

Permutations

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Let us be clear, whoever wins this election Brexit will not be “done” any time soon. All claims that somehow Brexit can “get done” are fundamentally spurious. This is not a contentious statement to make: it follows inexorably from the structure of negotiations and what both sides see as their “red lines”.

A Conservative majority is by far the most likely outcome today. That does not mean it is certain, but it does mean it is probable. Let us therefore consider first of all what a Tory majority might mean in practice. The first question relates to how large such a majority might be. At the moment, polls speculate that this might lie somewhere between 20 and 60.

A majority of 20 would probably be sufficient for Johnson to enact his agenda, at least in the early part of the term. Anything much smaller than this could pose a challenge, although it is noteworthy that all Tory candidates have pledged allegiance to Johnson’s Withdrawal Agreement (the so-called “deal”). A majority of 60 would look very different: it would be the largest Conservative majority since 1987 and would allow Johnson to push through sweeping changes. It is not at all clear what these might look like.

I suspect that providing Johnson wins any majority at all, the Withdrawal Agreement will be ratified. Beyond this, things are much less certain. Once the Withdrawal Agreement has been ratified, the UK will enter what is euphemistically termed a “transition” or “implementation” period. This is a complete misnomer: there is nothing to implement, nor do we know what we’re supposed to be transitioning to.

In reality, therefore, this period will be used to begin negotiations on what happens in future. Johnson’s contention that an FTA (and I use the term advisedly) can be fully agreed, signed and ratified in 12 months does not hold up to scrutiny.

The EU have been quite open about this: agreeing an FTA with third parties is time consuming (not least because of the legal processes, including ratification, which must be followed on the European side). In exchange for tariff-free access to the EU market, the EU will want to ensure that the UK does not undercut common EU standards. This almost guarantees that an FTA will be a so-called “mixed agreement”, requiring unanimous sign-off (and ratification by) all member states. Certain regional parliaments (notably in Belgium) will also have a veto.

The upshot is that an FTA of the form envisaged by many in the Tory party is going to be virtually impossible to agree in a year. Johnson therefore has two options: firstly, he can opt for what will essentially be “no deal” in January 2021 (i.e. the cliff-edge will have been delayed but not avoided). This will pose serious questions, not least in terms of ensuring that all the procedures relating to East-West trade with Northern Ireland will be in place in time.

His second option is to agree to cleave to EU rules in a number of areas very closely. It seems likely that hardliners within the Conservative Party will balk at such an outcome as it would

essentially undermine much of their reason for leaving the EU – a dislike of EU regulation and the regulatory framework. The UK would end up with less sovereignty rather than more (although many of us would argue that is an unavoidable corollary of leaving the EU).

The latter would certainly be easier in operational terms and would allow Johnson to claim that he had fulfilled his pledge to “get Brexit done”. Ultimately, however, it would end up being something of a pyrrhic victory, leaving the UK as a rule-taker rather than a rule-maker. Certain face-saving measures would probably be agreed with the EU negotiating team and there might be some restrictions on the free-movement of labour.

A Labour majority is vanishingly unlikely, so I do not wish to dwell excessively on that possibility. Were such an outcome to occur, it would mean a sweeping set of changes to reduce inequality. Some measures appear likely to be successful in this regard, although others look ambitious. Some of the more far-reaching changes might prove challenging to successfully deliver in a 5 year term and have unintended consequences.

The only realistic alternative to a Conservative majority is a hung parliament, which would have very interesting consequences depending on the exact permutations of seats, etc. I cannot envisage a situation where the DUP supports the current Withdrawal Agreement, although I suppose it might be possible under certain circumstances at a stretch. The only feasible coalition partners for the Conservatives are the group of former Tories currently standing as independents and the Liberal Democrats.

This is a more feasible coalition than many seem to believe. Swinson’s Liberal Democrats are natural partners to the Conservative Party in many ways: aside from Brexit, they share a number of core beliefs. The Liberal Democrats tend to support a smaller state than Labour and were joint partners in the earlier Lib-Dem/Conservative coalition that sought substantial cuts to public services in the name of fiscal rectitude.

Both agree that these went too far, and both would seek to partially reverse some of them, whilst maintaining a smaller state than the European norm (and that envisaged by Labour). The natural precondition for such a coalition would be a referendum on Johnson’s Withdrawal Agreement and the associated political declaration. Johnson *might* agree to this: I suspect remaining PM is vastly more important to him than whatever happens regarding Brexit. Whether the hardliners in the Conservative Party agree is more difficult, although they might gamble on the possibility of winning.

The final, interesting, alternative is a “rainbow coalition”. It is likely that a change in Labour leadership would be a precondition for the Liberal Democrats to support it and a new Indyref would be sought by the SNP. The form this took (minority government, confidence-and-supply or coalition) would depend on what was agreed.

In terms of Brexit, contrary to public perceptions, Corbyn’s Labour Party actually have a rather clear set of policies. They would seek to renegotiate a “Brexit deal” and follow this by a referendum. The EU is likely to agree to this, although some member states (notably France) would probably prefer to see the UK outside of the “club”.

I suspect that there would be very modest amendments to the Withdrawal Agreement (potentially pushing the date of transition outwards and agreeing interim payments), which the EU would be loath to touch. The more substantive alteration would be to any future partnership, where I think negotiations would begin in earnest. Ultimately, this is likely to involve the UK cleaving quite closely to EU standards.

Any referendum would thus offer a choice between a “soft Brexit” and no Brexit. Current polling suggests that “Remain” would win such a vote. Such a vote would be hard fought and potentially quite dirty, given recent electoral experiences. In any case, the Brexit issue would thus end up being put to bed for the foreseeable future, although inevitably a substantial pool of voters would be deeply unhappy at the outcome.