

Brexit: Global and Political Affairs Unit Briefing

27 February 2019

Summary

Yesterday evening, MPs voted on a number of proposals related to the ongoing Brexit process. Given the Prime Minister's commitment to MPs on Tuesday that she will offer Parliament a vote on leaving the EU with no deal, and on extending Article 50, in the event she cannot command support for a revised Withdrawal Agreement by 12 March, yesterday's votes were of little consequence. It is unlikely the Prime Minister will be able to secure a Withdrawal Agreement that can gain majority support in the House of Commons, but, beyond Parliament rejecting leaving the EU without a deal and instructing the government to seek an extension to Article 50, it is unclear what the next course of action will be. It is possible the threat of an extension to Article 50 might mobilise the most pro-Brexit wing of the Conservative Party, the European Research Group, to back a revised Withdrawal Agreement and help secure a Parliamentary majority for it. The University continues its No Deal planning, given the ongoing uncertainty surrounding the outcome of the Brexit negotiations.

Background

The Prime Minister promised to return to the House of Commons with either a revised Withdrawal Agreement with the EU for MPs to approve, or a motion for debate about ongoing talks with the EU by Wednesday 27th February. The Government has failed to secure changes to the Withdrawal Agreement, so MPs yesterday debated the general progress in the Brexit negotiations. The Prime Minister made a number of commitments to MPs on Tuesday (26th), which meant that yesterday's votes were of less consequence than they might have been.

Firstly, the Prime Minister committed to bringing back a revised version of her negotiated Withdrawal Agreement for MPs to vote on by Tuesday 12 March at the latest (the long awaited 'second meaningful vote'). Secondly, if that vote is lost, the Prime Minister committed to holding a vote by Wednesday 13 March on whether MPs support the UK leaving the EU on 29 March without a deal in place. It is clear Parliament does not support this. Finally, and in the likely event Parliament rejects leaving the EU without a deal, the Prime Minister committed to holding a vote on Thursday 14 March on whether MPs support extending the negotiating period beyond 29 March 2019 (by extending Article 50), and changing the necessary legislation to remove 29 March as the default date in law on which the UK ceases to be a member of the EU.

A number of proposals were voted on yesterday, but the Government did not suffer any defeats, as it had pre-empted defeat with the concessions listed above. MPs voted against Labour's proposal to instruct Ministers to seek changes to the Political Declaration on the future framework of our relationship with the EU to include things like securing a permanent customs union and dynamic alignment with EU rights and protections.

Labour policy now is to put forward or support an amendment in favour of a Public Vote "to prevent a damaging Tory Brexit", although Labour leader Jeremy Corbyn committed to pushing "the other available options to prevent those outcomes [a "damaging Tory Brexit" or no deal], including a close economic relationship based on our credible alternative plan or a general election" in his comments after yesterday's votes. The Party confirmed earlier this week that even in the event the Prime Minister's deal does pass through Parliament, it would still seek a confirmatory Public Vote to subject the deal to a "lock". It is unclear, as yet, what the question would be, in the event of such a referendum, or whether enough Conservative MPs would support a Public Vote for it to gain majority support in Parliament, or indeed whether a significant number of Labour MPs oppose the policy to the extent that it would not win enough support in Parliament, even with some Conservative support.

An SNP amendment stating the House of Commons is "determined" not to leave the EU without a deal under any circumstances and regardless of exit date also failed yesterday.

MPs voted overwhelmingly in favour of the (Government-backed) amendment in the name of Labour MP Yvette Cooper, noting the Prime Minister's commitment to hold another 'meaningful vote' on the Withdrawal Agreement, and hold a vote on extending Article 50 on 14 March if the House rejects leaving with no deal. 20 Conservative MPs from the most pro-Brexit wing of the Party voted against the Cooper amendment. It's possible the threat of an extension to Article 50 might mobilise the most pro-Brexit wing of the Conservative Party, the European Research Group, to back a revised Withdrawal Agreement and help secure a Parliamentary majority for it.

The House of Commons also accepted an amendment proposed by Conservative Alberto Costa MP requiring the Prime Minister to seek a joint UK-EU commitment to adopt part two of the Withdrawal Agreement on citizens' rights, whatever the outcome of negotiations on other parts of the deal. Although the Government accepted this proposal to protect citizens' rights, Alberto Costa MP was sacked from his junior Government role as aide to the Home Secretary for proposing the amendment to the Government motion.

What is likely to happen now?

Negotiations with the EU continue, in a bid to reach an agreement that can command support of the UK Parliament. However, EU negotiators have consistently stated that the text of the Withdrawal Agreement is not open for re-negotiation. It is possible a 'legal codicil' could be added to the agreement, to clarify its interpretation, but it is unclear whether this would command the support of enough MPs to see the deal achieve majority support in Parliament.

In her statement to MPs on Tuesday 12 February, the Prime Minister said her Government is exploring with EU negotiators three ways of achieving "alternative arrangements" for avoiding a hard border in Ireland, as demanded by Parliament on 29 January.

