

**126**  
SEPTEMBER  
2015

## THE BREXIT NEGOTIATIONS: Stretching Europe to fit UK Public Opinion?

**Pol Morillas**, Research Fellow, CIDOB

**Berta Barbet**, PhD candidate, University of Leicester

Public debates in the United Kingdom (UK) over the next year will be dominated by the in-or-out referendum on its membership to the European Union (EU). After winning the general elections on 7 May 2015, David Cameron recalled his intention to hold the referendum before 2017, but hinted at the possibility of bringing this deadline forward. In June 2015, he inaugurated the run-up to the *Brexit* referendum and presented to the European Council his demands for the “renegotiation” of the UK’s relations with the EU. The date of the referendum is still to be announced but, until then, Cameron’s government will put forward a series of demands aimed at regaining sovereignty, watering down the immigration and mobility rights of EU citizens in the UK and bolstering UK-friendly economic and financial measures. Whether Cameron secures a fair deal with the EU reforms and regains powers for the UK will depend on the willingness of other member States to

accommodate his demands. But this will also be the testing ground for Cameron’s ability to convince domestic public opinion that the UK has secured a fair deal and, accordingly, that citizens should vote to stay in the EU.

**The *Brexit* referendum will be about Cameron’s capacity to transform the technical fixes that he may secure in his negotiations with the EU into a deal that convinces a divided public opinion.**

**Recent polls show that up to 32% of British citizens would consider changing their vote depending on the outcome of the renegotiation process.**

**Cameron’s main demands for renegotiating the UK’s relationship with the EU are: increasing the sovereignty of the UK *vis-à-vis* EU powers, curbing mobility freedoms within the EU and new economic and financial policies in the interests of London.**

**A key aspect of the debate will be whether undecided voters understand that the UK’s sovereignty will be better protected inside or outside the Union.**

**The absence of controls on freedom of movement is also one of the most frequently mentioned reasons for leaving the EU.**

**Sceptical messages on the economic impact of EU membership find wide support in the polls but it is unclear whether economic and financial reasons will be the ultimate game changer of the renegotiation and the referendum campaign.**

When all is said and done, the *Brexit* referendum will be about David Cameron’s capacity to transform the technical fixes that he may secure in his negotiations with the EU into a deal that convinces a divided public opinion. There are three major factors that will influence the outcome of the referendum and these are not necessarily related with the specific files of matters to be negotiated between the UK and the EU. First, is the impact of the UK’s Eurosceptic public opinion shapers, who are unlikely to back any deal Cameron achieves, regardless of its contents. Cameron will have a hard time convincing the UK’s Europhobic media outlets, his most radical backbenchers and UKIP, which are influential in EU debates, that the renegoti-

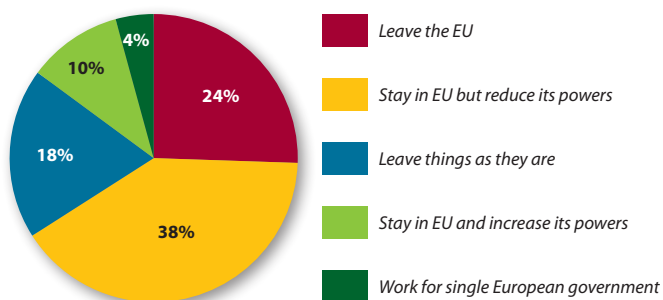
ated issues should be enough to persuade them to change their Eurosceptic mindset. **Mark Leonard** has argued that “the risk of *Brexit* is not driven by a Eurosceptic public but by a Europhobic elite”, which has a powerful intellectual influence over the EU question.

