

## What answer should the Attorney have sent to my letter about the draft treaty?

When I sent my letter I was still hoping to persuade the government to announce it could not get its Withdrawal Agreement through and to process to the free trade WTO exit route. A good answer would have been along these lines:

Dear John

You are right that in order to try to get an Agreement with the EU the UK did make various compromises. It also asked for an extension to our membership for a 21 month or two year period which came at a price over money and powers. The government thought this the best answer, but it is now clear people and Parliament do not agree.

We are therefore now looking at an expedited exit from the EU without signing the Withdrawal Agreement. We will be tabling a comprehensive free trade proposal, which the EU Commission has indicated it will consider.

Yours etc

I also thought I might get a whitewash brush off letter:

Dear John

Thank you for your letter. Whilst we do not agree with your interpretation of what might happen were we to sign the EU Withdrawal Treaty, I acknowledge as you mainly point out that in the transition period the UK will continue to make budgetary payments and observe EU laws. This seems to the government to be entirely fair and to give the UK more time to adjust to exit. I do not accept we will necessarily be in transition for almost four more years, nor accept that we will have to stay in the customs union indefinitely owing to the backstop provision. The powers and charges that last beyond transition are proportionate and reasonable.

You need to accept that compromises have to be made and this was the best deal the UK government was able to negotiate.

Yours etc

The argument over which of two Ministers might reply indicates to me a certain unhappiness about having to deal with the individual points highlighted in the letter, and a recognition that the draft treaty does indeed keep the UK under the full control of the EU for at least 21 more months and maybe much longer depending on how things work out. It is on any reading a Stay in not a leave agreement. The argument is over how long it might last and what it does to any eventual leaving, given the way it removes

many of the UK's best bargaining levers. The backstop threatens permanent customs membership and other clauses have an impact well beyond the next 21 months. It does not unequivocally let us leave at any future date, and binds us in to more EU controls and bills without vote or voice to protest. Under it you can be sure we are locked in on bad terms for an unspecified period, with no easy way out and under huge pressure to sacrifice yet more to try to get out.