

# No good choices for the British government in the Brexit negotiations



*David Davis has been criticised in some quarters for spending only two hours in Brussels this week negotiating with Michel Barnier before returning hurriedly to London. This criticism is misplaced, writes **Brendan Donnelly**. As Secretary of State for Exiting the European Union, Davis needs to exercise the closest possible control on all the negotiations relating to Brexit. Most of these negotiations are currently taking place in London, within the government of which Davis is a member.*

The EU's negotiators have, as is well known, been able to impose on the negotiations in Brussels a "sequencing" of topics to be discussed. Similar "sequencing" applies to the London end of the negotiations. David Davis needs to conclude his Brexit negotiations with his colleagues in London before he can rationally engage in Brexit negotiations with Michel Barnier. These negotiations in London show little sign, however, of coming to any early conclusion.

Opponents of Theresa May and her government have been understandably critical of the Conservative Party's failure to evolve, more than a year after the referendum of 2016, a coherent negotiating strategy for Brexit. For these critics, the picture of Davis in Brussels earlier this week sitting opposite Barnier, the latter apparently consulting his copious files, while the Secretary of State had no documents of any description in front of him, eloquently summarised the different levels of preparation between the two sides. A favoured cliché of continental commentaries in this context is that the British "do not know what they want." This particular accusation is incorrect. The British government knows exactly what it wants, which is systematic "cherry-picking" of the perceived advantages of membership of the European Union combined with the systematic unpicking of the obligations of such membership. This, after all, is what they promised the electorate in last year's referendum campaign. It is, of course, true that the British government has not yet found any plausible negotiating strategy for bringing this happy combination about. There are however powerful political and psychological reasons why May and her colleagues are reluctant to admit that no such negotiating strategy exists indeed or could ever exist.

## **the government wants "cherry-picking" of the advantages of membership of the EU combined with the unpicking of the obligations**

With rare exceptions, advocates of Brexit during the referendum campaign last year presented the situation of the United Kingdom outside the European Union as being unambiguously better, both economically and politically, than the damaging vassalage of membership in the Union. Nigel Farage was, to his credit, one of the few on the "Leave" side of the argument who sometimes accepted that there might be some trade-off between economic and political components of the Brexit equation. The present Conservative ministers David Davis, Boris Johnson, Liam Fox and Michael Gove all painted in particularly glowing colours at this time last year the beguiling economic and political future they saw for the United Kingdom outside the European Union. It is precisely this unqualified enthusiasm for Brexit, both in their public utterance and probably also in their private thoughts, which now makes it so difficult for them to adopt any coherent or plausible negotiating strategy for the Brexit negotiations in Brussels. To adopt, or even to envisage the compromises necessary for agreement with the rest of the EU, would be a recognition that Brexit was sold to the British electorate on a false prospectus. Far from improving the United Kingdom's position in the world, Brexit can only diminish it.



MEPs agree on key conditions for approving UK withdrawal agreement – Michel Barnier. Image by [European Parliament](#), (Flickr), licenced under CC BY-NC-ND 2.0.

Whatever the details of the negotiations in Brussels, the British government is confronted with three basic options for its future relationship with the European Union. It can opt for minimum change from the status quo; it can opt for maximal change from the status quo; or it can opt for a half-way house between the two. None of these options is attractive and all are demonstrably inferior to the present state of affairs. It would make no political sense to leave the European Union simply to enter into a similar, but less empowering arrangement along the lines of the EEA; it would make no economic sense to substitute in less than two years time for the sophisticated and well-established legal framework of the European Union the sketchy general principles of the WTO; and an uneasy compromise between these two extremes would almost certainly take many years to negotiate and would be neither economically nor politically persuasive. In reality, its commitment to the Brexit option leaves the British government with no attractive strategy in its negotiations with the rest of the European Union. It is a misconception to imagine that it is simply bureaucratic unpreparedness that is holding back the United Kingdom in its present painful negotiations with Barnier and his team. It is rather the nature of the Brexit project itself, which simply presents the British government with a range of symmetrically uncongenial options. None of these options corresponds to the optimistic basis on which British withdrawal from the European Union was advocated in the confused and misleading referendum of last year.

