

“THIS BREXIT FISH IS WELL AND TRULY COOKED?”

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News that the dinner menu for EU representatives gathered in Brussels last night to listen to Theresa May’s latest exhortations for “engagement” in the negotiations featured “Turbot cooked in Wheat Beer” could have been well seen as a metaphor for the trajectory that Brexit talks have taken thus far.

The latest offering on the table from Michel Barnier and the EU negotiating team is that a “transition period” (that time after we formally leave the EU on March 29th next year, but when the status quo ante of EU laws continuing to apply whilst the UK and EU adjust to try and negotiate a new relationship) could be extended from the current period of December 31st 2020, by another twelve months.

Of course, any transitional period, as we (and many others) have stated regularly, is dependent on finding a resolution to the issue of the Northern Ireland (NI) border conundrum. That is, as the EU would have it, that the UK Government honour its commitment agreed in January this year, that in the event of no other solutions being found, that NI would remain in the EU Customs Union and Single Market, so as to uphold the 1994 Good Friday Agreement and All-Ireland Economy (the backstop doesn’t *technically* require NI remain in the Customs Union or Single Market – that is just the obvious way to achieve it. In essence, what needs to happen is that there is an *entirely frictionless* border).

Predictably enough, responses to these proposals have been emerging from Brexiteers in the Conservative Party, and also the NI Democratic Unionist Party (DUP) – for example, this tweet last night by Dianne Dodds MEP from the DUP: “*All very well, but this doesn’t do anything to actually change the backstop, as it would be in the legal text of the withdrawal agreement. Therefore it does not address any concerns, it offers no reassurance*”[\[1\]](#) (our emphasis).

In a sense, they are right, as it would appear that the additional twelve months’ transitional period being offered by Barnier et al. is in effect

being put forward as a “sweetener”, to try and persuade the DUP that the “backstop” agreement wouldn’t ever have to be implemented in practice, as the parameters of a new relationship/trade agreement will have been articulated by December 2021. Predictably enough, for Tory Brexiteers, this proposal is simply being seen as a wheeze to “keep the UK in the EU” – for example, this tweet from Nadine Dorries MP:

“If Theresa May is asking for a longer transition period, she is stalling. It’s time to stand aside and let someone who can negotiate get on with it and deliver. I fully support DD [David Davis] as an interim leader. I’ve done my bit. It’s time for my colleagues to do theirs”^[2] (our emphasis). Of course, these sentiments are not surprising and such calls have been extant for some time now (though we are yet to see any hard evidence that Brexiteer Tory MPs are *actually* planning any leadership challenge).

However, last night’s comments from Theresa May suggested strongly that the UK Government has still not been able to articulate any alternative to the above, given the EU’s categorical rejection of any “backstop” (that is, membership of customs union and single market for NI) being temporary. And indeed, the response from EU leaders gathered in Brussels is that “not enough progress has been achieved” from the UK Government to enable a November meeting to flesh out a “deal”.

Similarly, prolonged efforts by the UK Government over the summer to marginalise Michel Barnier and his negotiating team, by appealing directly to EU national leaders to circumvent him, have come to nought, with the EU-27 last night reaffirming that Barnier is “their negotiator, who will decide if and when “decisive progress” is made”^[3].

The above developments notwithstanding, there is still the prospect that even with (the increasingly remote possibility of) a transition period being put in place, the UK and EU do not reach agreement on a new trading relationship by the end of said period, and thus the UK ends up reverting to WTO status as a third-party country.

But that – should it come to pass – is some way in the future. For now, the immediate challenge is for Theresa May to secure a majority

in the House of Commons, which – again, we have argued repeatedly in these columns – will be problematic at best, given the likely reliance on Opposition MPs to support the Government in large enough numbers to push a “deal” through (assuming that the current impasse does not result in “No Deal”).

More likely (at the time of writing) is that the Government will not secure a majority in Parliament, should it reach agreement with the EU on a withdrawal deal, and the real prospect of another election, or another referendum, remains on the table – and then it’s back to the drawing board. This Brexit Fish is well and truly cooked...

[1] <https://twitter.com/lisaocarroll/status/1052599159742767104>

[2] <https://twitter.com/NadineDorries>

[3] <https://twitter.com/JenniferMerode>