Firstly, the Prime Minister praised the work of the 'Alternative Arrangements Working Group', which is a group of MPs from the different wings of the Conservative Party considering the so-called 'Malthouse compromise' to address the Irish border issue and preserve Conservative party unity. The proposal, named after Kit Malthouse MP, the Housing Minister facilitating talks between the two factions within the governing party, proposes a system of mutual recognition of regulations and facilitated customs arrangements, and checks away from the border. It would require re-opening the Withdrawal Agreement to replace the sections on the 'Northern Irish Backstop'.

Setting aside the refusal on the part of the EU to re-open the Withdrawal Agreement, if this had been the solution, the backstop would not have been needed in the first place. The proposal requires the EU to surrender its hardest negotiating red line on its right to protect the integrity of the Single Market through adherence to its rules and enforcement by the Commission and the Court of Justice of the EU. The EU is therefore highly unlikely to agree to the proposals being considered by the 'Alternative Arrangements Working Group'. Read more [here](#).

The Prime Minister also suggested there could be a legally binding time limit to the existing backstop, or thirdly, that there could be a legally binding unilateral exit clause to that backstop. Both proposals are unlikely to be accepted by EU negotiators, both because they would require re-opening the agreed Withdrawal text and because they negate the purpose of an insurance policy. It is also unclear whether they would command support within the most pro-Brexit wing of the Conservative party, particularly if they were included in a separate document from the agreement itself.

The Prime Minister has repeatedly ruled out the possibility of changing her negotiating stance to seek a permanent Customs Union with the EU, thereby ruling out attracting the official support of Labour MPs for any revised deal.

Meanwhile, the clock continues to run down towards 29 March, exit day as set out in law, whether a deal is in place or not. Although the Prime Minister has committed to holding a vote in Parliament about leaving without a deal or extending Article 50 if her deal fails to get support, it is unclear on what grounds the EU would agree to an extension of Article 50 – most likely until the end of June, since the newly elected European Parliament is sworn in in July and the UK will no longer be represented there.

Since Parliament's opposition to the Prime Minister's deal would have been made clear, there would need to be some indication as to what delaying the UK's exit date would achieve. Some, both within and outside Government, are pushing for indicative votes in Parliament to ascertain a course of action that could command a Parliamentary majority – for example, voting on pursuing a Brexit deal including a permanent customs union (rejecting the Government's current negotiating red lines) or on holding a Public Vote. The Prime Minister has so far not indicated she will hold such votes.

What will this mean for the University of Nottingham?

Last night's events prolong the uncertainty for businesses and individuals up and down the country, including the University.

Given it is unlikely the Prime Minister will be able to return to the House of Commons with a revised deal that can command its support by 12 March, and it is likely Parliament will reject leaving the EU without a deal in the vote that would follow, it is very possible Parliament will vote to seek an extension to Article 50 on 14 March. The EU has indicated a willingness to extend Article 50, but the key question will be under what conditions or for what purpose.

What will the University of Nottingham be doing?

The University is preparing for Brexit in a number of ways and colleagues are invited to feed into these different activities, as outlined below. No deal planning is a key priority for the University given it is far from certain the EU would agree to an extension of Article 50, and even if it did so, this would delay, rather than end the possibility of leaving with no deal.

- *Reassurance and support for our EU staff*

The EU Settlement Scheme enables EU citizens to apply for either settled or pre-settled status (for those who've been here fewer than five years), allowing them to continue living in the UK post-Brexit. The University of Nottingham has 800 staff who are EU citizens. The University will pay the registration fee for all European staff and their families should they wish to apply for settled status under the scheme, and Human Resources are providing support for people making applications. Contact Megan.Garner@nottingham.ac.uk for further details.

The Vice-Chancellor will be hosting the University of Nottingham European Staff Celebration event 5-7pm on 19th March to celebrate the contributions of EU staff. Invitations have been issued to EU staff and we expect to extend invitations to be issued more widely next week.

- *Preparing for No Deal*

Given this is the default position in law, in the absence of an alternative course of action being pursued, the University is stepping up its preparation for the UK leaving the EU without a legal framework in place ("No Deal"), primarily via the No Deal Incident Management Team, chaired by Registrar Dr Paul Greatrix. It has been monitoring developments to manage University operations in the event of No Deal. This includes ensuring the preparedness of our supply chains to continue to provide research materials, goods and services; continuity of travel arrangements to the continent and associated insurance issues; and contractual and legal issues in the event of a No Deal scenario.

- *Guaranteeing Erasmus+ after Brexit*

The University of Nottingham is proud to have one of the largest Erasmus+ student mobility programmes in the UK. The government has assured universities it is working on the basis of the UK remaining a participating country in the Erasmus+ programme after 29th March 2019. However, in the event of a 'No Deal' Brexit, the government has only confirmed it will underwrite the UK's participation in European based student mobility for the 2018/19 academic year. In the potential absence of government funding beyond 2018/19, therefore, the University will continue to underwrite outgoing student mobility programmes to the EU and Erasmus+ partners for the next three years to 2021/22. More information is published [here](#).

- *Looking beyond Brexit*

The University's *EU Taskforce* provides strategic direction for the University to prepare for and navigate a post-Brexit environment. Chaired by Deputy Vice-Chancellor Andy Long, and reporting to the University Executive Board, it is modelling scenarios and developing approaches to ensure the University continues to thrive post-Brexit in terms of its student recruitment, research partnerships, funding and grants, and evolving its global outlook.

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