If May had won in the recent General Election the substantial overall majority for which she hoped, she might have found it possible at least temporarily to choose one of the three basic options for Brexit and work towards it. Her personal authority might well have allowed her to suppress opposition from within her own party to whatever unsatisfactory path she had chosen. Her diminished stature as a result of the electoral debacle of 8<sup>th</sup> June means that no such option is open to her. Her Party must inevitably default back to unending internal conflict about which approach to Brexit is the least harmful. This is a conflict that can never be resolved, because, as Doctor Johnson might have put it, the tenement-dwellers are “arguing from different premises.” There is no meeting-point between the economic calculations of Philip Hammond and the political motivations that drive many of his most Eurosceptic colleagues in the Conservative Parliamentary Party.

Now that Article 50 of the Lisbon Treaty has been triggered, the inevitable incapacity of the Conservative Party to fix and pursue a course towards Brexit has a disturbing consequence unforeseen by the authors of that Article. As long as it is the present Conservative government that is conducting the Brexit negotiations, the United Kingdom is condemned to the hardest of hard Brexits, in a way entirely welcome to the most radical Eurosceptics of the Conservative Party. A catastrophic and chaotic Brexit, which can be blamed to an ignorant British public on the supposed intransigence of Barnier, is likely to be an altogether more palatable prospect for Fox, Johnson and Davis than a protracted negotiation which provides as daily object lesson in the self-harming absurdity of Brexit. The Conservative Party will in the last analysis always be immune to pressure from its negotiating partners in Brussels. It is too busy negotiating with itself to pay excessive heed to Barnier and his colleagues.

It might have been hoped that in a mature Parliamentary democracy such as the United Kingdom, the toxicity of Conservative divisions over Europe would have provoked within the party or among the parties of opposition some elements of self-healing resistance. An optimistic observer might well see in the indecisive General Election the first steps towards questioning May's commitment to leaving the single European market and the Customs Union as building-blocks of Brexit's meaning Brexit. A more pessimistic observer might see by contrast a depressing absence of coherent and principled opposition to Brexit from the Labour Party in particular. The Shadow Business Secretary Rebecca Long-Bailey was recently reduced to defending Labour's European policy as "having our cake and eating it," while Tony Blair showed that the avoidance of hard choices remains his favoured mode of European policy by the disingenuous claim that our European partners were weakening in their commitment to free movement. As the negative consequences of Brexit become daily clearer over the coming months, the Labour Party will undoubtedly wish to exploit the growing embarrassment of the Conservative government in this area. But the hostility of Jeremy Corbyn and John McDonnell to the European Union is long-standing and well-documented. Their reinforced position at the head of the Labour Party will act as a major barrier to the emergence of a Labour European policy fundamentally opposed to Brexit rather than looking simply to mitigate its perceived worst effects.

The former Governor of the Bank of England, Lord Leigh-Pemberton, was fond of saying that anyone could predict the future, but it was much more difficult to know when and how it would happen. His dictum is particularly applicable to the Brexit debate. Many analysts expected the internal contradictions and incoherence of the case for Brexit to have manifested themselves more quickly than has turned out to be the case. Few commentators could have predicted that May's lost Parliamentary majority would have ushered in such a now daily growing assault from business, academia and civil society on the rationality and even achievability of British withdrawal from the European Union. This assault is likely to persist and even grow in ferocity.

It may well be that in six months time the trickle of voters changing their mind about Brexit identified by the opinion polls will have become a torrent. If that is so, the natural expectation must be that this recasting of public opinion will have measurable political consequences in each of the main parties. When it seems prudent to do so, the great majority of the Labour Parliamentary Party and a small minority of the Conservative Parliamentary Party may well be willing to give public expression to their rejection of Brexit and the irrationality that sustains it. The past year has been rich in sensational political developments. A united front of Parliamentarians finally willing to fulfil their traditional role as guardians of the national interest by declaring that "enough is enough" on Brexit is an entirely conceivable next twist of the kaleidoscope.

*An earlier version of this post appeared on [The Federal Trust](#) and it represents the views of the author and not those of the Brexit blog, nor the LSE.*

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