

10 REASONS TO REJECT THE WITHDRAWAL AGREEMENT

A summary to consider before voting on
HM Government's Withdrawal Agreement

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INTRODUCTION

We must reject a bad 'deal' to reboot the EU negotiations

Much of the comment on the Government's Withdrawal Agreement has focused on personality and process rather than a full understanding of the detail of the deal. Then, when there has been consideration of the problems with the Agreement the focus has been primarily on the Irish protocol, generally known as the 'backstop'.

The thrust of this brief paper is that while the backstop should be wholly unacceptable to anyone who believes in the cohesion of a United Kingdom that wishes to be free to determine its own economic policies, there is a great deal more in the Agreement that should make it impossible to support.

Central to the Government's approach in attempting to convince MPs to support the Agreement has been to claim at different times that there is either – no alternative for the lack of another deal; – or that there will be economic calamity if the UK leaves the EU without a transitional deal – commonly branded "No Deal; – or alternatively, no BREXIT at all. In turn these possible outcomes are then linked to the possibility of the Government collapsing.

The narrative presents the Prime Minister as a dogged and doughty soul doing her bit against tough odds. The messaging strategy hopes that a focus on the non-legally binding Political Declaration rather than the legally binding Withdrawal Agreement, together with any letters of assurance and coupled with either exasperation or boredom in the country as a whole – will enable the Government to pass this legislation in the face of weary opposition. Whether or not the Prime Minister has toiled against an omnipotent adversary tells us nothing about the merits of an Agreement that she did not allow her own Brexit Secretary to be fully aware of until the whole Cabinet was briefed.

At Global Britain we concern ourselves solely with the substance of the Withdrawal Agreement, examining the legal basis of its proposals and not the noise, slur and tactics of politics. We then examine the consequences of 'No Deal,' which, far from the dire warnings of Government and others, we believe should be more manageable than anticipated, just as any potential instability in the aftermath of the Referendum vote was – despite similar dire warnings.

We argue that, even if one takes the objectives of the Political Declaration at face value, which in itself is a heroic assumption, the Agreement severely weakens a future UK Government's negotiating position with the EU and, even worse, gives the EU a veto on UK withdrawal. We demonstrate that this proposal removes any UK scrutiny over EU legislation, making the UK a rule taker in almost all areas of EU competence, well beyond simply the single market of goods, as Her Majesty's Government likes to suggest.

We believe that if this deal passes then five years from now barely a single EU regulation will have been amended, let alone rescinded by the UK. With a minimum of £39bn and probably much more of UK treasure passed to the EU, and still no exit without EU approval, where exactly does the UK's future leverage exist?

It is also revealing to note that the Government's explanation that the 'backstop' will not happen, or if it does happen would not last for long, is predicated on the idea that it would be bad for the EU – not least, as the Prime Minister herself has confirmed on the record on a number of occasions, because the EU would no longer be receiving any payments from the UK.

This admission should sound very loud warning sirens that the Prime Minister would be willing to enter into a future trade agreement that included the UK making further large annual payments of billions of pounds – yet another red line she is willing to cross.

Yet for all the many faults of the Withdrawal Agreement it is, however, not too late to change direction.

The first step must be to ensure that Parliament rejects this proposed international treaty on the grounds that it breaches the referendum result in spirit and fact; it breaches the clear manifesto pledge of the Conservative & Unionist Party during the 2017 election; it potentially results in Northern Ireland permanently

remaining in the Single Market – creating a border between it and the rest of the UK; it hands over a minimum of £39bn of UK wealth for a deal inferior to the *status quo*; and, it grievously undermines the UK negotiating position as the bargaining chips of cash and unilateral withdrawal are squandered.

Should this pass into law it will bind future Prime Ministers' hands and reignite public division nationally – and not least within the Conservative Party for at least a generation, almost certainly to its electoral detriment.

The second step is to reboot the UK's strategy towards negotiating an optimal trade deal with the EU. The UK should therefore prepare for an immediate arrangement based around World Trade Organisation rules in the short term, with a view to negotiating a tariff-free mutually beneficial trade deal with the EU as soon as the EU is able. We call this managed No Deal a 'Clean Break' with the EU – in direct contrast with the messy and dirty deal that is represented by the Withdrawal Agreement and its Political Declaration.

Global Britain has already published '[Fact not friction – exploding the myths of leaving the Customs Union](#)' and '[30 Truths about leaving on WTO terms](#)' to provide detailed rebuttals to the scaremongering surrounding 'No Deal'.

In the longer term the success, or otherwise, of the UK economy will be based on the policy choices the UK makes. There is significant opportunity to improve on the current EU legal framework in terms of finding better solutions to a host of challenges – from agriculture to energy, from fisheries to trade. We believe if a future Government adopts a broadly open – free trade, competitive tax and appropriate regulatory system – the UK can lead the world in terms of opportunity, creativity and wealth.

By contrast the Withdrawal Agreement severely limits future policy choices, clings to our continental nanny, lacks confidence and misunderstands the true economic drivers and opportunities of our country. Our plea is to believe that the UK is better than this and has nothing to fear except fear itself.

TEN REASONS WHY THE PRIME MINISTER'S DEAL IS SO UNACCEPTABLE

The Withdrawal Agreement is the worst of all possible worlds.