Closely linked to the central position of the Eurosceptic elite in shaping UK public opinion is the fact that debates regarding the EU are rarely structured along rational lines. The UK’s membership is an utterly political, passionate and ideological issue, often unrelated with EU policies, the advantages and disadvantages of belonging to the European club or, in the case of the *Brexit* referendum, the demands that Cameron will present to the EU leaders during the renegotiation period. This does not mean, however, that pub-

## The UK’s membership is an utterly political, passionate and ideological issue, often unrelated with EU policies

lic opinion in the UK will be unresponsive to the renegotiation process. Polls suggest that **38%** of the UK population would like to stay in the EU provided that Brussels’ powers are reduced. More recent polls also show that up to **32%** of British citizens would consider changing their vote depending on the outcome of the renegotiation process.

### British Attitudes towards the EU



Source: NatCen- British Social Attitudes 2014

The third factor thus relates to David Cameron’s capacity to extract significant concessions from other EU leaders without crossing the red line they have drawn: the non-reform of current EU Treaties. Some aspects of the renegotiation such as curbing mobility within the EU (more on this below) might require fundamental changes in the EU’s primary law and leaders such as Angela Merkel and François Hollande are uneasy about pursuing the path of Treaty reform before their general elections, scheduled for 2017. EU officials such as **Jean Claude Juncker**, President of the Commission, and **Donald Tusk**, President of the Council, have also warned that Treaty reform before the *Brexit* referendum is unlikely, since it takes at least 5 years to start and complete the sequence of Treaty change and to get the approval of all 28 EU Member States. Soon after the June 2015 Council, David Cameron also accepted that his country may need to go to the polls before any treaty change is in force.

## EU and the UK public opinion: an (im)possible link?

Prior to the European Council, David Cameron summarized his main demands for renegotiating the UK’s relationship with the EU. These can be grouped under three main headings: increasing the sovereignty of the UK *vis-à-vis* EU powers, curbing mobility freedoms within the EU with particular focus on the benefits granted to EU immigrants to the UK, and new economic and financial policies in the interests of London. In general terms, the renegotiation of the membership conditions proposed by Cameron is widely supported by the British public. Polls show that **55%** of the British population supports changing these relations and only 17% opposes it. Nonetheless, it is hard to anticipate

which elements of the negotiations will have an effect on the referendum vote, given the highly technical nature of the issues under discussion and the lack

of clear and concrete proposals that would enable voters’ evaluations. At present, voters attribute different degrees of intensity and importance to the issues to be renegotiated by Cameron, depending on whether they relate to sovereignty, mobility or the economy. The degree of acceptance by UK public opinion of a renegotiated status within the Union also varies accordingly.

### Sovereignty

The first set of demands on enhancing UK’s sovereignty *vis-à-vis* the EU includes proposals such as opting out from the EU’s core principle of achieving an “ever closer union” and boosting the sovereignty and powers of national parliaments to block proposed EU legislation. An immediate opt-out from fundamental EU principles would require Treaty change, although **Cameron** also hinted at the possibility of a post-dated deal to ensure that such changes are “irreversible”, in the form of a set of EU Council Conclusions which would be included in the next Treaty revision.

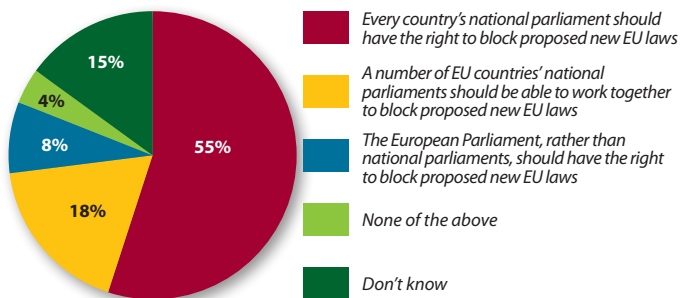
Likewise, boosting the powers of Westminster to block EU legislation could find an *ad interim* solution by means of transforming the system of the yellow card shown to the EU Commission by national parliaments when introducing new laws<sup>1</sup>. Transforming this yellow card into a *de facto* red one would be one way of accommodating Cameron’s demands. As the Centre for European Reform has argued, “while a legal red card would require treaty change, the Commission could promise to treat all new yellow cards as red ones. This would not require treaty change, and the other member-states could agree to write this into the **next treaty**”.

