

## ***THIRTY-FOUR MONTHS ON: WHAT NEXT FOR BREXIT?***

On 10 April, an [emergency meeting of the European Council was convened](#) to discuss the latest developments on Brexit. On 5 April, the Prime Minister wrote to Donald Tusk, President of the European Council, asking for a further extension to the Article 50 period, to 30 June.

The European Council agreed to a six-month flexible extension to 31 October. If the UK Parliament ratifies the Withdrawal Agreement before this date, the UK can leave the bloc earlier. It became clear that the French President, Emmanuel Macron, [led the resistance](#) to the EU27 offering the UK a longer extension of a year. Yet even this six-month extension requires the UK to participate in election for the European Parliament on 23 May (unless a deal can be agreed before this date), and the EU27 will be monitoring whether the UK will act in 'good faith' over the coming months.

In addition, this arrangement does not prevent a No Deal Exit. It merely changes the date from 12 April. The EU27 have been remarkably consistent in their views over the UK's exit from the EU. In their [first meeting after the referendum in June 2016](#) the European Council noted that the UK's withdrawal needed to be orderly, and that it was up to the UK to define how close a partner it wanted to be with the EU. The onus remains on the UK to work out what is an acceptable deal, and questions still remain over one of the most contentious elements of the Withdrawal Agreement, the [Irish backstop](#).

### ***The Background***

The 10 April Council meeting arose due to the UK Parliament's failure to approve the Government's 585 page [Withdrawal Agreement](#) and [Political Declaration](#) with the European Union (EU), either through a Meaningful Vote or an indicative vote. The 'meaningful vote' is the name given to section 13 of the [European Union \(Withdrawal\) Act 2018](#). This sect, which compels the Government to bring forward an amendable parliamentary motion at the end of the [Article 50](#) negotiations with the EU, allowing Parliament to vote on both the Withdrawal Agreement and Political Declaration.

The first meaningful vote took place on 15 January, resulting in a 230-vote defeat for the Government. The second meaningful vote took place on 12 March and the Government was defeated heavily by 149 votes. On 29 March, the Government brought forward the Withdrawal Agreement alone to be voted on a third time. This was due to the [Speaker John Bercow's ruling](#) of 18 March (citing a 1604 precedent) that a defeated motion could not be brought back in the same form during the course of one Parliamentary session. Bringing forward the Withdrawal Agreement (without the Political Declaration) allowed the Government to adhere to the Speaker's ruling. In addition, the [Prime Minister offered to resign](#) before the 'next stage' of the Brexit negotiations (on the future trading relationship) if the Withdrawal Agreement was passed. This was still not enough for the Commons, who defeated the Withdrawal Agreement for a third time by 58 votes.

### ***The Failure of the Indicative Votes***

At the end of March, backbench MPs seized control of the Order Paper from the Government, allowing for a series of indicative votes to be held to see if MPs could agree on an alternative way forward. Eight indicative votes were held on 27 March, and eight votes failed. After the 29 March vote on the Withdrawal Agreement, a second round of indicative votes were held on 1 April on four options – a customs union, on 'Common Market 2.0', a confirmatory public vote and revocation of Article 50. Although the votes were close – the customs union amendment fell by three votes and the confirmatory public vote by 12 – all four votes failed, meaning the House of Commons had held twelve votes and not agreed on any of them.

On 3 April, Yvette Cooper MP and Sir Oliver Letwin MP introduced a Private Member's Bill, the European Union (Withdrawal) (No.5) Bill. This passed its Parliamentary stages in under a week and became law on 8 April as the [European Union \(Withdrawal\) Act 2019](#). This Act places an [obligation](#) on Government to seek consent for any (or no) extensions to the date of the UK's withdrawal from the EU. The [House of Commons debated, and passed](#), the Prime Minister's proposed extension to Article

50 to 30 June, by a majority of 310 votes. Further legislation will be required now to extend the Exit Day to the end of October.

### ***The Current Situation and Cross Party Talks***

Parallel to these Parliamentary manoeuvres, on 2 April the Prime Minister offered talks between the Conservative Party and Labour Party with a view to finding a cross-party consensus on Brexit. These talks started on 3 April and have continued without a breakthrough. These talks have the potential to cause both party leaders problems – Theresa May's backbenchers oppose reaching a compromise involving Jeremy Corbyn; Jeremy Corbyn's backbenchers are wary of any compromise deal which does not involve a confirmatory public vote. It is not beyond the realms of possibility that these talks, and any agreed deal, could fracture both parties.

With this in mind, the Secretary of State for Exiting the European Union, Stephen Barclay, has [proposed further Parliamentary involvement](#) if cross-party talks fail. This could include more indicative votes, or bringing the [European Union \(Withdrawal Agreement\) Bill](#) forward and allowing MPs to introduce amendments to it.

### ***The Next Steps?***

A six-month extension reduces the risk of a No Deal in the short term. However, the political obstacles to the UK agreeing a Withdrawal Agreement (and beyond that a trade deal) remain. Questions over when the Prime Minister will step down remain. The next Prime Minister will be chosen by around 100,000 Conservative Party members whose views on Brexit [remain to the right](#) of the British public. There is not, therefore, a clear incentive for leading Conservative MPs vying for the Premiership to compromise or tack to the political centre ground.

The [People's Vote campaign](#), who are seeking to hold a Second Referendum and overturn the results of the June 2016 plebiscite, do have the support of large numbers of MPs and the general public. However, the indicative votes have shown that they do not command a majority of MPs in the House of Commons, and a Public Vote would take a minimum of six months to organise and hold (time which is not there at present).

It is most likely that the Meaningful Vote will be brought back to Parliament by the Prime Minister before 22 May to present another opportunity for the UK to avoid taking part in the European Parliamentary elections. With the Democratic Unionist Party and around 30 hard Brexit supporting Tory MPs implacably opposed to the Agreement, the chances of the Agreement passing remains slight.

Cross-party talks, and indicative votes, also appear (for the moment) not to set the stage for a breakthrough. Yet if there is one thing which has been true about the Brexit debates in the UK, it is that circumstances can and have rapidly changed and evolved. Such a change could happen, leading to the Agreement being ratified in short order. History perhaps points to the UK Government and Parliament providing far more drama before the denouement to this saga.

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