

Welcome to the house of...fools?

By David Hearne, Researcher, Centre for Brexit Studies

“May-hem” screams the headline on one front page. “House of fools” quips another. The media consensus is that British politics has succeeded in delivering chaos to the nation. Perhaps the only thing that Remainers and Leavers (our new political tribes) agree on is that Britain’s negotiators – including the Prime Minister – have overseen an abject failure. So why, given the drama worthy of an Eastender’s plot, do I feel more relaxed about Brexit than ever before?

Put simply, over the past 3 months it has become abundantly clear that the various plot twists that we seem to experience on an almost daily basis are far more about *political framing* and differences of opinion regarding the minutiae of the UK’s future relationship with the EU rather than the fundamentals of the Withdrawal Agreement or what the UK wants. Last night’s vote and yesterday’s political events in many ways proved this point. Let me clarify that I have no doubt that those involved in decision-making feel very differently.

I know that in the frenzy of taking decisions and negotiations, the weight of the world lies on one’s shoulders. I also know that when you’re directly involved in such a process, every decision feels mammoth and the costs of “getting it wrong” loom large. This is true of political leaders across the rest of the EU as well – from Jean-Claude Juncker to the 27 heads of state. Indeed, the shenanigans of the UK’s Brexit politics undoubtedly provoke a mixture of bewilderment, derision and perhaps outrage for some journalists and citizens across the EU27. Most, of course, are naturally more focussed on issues closer to home.

If we zoom out for a second, however, we can clearly rule out certain outcomes and plot a probable destination. Firstly, MPs are almost certain to vote against leaving the EU without a Withdrawal Agreement this evening by an enormous margin. In practice there are only 2 ways to avoid a so-called no-deal outcome on 29th: either ratify the Withdrawal Agreement as it stands *or* ask the rest of the EU to extend the Article 50 negotiating period. The third option – unilaterally cancelling the UK’s notification under Article 50 is highly unlikely at this stage (although it could happen later, perhaps in response to a

second referendum). Logically, therefore, MPs can be expected to vote to compel the UK Government to ask the rest of the EU to extend the Article 50 negotiating period.

There are some 6 pieces of primary legislation that parliament needs to pass prior to leaving the EU with no-deal. Likewise there are (quite literally) hundreds of pieces of secondary legislation that need to be passed. Given that the aim some months ago was to maintain a pace of some 150 per month, the UK's tardiness in this regard is telling. These are not the actions of a government that is seriously concerned about falling off the precipice. The United Kingdom is not realistically ready to leave the major European agencies (particularly the European Aviation Safety Agency, the European Medicines Agency and the European Chemicals Agency) any time soon. The idea of doing so in 16 days' time is whimsical nonsense.

As a country, we are not serious about leaving the EU without a Withdrawal Agreement. For all the bloviating, in their heart of hearts most politicians know this. As a result, they can safely play in their collective political sandbox. The EU is well aware of this as well – whether one loves or hates the Commission, they are no fools.

Consider now what UK politicians want from the process. There is broad consensus – approaching unanimity – across the country in favour of a reciprocal zero-tariff arrangement with the rest of the EU. This is also the view of the overwhelming majority of MPs. In addition, there is a desire for goods trade with the EU to be as frictionless as possible and *at least as frictionless as it is at present*. That this is the view of an overwhelming majority in parliament can be seen as follows:

1. The Labour Party's official position is that it wants a 'close' relationship with the Single Market and a permanent customs union with the EU. It wishes to "retain the benefits" of the former, and clearly frictionless trade is amongst these. It is noteworthy that explicit mention is made of maintaining agricultural standards, which account for the bulk of third country checks. We can therefore surmise that a large majority of Labour MPs support this.
2. Yesterday, Theresa May promised that Great Britain would follow the same regulations as Northern Ireland in order to avoid

any kind of border in the Irish Sea for as long as the Withdrawal Agreement's Protocol on Northern Ireland (the 'backstop') applied. Given that this is designed to guarantee the absence of a hard border in Northern Ireland in perpetuity, this implies that those Conservative MPs that voted in favour of the Withdrawal Agreement favour this. These number some 235.

3. The SNP, Liberal Democrats and The Independent Group all fundamentally wish to remain in the EU so it is logical that they would support frictionless trade.

The above numbers suggest that upwards of 450 MPs out of 650 favour cleaving sufficiently closely to EU regulations on goods and agriculture (and are prepared to accept non-derogation clauses on Labour and environmental standards) to guarantee frictionless trade. Polling in the UK indicates that such sentiments are favoured by the population at large. Given that 48% of votes in 2016 were in favour of remaining in the EU, it only requires small minority of leave voters to accede to this to imply that such a course has majority support in the country at large. Moreover, polling suggests that opinion since the referendum (particularly amongst former non-voters) has shifted slightly in favour of EU membership^[1] and that most of the British public support remaining in the Single Market, either via membership of the EU or the EEA^[2], even if it implies ongoing freedom of movement of labour.

Surely the EU wouldn't agree to such a thing? After all, the four freedoms are indivisible. I contend that the Withdrawal Agreement implies that for Northern Ireland only, the EU is prepared to accept freedom of movement of goods without freedom of movement of labour. The problem is, that if Great Britain were to cleave to precisely the same rules and regulations as Northern Ireland, it would be very hard for the EU to impose border checks on goods coming from the former, whilst permitting identical goods from the latter. What's good for the Irish goose would be good for the British gander in this respect. Naturally, the existence of a customs union would also preclude the need for any customs checks or the need to prove rules of origin etc.

The price for this European largesse? Becoming a rule-taker for tradable goods and giving up some of the cherished aspects of the single market for services (in which Britain has a comparative advantage). Taking back control in some areas will mean giving it up

in others. Life is about compromise, and UK politicians will ultimately decide between this and remaining a member of the EU.

[1] <https://whatukthinks.org/eu/has-there-been-a-shift-in-support-for-brexit/>

[2] <https://www.businessinsider.com/british-public-for-a-norway-style-soft-brexit-is-increasing-2018-10?r=US&IR=T>

The Centre for Brexit Studies Annual Conference ‘B-Day: Making a Success of Brexit?’ takes place on March 29 2019 at The RSA in London. Speakers include Sir Vince Cable, Sir Bernard Jenkin, John Mills, Vicky Pryce, Professor Vernon Bogdanor CBE and many more. [Find out more and register for your FREE ticket here.](#)