In any case, demands related to sovereignty are likely to become highly symbolic and will clearly resonate among a

1. Under the current system, the yellow card shown by national parliaments forces the Commission to reconsider its proposals.

British public that is very reluctant to transfer national sovereignty to the European institutions. For example, surveys show that the majority of British citizens (some 55%) want to have the right to block EU legislation at Westminster, without even having to coordinate with other national parliaments. The idea of transferring power to the European Parliament is only supported by 8% of the public.

### Thinking about the introduction of new EU laws, which one of the following statements best reflects your view?



Source: Yougov Open Europe- UK-German Poll

Similarly, the possibility of an “ever closer union” is met with strong opposition in the UK. Only 7% of British Citizens want Europe to become a single country, in contrast with the 69% that wants to either to reduce the power of the EU or disband it altogether.

Significantly, the loss of sovereignty and the EU’s external interferences are among the reasons mostly stressed by British citizens who oppose or have doubts about European membership. Interference of the European institutions in the justice system (41%) or overly regulated services (21%) are usually stated as reasons for leaving the EU by those who want to end membership or have doubts about it. It is not surprising, then, that 56% of British citizens consider that Cameron’s main priority in the negotiations should be giving the UK government or parliament a greater say in EU legislation<sup>2</sup>.

A key aspect of this debate will be whether undecided voters understand that the UK’s sovereignty will be better protected inside or outside the Union. Recent surveys have shown how UK public opinion is highly divided on this issue, with 41% of the potentially floating voters considering that “leaving the EU is the only way the UK could make

2. The percentage is considerably lower in a recent survey made by Survation that provides respondents a greater number of options. Asked about 7 different priorities, instead of just three, only 18% of the respondents consider restoring the parliament’s sovereignty as the main priority and 5% think that ending the commitment to an ever closer union should be the main focus. Source: Survation and Alliance for Direct Democracy in Europe (2015, July 29). *EU Referendum- Attitudes Poll*. Retrieved from <http://survation.com/wp-content/uploads/2015/07/EUPoll.pdf>

its own laws and control its destiny”, while 39% of these undecided voters are convinced that “leaving the EU would mean still being affected by EU decisions, but with no say in how they are made”.

The debate on how best to protect the UK’s sovereignty is still open, so relevant concessions during the renegotiation period might shape the way it is perceived by voters. British citizens want more power for their institutions over the European ones and think this will be an important element of the renegotiation. If Cameron succeeds in securing a good deal on sovereignty-related issues, the campaign to remain part of the Union will have better prospects. On the contrary, failure to get substantial concessions will give a lot of room to critics of the EU for making their claims and taking advantage of the opposition to external interference, which strongly resonates among the British public.

### Mobility and immigration

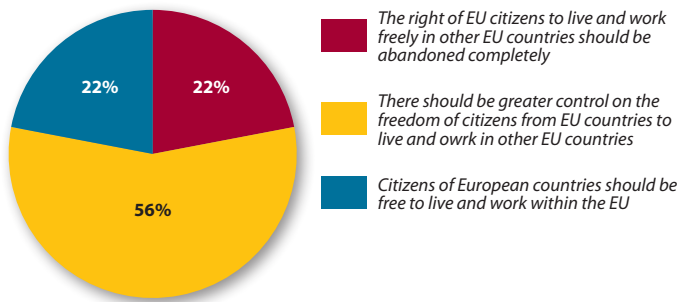
A second set of proposals relates to David Cameron’s intention to curb internal EU immigration and restrict the benefits received by EU migrants to the UK, for instance by limiting their access to unemployment or in-work benefits for at least 4 years. The right to unemployment benefits for EU citizens in other countries and in-work benefits that treat domestic and EU workers equally are central aspects of EU work regulations and jurisprudence.

