without competence are to be no more than persuasive authority.' This surely addresses points 1 and 2 of Kavanagh's charter and what is more, there would be an Act of Parliament to demonstrate British 'supremacy'.

Then there is the thorny issue of immigration. David Cameron made it clear when he met his European counterparts this week that he felt that had they given him a real deal on free movement, the referendum would not have been lost. And it is true that that immigration was the strongest weapon in the Leave armoury. It undoubtedly persuaded many people to back their campaign. With Britain out of the EU altogether, the prospect is that freedom to live and work in the UK could be difficult if not impossible for many Europeans who have heretofore taken it for granted.

As such there are reasons to look more kindly on some sort of 'emergency brake' were numbers to rise beyond a level the government felt acceptable or some qualifications added to the automatic right to work in the UK (and perhaps elsewhere). These could be based around skills, professions. Or earnings. While scrapped now, don't forget that Cameron already negotiated a concession that economic migrants needed to have secured a job offer and reduced the in-work benefits to which they are entitled. If this could be agreed, it would surely be 'immigration on our terms' and there are signs that countries such as Poland might be willing to back up the UK in winning some further concessions.

Beyond the diehard zealots, few people in Britain want our economy cut off from the single market given how important it is to our trade and notably the crucial financial services industry. And while European political classes know that ejecting the UK from the biggest internal market in the world is the most powerful and punitive negotiating card they hold, European industry does not want unnecessary barriers to accessing Britain's market. Given the size of the British economy, access to the single market should be a very achievable ambition and is an early assumption during the phoney war through which we are currently living.

So there we have it. The Sun has set out the terms of Britain's post-referendum relationship with the EU. Interpreted this way, I would suggest that it is a relationship to which European leaders could sign up and which could command the support of Parliament and a majority of people in the UK. And crucially it would not require Britain to trigger Article 50 for this to be achieved. Better still, The Sun does not want a second referendum to put it into force.

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