

A five-year moratorium on Brexit is needed to allow the UK and the EU to fully get to grips with the process



*The UK is set to leave the EU in March next year, but many of the key issues remain unresolved and there is now perceived to be a very real prospect of the country leaving without a deal in place. For **Helmut K Anheier**, the answer is not a second referendum given another vote would do little to resolve the division that currently exists in the UK over Brexit. Rather, he proposes a moratorium on Brexit, lasting up to five years, which would allow both the UK and the EU to fully get to grips with the process.*

“Ungovernability” is a term not usually synonymous with the well-oiled administrative machinery of the UK state. In governance capacity rankings, it is usually among the world’s top ten, alongside Sweden, the Netherlands, Germany, Switzerland and Australia. But with a mere eight months to go before Brexit, the colossal task of rolling back 45 years of European integration, building new partnerships still both contested and unclear, and the attendant political uncertainty are straining capacities at Whitehall. The recent turmoil of resignations over the Prime Minister’s soft-Brexit “Chequers” deal is just the latest symptom, and the growing battle about the government’s White Paper another.

Popularised by social scientists like Samuel Huntington and Jürgen Habermas to describe over-stretched welfare states, ungovernability happens when institutions invite problems that become impossible to process in an orderly and routinised way. This self-generated demand overload is precisely the plight arising from current Brexit negotiations.

Since the ill-fated 2016 referendum, things have not gone well. The UK and Europe now face a precarious, even dangerous, situation in unknown territory. The UK is in a deep political crisis, unable to steer the course, and a Brexit gone wrong will be disastrous for all. As any sensible bureaucrat can see, “keep calm and carry on” is not the mantra to follow right now. Instead, the EU and its member states must reach out to the United Kingdom with an offer: let’s put a moratorium on the current Brexit process. Let’s review where we are, what’s gone wrong, and how we can put things right. There is nothing sacred about 30 March 2019, and it can be changed.

The peculiar ways of British governance

Ever since Article 50 was invoked, the UK’s negotiating position has become ever more constricted and its machinery ever more overloaded. But don’t blame Brussels and the hardline stance of its chief negotiator Michel Barnier. Instead, look to the peculiar ways of British governance: a parliamentary authority that invites continued bickering between a pro-Brexit government and a pro-remain parliament; the uncodified British constitution, which fails to elucidate which parliamentary majorities are required for major political decision like the Withdrawal Bill; and a tradition of internal party dissent and cross-bench deals that hamper unity and challenge the skill of any prime minister. These are stoking domestic uncertainty at a time when stability is sorely needed.

In essence, the UK has a divided public, divided parties, a divided government, and a civil service unsure of what to do before and after March. A political stalemate looms, with all the added unpredictability and implied injustices, such as the disproportionate influence of Northern Ireland’s pro-Brexit DUP in Theresa May’s government, which shows little regard for the country’s “remain” vote. A population highly affected by Brexit is thus disenfranchised, while continued peace in Northern Ireland depends on how the Irish border problem is solved or at least managed. In another twist, the only incentive for many senior members of the government to support the Chequers agreement and the White Paper is the fear of a Labour Prime Minister, Jeremy Corbyn. Not being able to win is now preferable to losing.



Emmanuel Macron, Theresa May and Angela Merkel, Credit: [Number 10](#) (Crown Copyright)

An impossible deadline for disentanglement

For the administration, implementing the multitude of technical changes to disentangle the UK from EU rules and regulations will be impossible by mid-March. The Withdrawal Bill cannot handle the detail needed to unscramble 45 years of EU membership. This will leave many issues unresolved for some time – probably years – to come, and only uncertainty will prevail.

For the UK civil service, the issue is far greater than time pressure alone. It is the contestation that comes with ungovernability. As the sociologist Claus Offe once remarked, popular expectations, not efficiency considerations, decide what is ungovernable and what is not. The hard-Brexiteers want clear declarations of separation to prevent back-peddling and ambiguity once the country has left, while the soft-Brexiteers favour vague statements to keep options open.

