

# Timetable to Brexit?

The next few days will once again be important in settling whether we leave the EU or delay it again.

According to the EU's timetable the UK government would need to send a letter on Friday of this week requesting a further delay, as the EU needs two working days to consider it before the European Council on April 10th. The letter would need to set out how long a delay the government was seeking, and for what purpose. The context is the EU's clear statements that it will not re-open negotiations on the Withdrawal Agreement, and that the UK has to sign the Withdrawal Treaty and implement it in UK law to be able to enter talks about a so-called future partnership agreement. Mrs May's idea of a close and wide-ranging partnership, or the ideas of a customs union, Common Market 2.0 and other close alignments would only be feasible if the UK has signed the Withdrawal Treaty.

The added complication driving the current timetable is the European Parliamentary election. April 12th is the last date for the UK to set up an election to that body. The UK would be required by EU Treaty law to elect new MEPs if its EU membership is going to extend beyond May 22nd, the date of the election. There is a reluctance on both sides of the Channel to allow this for obvious political reasons.

The EU has said it would only consider a long extension if the UK promised a second referendum or a General election. They have no wish to renegotiate the Agreement, which is take it or leave it.

Mrs May's statement was unacceptable. There must be no more delay. Labour's policy of trying to stay in the Customs Union is against the Conservative Manifesto and all Mrs May's promises to date. She did not take it off the table in her address to the nation but let it be briefed she will take it off for her talks with Labour. It cannot be taken off the agenda as it is the default position. It is also the preference of a majority of Conservative MPs and of most Leave voters. Mrs May could only get her Agreement through if Mr Corbyn promises to vote for it and to vote for the subsequent legislation to implement it, as the DUP and many Conservatives will not vote for the Agreement with a Customs Union and single market laws added on to it.

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## 50 shades of delay

Remain leaning MPs dream of all kinds of delay. Some would accept a short delay, hoping it would lead to another short delay. Some want a long delay. Opposition MPs want a delay for a General election or a second referendum. It is difficult to see the Conservative party in Parliament voting for either a

General election or a second referendum A small number of Conservative MPs want a delay effectively for a renegotiation which the EU has not offered. In the recent free vote on delay 200 Conservative MPs refused to back the Prime Minister's short delay until April 12th, which passed on Opposition votes.

Parliament's indicative votes about a different future from either leaving without the Withdrawal Agreement or leaving with it imply negotiation of a delay. The problem with this approach is that the things they want relate to the second part of the negotiation with the EU as defined by the EU. The EU has made clear the UK has to sign the Withdrawal Treaty Parliament has three times rejected before such talks take place.

The wish of a lot of MPs to have a customs union relationship could only happen after signing the Withdrawal Agreement which they rightly refuse to do. The EU has said they would consider a long delay as long as the UK participates in the European elections in May. This is a very uninviting prospect for either of the two main political parties, who could expect a strong challenge from pro Brexit parties angry at the delay.

Yesterday Parliament was offered just four choices for the future, as the number of propositions was whittled down. Because it is a Remain dominated Parliament there was no Brexit option left to choose from. Leaving without signing the Withdrawal Agreement was removed and my preference for a WTO/Free Trade offer exit was not available either. We had a Customs union proposal. We were offered a plan to create Common Market 2.0 with a customs union and single market membership, implying freedom of movement, some financial contributions and acceptance of single market laws. We had a motion to require a confirmatory public vote for any exit plan, which would mean a referendum running any final deal against staying in, with no proper Brexit option on the ballot paper. There was finally a motion to secure a delay or failing that to revoke our notice to leave.

The government should have asked all Conservatives to vote against all four options, which all pro Leave MPs were willing to do. All four were against the Conservative Manifesto of 2017. It was good to see there was a majority against all of these ways of stopping Brexit. The Cabinet should take note and agree our exit on 12 April without the Withdrawal Agreement.

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## No more delay

Cabinet must get on with our departure on April 12. There is a clear majority of Conservative MPs against any delay. So offer a free trade deal and leave. A fourth vote may not be allowed and is unlikely to give a different answer.

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## An April 1 story with a twist

On Friday two government Ministers at different times told me I had to vote for the Withdrawal Agreement if I wanted to secure a free trade/WTO Brexit. I asked each to explain this apparent contradiction. They said they thought I would be intelligent enough to understand it was the only way to get us out unencumbered.

