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Brexit Through a Negotiating Prism: Part 3



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'Two things are infinite – the universe and human stupidity. And I'm not sure about the universe'. All too often, international negotiations provide a sad illustration of Albert Einstein's famous quip. Negotiators become driven by emotion, peddle pumped-up illusions to their domestic audience and lose sight of national interests and negotiating realities. The Prime Minister's approach to the past two years of Brexit negotiations seems destined to go down in the text books as a classic example.

Cards on table. I believe that staying in the EU would be overwhelmingly our best course, given the economic, security, educational, cultural, scientific and diplomatic benefits. But I have sought to set this view aside, and to analyse the Prime Minister's approach to the Brexit negotiations in terms of technique. My conclusion is that, albeit in difficult and politically constrained circumstances, she has done almost everything wrong. Let's take the key negotiating principles in turn and see how the Prime Minister's record stacks up.

Decide on your objectives before you start negotiating.

The Prime Minister issued the UK's notification of its intention to leave the EU under Article 50 of the Lisbon Treaty two years ago. But she had no idea, beyond vague slogans, what she wanted. Extraordinarily, there was no internal Government agreement on real objectives until last summer, and even when reached it proved tenuous at best. If you don't know what you want, don't be surprised if you don't get it.

Focus on interests, not positions.

The Prime Minister quickly boxed herself behind the red lines she publicised in her Lancaster House speech, denying herself the negotiating options and tactical flexibility that might have better served the UK's interests. If politics drives you to announce red lines, notwithstanding the negotiating disadvantages, they should at least be credible and, above all, consistent.

Access. Engagement. Resolution.

Understand the other side.

With a few notable exceptions, UK Ministers have never been good at developing close relations with their European counterparts or understanding their motivations. At an early stage the Prime Minister chose to marginalise those with strong personal and institutional understanding of the EU. The Foreign Office was denied its traditional lead in EU negotiations. The Cabinet Office lost its coordinating role. The UK's then Permanent Representative to the EU seems to have been ignored. As a result, Ministers consistently misjudged European priorities, deluding themselves that the interests of German car manufacturers would trump the EU's desire to maintain the integrity of the single market.

Build and maintain negotiating cohesion.

It is not unusual in complex international negotiations for there to be important differences of view *within* each side. A strong and competent leader would have drawn on the expertise of her whole team, while guiding, cajoling and resisting those who might otherwise undermine consensus. One reason the Cuban Missile Crisis did not result in disaster was that both Kennedy and Khrushchev successfully managed the strong differences of view amongst their advisers and faced down the hardliners. The Prime Minister, by contrast, neglected the concerns of the 48% of voters who wanted to remain in the EU, ignored the clear Parliamentary majority against a hard Brexit, and tacked towards the extremists.

Maintain your leverage.

The UK was never going to have much leverage in this negotiation, given the relative balance of power. But until we lodged our Article 50 notification we at least had control of the timetable. When the Prime Minister issued that notification before she had agreed an objective, let alone a strategy, she gave up her only credible lever. A stronger leader and more competent negotiator would have refused to trigger Article 50 at least until the EU had relented on sequential negotiations, and ideally until an agreed outcome on the future relationship was visible in outline.

Don't make threats – particularly if they're not credible.

Eventually, the Prime Minister's strategy became to run down the clock until the prospect of leaving without an agreement would exert pressure both on her own side to cohere behind her 'deal', and on the EU to show maximum flexibility over the Irish backstop. This was reckless, since there was a real danger that the UK could crash out through miscalculation. It was also foolish, since leaving with no deal was always going to hurt the UK far more than the EU. Pointing a gun at your own head is rarely an effective negotiating technique.

Keep an open mind, ask open questions and nurture relationships.

This negotiation seems to have exposed worrying aspects of the Prime Minister's psychology: an apparent inability to 'read' and engage openly with others, rigidity of thought and repetitive patterns of behaviour. These are not characteristics likely to make for effectiveness in an international negotiation with multiple players and complex cross-currents. In such a negotiation the emotional intelligence that builds and sustains positive relationships, and the intellectual agility to look at problems from a new angle and develop realistic options, are key to success.

Maintain credibility and trust.

In any negotiation, those on the other side will have three questions in mind:

Does this person know what she's talking about?

Can I believe what she says?

Can she deliver an agreement?

The signals coming from EU leaders last week suggest they finally concluded that in this case the answer to all three questions was 'No'.

At the time of writing there is still a possibility that, in the absence of Parliamentary agreement on any alternative, the Prime Minister's unloved deal will pass. If so, the UK will then be faced with the dismal prospect of negotiating our future relationship with the EU from a weak position outside it. In the seemingly improbable event that Mrs May remains in charge, we can only hope that she will have learned from the painful experience of the last two years.

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