This is the crux of ungovernability: normative components are a cog in the machinery of Whitehall, spreading uncertainty about what is accepted by whom and by when. The UK Exit department is in overdrive, but political directives are murky and shifting.

But why should the Commission care? The UK asked to leave, now faces a political mess, and is in denial about its prospects. Of course, this is a simplistic view, but the EU's negotiating position is nonetheless correct: no country can leave the Union and end up better off outside than in. No country can cherry-pick and cut bilateral deals while still a member. At the same time, the EU should have a keen interest in mitigating the damage for all.

Interest wanes in the EU

It doesn't help that the EU has moved on. Trump's trade wars, illiberalism and nationalism have captured the public's attention, and the people of Europe have accepted that the UK can and will leave. Cornish fisherman, Sunderland auto workers or City bankers are not among their concerns.

Positions have hardened. UK citizens, fed by an anti-European press, feel increasingly mistreated, even punished, by the EU. The Commission and popular opinion in Europe are increasingly indifferent and puzzled by what they see as Britain's desire to have its cake and eat it too.

How can we handle such emotional responses amid growing nationalism and a persistent and deepening problem of ungovernability? In Britain, no major political reform effort other than Brexit has been undertaken for several years. Domestic politics are flagging and austerity measures continue – yet was it not the promise of more domestic spending that convinced many to vote “leave”? The country is entirely occupied, even paralysed, by Brexit, and has become increasingly self-centred. The danger is not that the UK and the EU will become strangers; more likely, they will become more like neighbours who misunderstand each other the more the gap between them widens.

The answer is certainly not a second referendum. It is not clear what this would achieve, as the country would remain divided, and, given the current domestic situation, this could invite even more political brinkmanship.

A five-year moratorium

A moratorium is one way forward, assuming the current UK government holds. If Brexit happens, let’s get it right. The EU should offer the UK a moratorium of up to five years, during which it will remain a member with full rights and obligations. The advantages are many. For one, it will span two UK governments, two EU Commissions, and two European Parliaments. This will bolster the legitimacy of the 2016 referendum, the process and the outcome. It will give businesses at least a medium-term perspective and allow for wiser investment decisions. It will give the millions of UK citizens living in mainland Europe and the millions of Europeans living in the UK the stability they need. And it will give the administrators and legal experts in Whitehall and Brussels the room they need to separate from each other in an orderly and routinised way.

It would also create an opportunity for honesty. The honesty to tell the British people, for example, that the promised funds for the NHS will never come, to help them understand that old-fashioned sovereignty comes at a price and requires sacrifice – economically, politically, culturally. They need time to prepare for a world that is not waiting for a “Global Britain,” and to understand that illiberal regimes and autocracies are all too eager to take advantage of a relatively isolated country.

On the flipside, Europeans need to hear that Brussels has frequently over-stepped its bounds and alienated many; that its technocratic approach to deeply political problems can threaten people’s identities, and that its ways and means, especially the democratically unchecked role of the European Court of Justice, continues to undermine the legitimacy of national parliaments.

Of course, many will question such a proposal. Hard Brexiteers will see it as way to undo Brexit by stealth – yet no majority in government and parliament backs them anyway. Soft Brexiteers will view the moratorium with suspicion on the same grounds but should soon realise the advantages a well-prepared Brexit could hold. The Commission may balk at dragging the process out even longer, given its many other pressures, but should welcome a more depoliticised process and more measured pace.

Yet all parties should come to terms with an outcome that seems ever more likely: Brexit will have few winners but many losers in the UK as well as in Europe. No good has come of it so far, and any longer-term benefits are uncertain. The world has become a more hostile place since the referendum in 2016, and neither the UK nor the EU alone can make it better, and certainly not in haste.

This article gives the views of the author, not the position of LSE Brexit or the London School of Economics. This article first appeared on our sister site [EUROPP – European Politics and Policy](#).

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