## Polls suggest that 38% of the UK population would like to stay in the EU provided that Brussels’ powers are reduced.

Changes in any of these aspects would either require new directives to be negotiated at the EU level following ordinary legislative procedures (and hence taking a long time) or Treaty change, particularly regarding basic principles on the equal treatment to national and EU workers. These are central principles of the EU’s internal market, enshrined in the EU’s primary legislation (Article 45 of the Treaty on the Functioning of the EU says that there will be no discrimination between EU workers “as regards employment, remuneration and other conditions of employment”). In addition, any change to the free movement of workers within the EU is likely to face fierce opposition by Central and Eastern European countries, Poland in particular.

However, the issue of how to limit freedom of movement inside the EU is likely to be one of the key elements of public debate during the referendum campaign. Britain’s public opinion is highly mobilised on this issue, as shown by the fact that only 22% of British citizens think that citizens from European countries should be free to live and work in the UK without controls. Although support for completely abandoning the principle of freedom of movement in Europe is not majoritarian among British citizens (only 22% support it), most people think there should be some kind of control over these movements.

## Which of the following statements is closest to your opinion about the right of citizens of EU countries to be free and work in other EU countries?



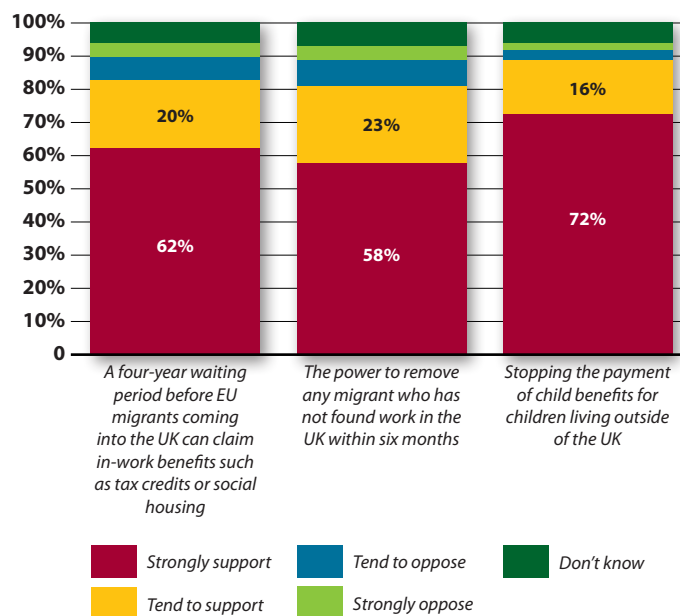
Source: YouGov- Openeurope

Support for limiting the rights of Europeans living in the UK is also overwhelming in the polls. Up to 82% of the population supports the idea that citizens from other countries should wait four years to claim in-work benefits, 81% considers that the country should have the right to expel immigrants who have not found a job after six

## In general terms, the renegotiation of the membership conditions proposed by Cameron is widely supported by the British public.

months, and 88% thinks that child benefits should not be paid to those families whose children live outside the UK.

### Support for and opposition to changes for EU migrants coming into the UK



Source: Yougov- Eurotrack

The absence of controls on freedom of movement is also one of the most frequently mentioned reasons for leaving the EU. The impossibility of having strong border controls and reducing immigration levels is mentioned as a strong

argument in favour of leaving the EU by 58% of those who already want to leave the Union. And 39% of the British population considers that Cameron should give priority to having more mechanisms for controlling immigration during his negotiations with Brussels. Furthermore, renegotiation on this issue is of especial interest among those citizens who have not yet decided how they will vote in the referendum, with 48% in favour of Cameron giving priority to this issue in the renegotiation. The outcome of the renegotiation is thus likely to shape the perceptions of undecided citizens and of the overall results of the referendum.

