

# The Withdrawal Agreement: What Will Happen Next?

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The draft withdrawal agreement is out, to much controversy. What are the possibilities for what will happen next?

The draft has gaps, so cannot be regarded as the final version. The version drawn up by negotiators is being reviewed in EU capitals. There could yet be changes if EU27 countries push for them.

Although Angela Merkel feels there is little scope for changes, the May government will be under severe domestic pressure to secure some changes so it can crow a victory of sorts. Even if the result is constructive ambiguity. Negotiators often build in some room for manoeuvre in allowing concessions.

Housing Secretary James Brokenshire has warned against unpicking in case the outcome is a worse offer. But as timescales are tight, I would only put the probability of a better deal for the UK at 5%, and a worse deal slightly less, say 3%.

How the Westminster Parliament will respond is difficult to predict, but the BBC only sees May getting around 264 votes of the 320 needed to pass the withdrawal agreement. The former DExEU Secretary David Davis foresaw an initial rejection.

Lord Mandelson predicts a hard Brexit, implying no-deal. The EU27 are desperate to avoid this, but their likely approach might be to hold firm and play chicken in the hope that the UK blinks first.

Although there is a suspicion that they would prefer the UK to remain in the EU, it might be more advantageous for them long-term to see a chaotic Brexit. Their dream might see the UK begging to return without its budget rebate and opt-outs, such as on the Euro.

The Court of Justice is due to rule on whether the Article 50 notification of withdrawal can be revoked, but as there is nothing in the treaties to suggest this, I see the probability as 1%.

The Westminster Parliament could vote to extend negotiations as a covert means of stalling Brexit. This would mean unwelcome extra work for Commission staff, and I could only see this happening if it were the sole means of avoiding a no-deal outcome. Probability: 5%.

Alternatively, the Westminster Parliament could vote for a re-run referendum, but this would be highly divisive and produce even more uncertainty. The timescale is not favourable when Electoral Commission guidelines are factored in. Many MPs would wish to avoid a popular backlash. Probability: 5%.

The Westminster Parliament could trigger a general election, but this would be unlikely under existing legislation (the Fixed Term Parliament Act). The Liberal Democrats have had recent financial problems and any party imposing an unwanted third election within four years could face an electoral backlash. Probability: 1%.

The Westminster Parliament would have to choose between passing a flawed deal with long-term consequences, and being held responsible for short-term economic disruption. It is my conclusion that a Parliament comprised mainly of MPs who backed Remain will pay only lip service to the Brexit referendum and ultimately pass a similar agreement. Probability: 60%.

Yet this is not guaranteed. The draft withdrawal agreement is

highly offensive to Scottish and Unionist sensitivities and staunch Brexiteers who would run the EU's gauntlet, hoping it blinked first. Would the EU really want to damage its trade surplus, its supply chains and its nationals working in the UK by being pig-headed? I am told that some continentals, notably Spain, have not started their no-deal preparations, so there would be serious consequences for them too.

Also, several pro-EU MPs would baulk at voting for withdrawal on any terms.

Time could run out for those expecting a typical last-minute EU compromise. I would put the probability of no-deal at 20%. This can be further subdivided depending on what exactly is meant by 'no-deal'. In the sense of no agreement of any sort: only 5%. But a 'no-deal plus', which would mean no overall deal but with temporary arrangements or mitigating side deals in place, such as to provide certainty for EU nationals: 15%.