They said if the Agreement was passed then the government would introduce a bill, as it would need to put the Agreement into UK law. I could then with my friends seek to amend the Bill to meet my wishes or vote it down, thus thwarting the Agreement. As this would all take time we could by default leave on 22 May before anything had been legislated.

I said that was too clever by half. How would I explain my volte face on the Agreement? Was I to say I was deliberately voting for something I disagreed with in the hope I could defeat it later? Or did they wish me to pretend to have come round to accepting the draft Treaty? Wasn't that an invitation to me to act in bad faith? Wasn't it encouragement to rebel later against government legislation? Wouldn't the leadership then have a good point if they told me I had to vote for the Bill as I had voted for it in principle in Friday's vote? As it was about an international Treaty what was to stop the government signing the Treaty on the back of the Parliamentary vote and then facing Parliament down to regularise it in UK law? Once the UK has signed the Treaty it is binding whatever Parliament does.

Both dug in and angrily explained that I must be able to see this was the only rational way for me to behave. I said I begged to differ.

The twist in this April fool story is it is not an April fool. This is an account of what happened. Many bizarre things were said and predicted by people speaking for the government last Friday.

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## Let's rule out some options

Amidst all the silly scares the government put round last week to frighten MPs into voting for their Agreement some were sillier than others. Let's look at the most unlikely.

### 1 REVOCATION OF ARTICLE 50

This would require Parliament to repeal the EU Withdrawal Act and the EU Notification of Withdrawal Act. I cannot see either Mrs May or Mr Corbyn

putting a three line whip on their parties to do this. It would be such a flagrant denial of the referendum and a complete about turn from their election Manifesto. Most Conservative MPs and many Labour MPs would refuse to support.

## 2 EARLY GENERAL ELECTION

This would require a substantial number of Conservative MPs to back an early election to override the 5 Year Parliament Act, which requires a two thirds majority of MPs. Practically every Conservative MP I know is against an early election and thinks we need to sort out Brexit now in this Parliament. Alternatively it would require sufficient Conservative MPs to defy a three line whip to vote against their government in a motion of no confidence and threaten to do the same if an alternative leader emerged on a temporary basis within the two week limit to try again. Again I do not think there are MPs wishing to do this.

## 3. SECOND REFERENDUM

This would require a government sponsored Bill to pass both Houses of Parliament., or for the government to be unable or unwilling to stop someone else's bill when the government should control the timetable, money resolutions and the rest that a Bill needs. The proposal for a second referendum has twice been voted down in the Commons. The Prime Minister says she is strongly against a second referendum, as are most of the Conservative Parliamentary party. There are probably more Labour rebels against a second referendum than Conservative rebels for one. It seems unlikely the government will flip flop on this, and unlikely there would be a majority in the Commons for it.

That leaves us to discuss the same three options that have been around for a long time – leaving without signing the Agreement, leaving with signing the Agreement, and delaying exit.

## 4. LEAVING WITH SIGNING THE AGREEMENT

Under the Speaker's ruling the government cannot bring back the Agreement and Political Declaration for a third vote, or bring back the Agreement on its own for a second vote. These have now been decided. It is also the case that the UK is out of time under the revised EU timetable for our departure to get the extra time to implement the Agreement, as they had to pass the motion by Friday. Reviving the Agreement therefore requires some way to get it back on the order paper, for 29 MPs to change their minds on it, and for the EU to accept another change to the timetable. The EU has continued to make clear it will not change the Agreement, so it will still be the same Agreement they want Parliament to accept.

## 5. DELAY

The EU has said it would consider a long delay if the UK wanted to have a second referendum or a General election to change the political situation in the UK. They have always ruled out a delay to renegotiate the Withdrawal

Agreement which Parliament has now rejected three times. They might consider a delay if the UK wanted to work out a new negotiating position for the future partnership, which seems to be what the indicative votes are about. This however, would require the UK to sign the Withdrawal Agreement as proof of good faith.

It is of course possible the EU will weaken over the rules of delay if the UK presses them. Both sides are reluctant to trigger European elections in the UK which would be needed for any delay beyond April 12, as both sides have a lot to lose in such elections. There are countries in the EU now asking more insistently what is the point of any delay given the inability of the UK government to deliver a Parliamentary majority for the EU Withdrawal Agreement which they see as a starting point for more talks. Were the UK Parliament to indicate a preference for a customs union – having previously voted it down several times – the EU is likely to say that is only negotiable after signing the Withdrawal Agreement. It would be anathema to many Conservatives who stood on a Manifesto against customs union membership in 2017. Mrs May so far has always been strongly against customs union membership.