An additional reason why limiting immigration will move votes in support of or against membership of the EU is that, contrary to issues of sovereignty, the arguments are not perceived as equally convincing by floating voters. While 55% consider that "leaving the UK is the only way of controlling the borders" is a convincing argument, only 36% believe that "it would be harder for British citizens to travel, live and work abroad if the UK left the Union". EU opponents will most likely have a relative advantage in this debate unless very significant concessions are secured by Cameron during his negotiations.

debate unless very significant concessions are secured by Cameron during his negotiations.

### Economy and finance

The third set of demands in Cameron's renegotiation process with the EU relates to the need to increase safeguards for the single market and to protect the rights of non-Eurozone member states. Cameron considers that it is necessary to introduce mechanisms to ensure that crises in the Eurozone do not damage the interests of third countries. This includes safeguards for financial centres such as the City of London, whose activities are inextricable from the financial fluctuations of the Eurozone. On the economic front, Cameron also wishes to introduce reforms that would make the EU more competitive and streamlined, boosting its internal and external competitiveness and reinforcing economic liberalism.

Such demands resonate in a large number of EU countries (including Germany), which have traditionally welcomed the UK's liberal views on economic integration against France's more protectionist economic policies. Reforms in this area could take the form of an extension of the single market or an agreement to negotiate deeper and more comprehensive free trade agreements with third countries. But whatever common ground Cameron might find with other EU leaders, it is difficult to foresee whether changes on the economic front will have a major impact on British public opinion during the campaign.

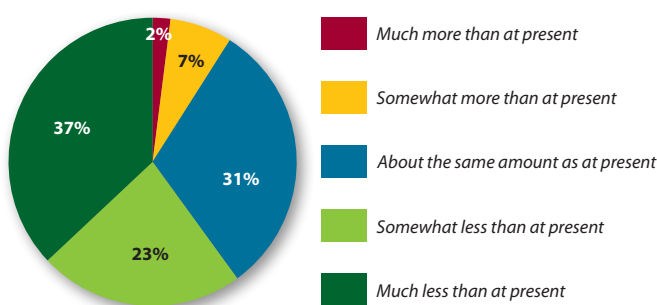
The views of British citizens on the economic impact of EU membership are ambivalent. Polls show high levels of agreement with two arguments: that EU membership and its free trade should benefit the economy, and that the UK's contribution (particularly to the EU budget) exceeds the return it gets. Backing the position of those who support EU membership for economic reasons, recent polls have shown that 67% of the undecided voters think that the influence of the Union in

terms of trade is a good reason to stay. Only 34% of the British public thinks that saving UK money is a convincing reason for opposing membership, and less than 18% considers that improving the British economy is a good reason for leaving. This explains why only 15%<sup>3</sup> of British citizens consider that Cameron's priority in the renegotiation should be to reduce the UK's contribution to the EU budget, and 10% thinks that the priority should be cutting red tape in Brussels bureaucracy and easing the regulations on business.

However, sceptical messages on the economic impact of EU membership also find wide support in the polls. Today, 66% of interviewees (and 78% of those who would consider changing their vote if the renegotiation is successful) consider that the UK's economic contribution to the EU does not represent "good value for money", which, not surprisingly, translates into broad support for reducing the UK's contribution to the European budget. In addition, and in view of the *Brexit* referendum, 65% of undecided voters are unsure about whether the UK would be financially better or worse off outside the Union.

These contrasting figures indicate that it is unclear whether economic and financial reasons will be the ultimate game changer of the renegotiation and the referendum campaign. The pro-EU campaign might have a good chance of connecting with citizens if it can get the message across that the benefits of belonging to the EU are worth the costs (i.e. that the benefits obtained by the UK as a member of the EU outweigh the costs of membership). However, it is uncertain whether the debate on economic reforms will be the aspect that mobilises the most Eurosceptic sectors of UK public opinion. The technical nature of the issues negotiated in Brussels is likely to confront politically-loaded arguments on the negative aspects of the EU, including the issues of sovereignty, immigration and mobility.

