

May's deal will never pass parliament

Britain will still be in EU after 29 March

by Denis Macshane in London

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Once again Prime Minister Theresa May was humiliated by members of parliament. On the evening of Wednesday 13 March, they rejected her proposal that the way to prevent a no-deal exit from the European Union was to accept her deal.

While May stubbornly refuses to let the people vote in a second Brexit referendum, she insists MPs must vote again and again and again until they bow to her wishes. British MPs know what they oppose – both May's unworkable deal and the prospect of no deal – but cannot agree what they want

May will not seek a compromise with the opposition (Labour, Liberal Democrats, Scottish Nationalists) by, for example, adding staying in the customs union or even single market membership to her deal. Instead, she is seizing on the lifeline of asking for a short extension to negotiations.

European Commission President Jean-Claude Juncker wrote in a letter to May after her emergency trip to Strasbourg on Sunday 10 March that an extension until 23 May was possible, but a longer extension would mean the UK would have to participate in the European Parliament elections. Other European governments have insisted an extension can only be granted if it is for a major purpose, such as holding a general election or a second referendum. Neither proposition enjoys majority support today among British MPs.

An extension is needed to pass into law 600 technical legislative proposals called statutory instruments – a system of mini-laws that can be voted without the full first, second and third reading in the House of Commons and examination by the House of Lords – which are necessary to transpose EU laws into UK law. Only 200 have been agreed so far. Even at the basic legal level, the UK is not prepared for Brexit.

This provides enough cover for a decision whereby the UK asks for extension of negotiations past 29 March. The European Council of 21 March will probably agree an extension, with grumbling at the margins.

Thus, a little more time is bought, and there is no Brexit on 29 March. But this provides no certainty for business nor for other EU countries. But if an extension is granted, May breaks a taboo; she has insisted on hundreds on occasions on television and in parliament that the UK will leave the EU on 29 March.

The prime minister hopes that another vote can be held next week, and then perhaps even another one after the European Council meeting, and that bit by bit the anti-EU Conservative MPs will give up and join her camp. If they keep voting against May's deal, it means the UK does not leave the EU on 29 March.

But for hardcore Brexiteers, accepting the withdrawal agreement means remaining de facto in the customs union, as there will be no proper border between Northern Ireland (the UK) and the Republic of Ireland (EU). That prevents negotiating trade deals with the US or other countries.

For MPs who have campaigned against the EU since the 1980s or who voted against the Maastricht Treaty in 1992, even May's deal implies a deeper relationship with the EU than they can accept. They are also suspicious that, once the EU and UK recommence negotiations, the outcome may be a Norway-style or European Economic Area-based arrangement, proposals that they abhor.

Assuming the opposition parties maintain their vote against the deal because of the contemptuous way May has treated MPs (other than Conservative loyalists), and assuming the hardcore anti-European MPs maintain their faith, the prime minister still does not have the votes to get her deal through in the next two weeks. On 30 March, the UK will still be in the EU.

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