1. **The UK will be trapped.** Currently the UK is free to leave the EU unilaterally under the Article 50 process of the Lisbon Treaty. If the current Withdrawal Agreement is passed into Law the UK cannot unilaterally withdraw from the agreement. The EU would have the final say if the Withdrawal Agreement could be superseded by a future trade agreement – but the EU would have no incentive to do so unless we bargained away further concessions such as more money, while the UK's arm is twisted over issues such as the sovereignty of Gibraltar or access to our fisheries. Moreover, backed by international law, Parliament would have no legal mechanism to unpick this deal without the other parties' agreement. Therefore should this proposal pass and become law, then this Parliament binds future Parliaments to it and gives up its strongest negotiating hand – the ability to walk away.
2. **Money for nothing.** By unilaterally handing a minimum of £39bn (and possibly as much as £60bn) of taxpayers' money to the EU without agreeing any future deal on trade, other than being tied to the current *acquis communautaire* in its near entirety, **is equivalent to offering to buy a house before you have seen the title deeds.** It clearly and obviously further weakens greatly the UK negotiating position.
3. **Subservient rule takers.** Should it be agreed, Parliament would effectively be forced to accept, apply and obey whatever regulations the EU proposed and *de facto* bound with any rulings by the European Court of Justice. While the current UK say in regulation is minimal (the UK has had only an 8.4% share of the vote in the Council of Ministers) the Withdrawal Agreement reduces that to zero. Thus the deal is effectively remaining in the EU in all but name, but no longer having a say, thus breaking the spirit of the referendum result and the solemn election manifesto promises.

4. **Unaccountable foreign judiciary.** Contrary to the Prime Minister's Lancaster House speech and manifesto pledge the European Court of Justice retains *de facto* primacy over the UK, remaining the final arbiter of the agreement and of the EU laws that effect the UK.
5. **Breaking our Union.** Unless the EU unilaterally agrees otherwise Northern Ireland can effectively be held in the EU Single Market in perpetuity with the UK having no ability to amend this agreement without EU support. Unless the Government is planning for the whole UK to remain in the Single Market in perpetuity, which would be a clear breach of its manifesto pledge, then it would only be Great Britain that would depart – resulting in significant and tangible divergence between Northern Ireland and the rest of the UK. With 55% of Northern Irish trade linked directly to the UK but only 15% to the Republic of Ireland, this arrangement would not only threaten Northern Ireland's prosperity but also the integrity of the UK. It would create the unacceptable situation that for voters in Northern Ireland to have any influence or redress over Single Market rules they would need to seek representation from politicians from the Republic of Ireland (who would have a voice and a vote) but not their own politicians who would be spectating from outside the legislative process. Such an EU legislative veto would open up a gulf where once was the Irish Sea. Could one imagine, under similar circumstances, France allowing the EU to treat Corsica as effectively a colony? We very much doubt it.
6. **Delivering our fisheries back to the EU.** By including future negotiations on the Common Fisheries Policy (at the last minute and against all promises to the contrary) in the transition period the UK government has guaranteed that access to UK fishing grounds will become a bargaining chip to be traded away. The comments of President Macron immediately the Withdrawal Agreement was announced confirmed this outcome to be certain.
7. **Aiding and abetting nationalism.** By treating Northern Ireland differently to the rest of the UK the Agreement opens up the charge of why not introduce a different deal for Scotland? If ever there was a proposal designed to drive a wedge between the four territories of the UK this Withdrawal Agreement is it. The SNP leadership has not been slow to raise such objections and make corresponding demands. The SNP often manufactures grievances to further the belief that Scotland would be better off outside the United Kingdom – in this instance the nationalists are being handed an example of double standards on a very large salver. That so many self-described unionists, especially in Scotland are willing to accept this proposed state of affairs saddens us immensely.
8. **Betraying democracy.** Without question the agreement materially breaches the letter and spirit of: 1. the referendum result; 2. Theresa May's own speeches at Lancaster House, Florence and Mansion House; 3. the very basis the Prime Minister was accepted as David Cameron's replacement; and 4. the solemn manifesto pledges of the Conservative and Labour parties in the 2017 General Election. If it passes it will do untold damage to the electorate's trust in the democratic political process. Many electors will simply ask themselves "why bother to vote?"
9. **Betraying voters.** Further, as a matter of self-interest to the Conservative Party and its elected representatives – and a matter of common interest to advocates of the democratic process – given that 70% of Conservative voters are believed to have supported Brexit during the referendum, support for the Withdrawal Agreement risks a breakdown of trust amongst a material proportion of the Conservative Party's core support, risking its electability in both the short and medium term. Global Britain's poll of 22,000 voters in the top 44 Conservative marginal seats clearly demonstrated the electoral risk for the party such a breach of trust could deliver – *with all seats likely to be lost*. Likewise, Global Britain's second poll of the top 25 Labour Party marginals showed that it too could breach its own manifesto pledges if it helped obstruct Brexit from happening. Global Britain's polling is backed up by numerous other independent and reputable polls indicating a substantial rejection of firstly Chequers and then the Withdrawal Agreement.
10. **There is worse to come.** In summary of the foregoing, because the Prime Minister's Withdrawal Agreement and Political Declaration is only the beginning of a further negotiating process – *but from a self-imposed weakened position* – the nation will suffer continued economic uncertainty be bitterly divided for at least a further two years.