### Do you think your country should contribute more money, less money, or about the same amount of money as at present to the EU's budget?



Source: New Direction Foundation- ComRes

3. The number rises to 17% in the TNS survey, although this is a very moderate increase considering that the survey only presents three options. 17% falls well below the other two options proposed. Source: TNS-BRMB (2015, January 12). *EU Polling- January 215*. Retrieved from: [http://www2.tnsglobal.com/1/36112/2015-01-21/32n67h/36112/72084/EU\\_polling\\_Global\\_Counsel\\_data\\_tables\\_12.01.2015.pdf](http://www2.tnsglobal.com/1/36112/2015-01-21/32n67h/36112/72084/EU_polling_Global_Counsel_data_tables_12.01.2015.pdf). Pg. 89

### Will the renegotiation help to win the referendum?

Anticipating how the renegotiation of the conditions of the UK's membership to the EU might impact public opinion is not straightforward. The negotiation is characterized by backchannel diplomacy and the demands being discussed by the UK and Brussels cannot be subject to public scrutiny. In addition, the set of reforms currently under discussion are of a very technical nature, which necessarily translates into a low degree of interest by UK public opinion. The combination of both these elements makes the referendum campaign very susceptible to the political context and the decisions and popularity of opinion leaders. It is therefore difficult to forecast how public opinion might react to the renegotiated status that will be presented once renegotiation is completed and whether this will have a determinant impact on their voting decisions.

This will largely depend on the evolution of the debate during the referendum campaign, the framework for the dis-

### Demands related to sovereignty are likely to become highly symbolic and will clearly resonate among a British public.

cussions adopted by both camps and the external endorsements that the leaders might get. Factors like the popularity of Cameron and other leaders at the time of the referendum, the position (and cohesion or otherwise) of the two big parties during the debate, or the issues present on the political agenda from now until voting day will affect the referendum results. Contextual circumstances, which are crucial in any referendum, are especially relevant in the *Brexit* case for two main reasons. First, voters are struggling to make up their minds on some aspects under discussion in the negotiations, especially regarding the economic impact of the UK's membership and its effects on national sovereignty. Second, it is unclear how the concessions obtained by Cameron will be perceived by the public, considering that no clear expectations on the results of the renegotiation process have been set out.

Notwithstanding some uncertainty, current polls show a clear picture of the issues that make British citizens warier of EU membership. Matters related with sovereignty, immigration and mobility clearly resonate among the British public when adopting critical views on Brussels. Depending on the agreements reached by Cameron and the pro-Union campaign's knack of delivering the messages correctly, it might be possible to convince voters that British sovereignty is better protected inside the EU. However, opinions against immigration and freedom of movement have crystallized in recent years, so they are less dependent on the evolution of the referendum debates. Unless very important concessions are made, it will be difficult for the pro-EU campaign to convince undecided voters and ease the way for a favourable debate on this front. An additional obstacle is that reforms on such a core EU principle as freedom of movement are quite difficult to achieve, since they might require modification of EU Treaties as well as having to face the opposition of other EU leaders.

On the other hand, reforms on the economic and financial front seem easier to renegotiate. David Cameron's messages on the need to promote a more competitive Europe clearly resonate among European leaders since the Euro-crisis has shown the lack of competitiveness of some European economies and the dysfunctionalities of the economic and financial foundations of the Union. It is uncertain, however, whether these reforms will have a substantial impact on British public opinion during the referendum campaign, given the divided views on the economic benefits of EU membership and the highly passionate nature of the debates. Failure to achieve significant economic and financial improvements will certainly not work in Cameron's favour on the day of the referendum, but a strict focus on the benefits of belonging to the EU is also unlikely to convince the most Eurosceptic sector of public opinion in the UK.