



## Papiers d'actualité / Current Affairs in Perspective

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Brexit and/or Mayxit?  
A commentary on the current  
political situation in the UK

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Britain is going through interesting times. Politics in the UK have been rather eventful as of late: after the very narrow pro-Brexit outcome of the referendum last June and the recent general elections which led to a parliament without clear majorities, the British political scene is anything but settled. Against the backdrop of a minority government and the looming formal Brexit negotiations with the EU, due to start on 19<sup>th</sup> June, more eventful months are likely to follow. This paper will investigate the state of affairs regarding the UK elections and the Brexit negotiations. It will do so by firstly, providing an overview of current developments and secondly, speculating as to the likely developments in the coming months and the implications both for the UK and the EU.

### How did we get this far? Brexit, Brexit, Brexit!

The reason for the rather tumultuous recent political events in Britain lies in the campaign of the Conservative Party (or Tories) for the general elections in 2015. The then-Prime Minister David Cameron of the Tories was leading a coalition government with the Liberal Democrats. Faced with pressure from anti-EU Tories and the rise of the – staunchly anti-EU – UK Independence Party (UKIP), Cameron made the relationship with the EU a major issue in his campaign in the hope of reaching an absolute majority in the upcoming elections. He promised to hold a referendum on EU membership if re-elected and to enter into negotiations with the other EU member states to renegotiate issues such as the free movement of people or the notion of the ever-closer political union. The former, fundamental, principle of the EU was especially contested in the UK due to polemics on the part of the UKIP criticising the influx of eastern European workers into the UK and thereby increasing the pressure on Cameron to attend to the issue. In light of the prevalent Euro-scepticism in the UK<sup>1</sup>, the prospect of renegotiating the free movement of people rules – and other political aspects of the EU – fared well with the voters and Cameron secured his absolute majority with 330 out of 650 seats. In December 2015, a bill was passed by the British Parliament to initiate the process of the Brexit referendum, which was later scheduled to take place on 23 June 2016. However, in subsequent negotiations with other EU heads of government, Cameron failed to secure major reforms of the free movement of people and the other issues contested. Yet, the other EU members were willing to make some concessions for cases where a severe situation of imbalanced immigration was declared and which could allow governments to reduce social benefits available to incoming EU citizens. For some members of his own party, such as then-London Mayor (and now-Foreign Minister) Boris Johnson or now-Brexit Minister David Davis, these changes were not sufficient and they campaigned for a departure from the EU altogether, as did UKIP. Cameron himself and other members of his government, including then-Chancellor of the Exchequer George Osborne or now-Prime Minister Theresa May campaigned for Britain to remain in the EU, much like the Scottish Nationalist Party (SNP), the Liberal Democrats, and the Labour Party (although somewhat half-heartedly on the part of several of its members including Jeremy Corbyn, the party leader).

Surprisingly for many observers, the referendum resulted in a small majority in favour of Brexit (roughly 52% to 48%) and the immediate resignation of David Cameron. He was succeeded by Theresa May who had been Home Secretary in his government. May committed herself to seeing through Brexit despite the small pro-Brexit majority (after all, only 4% more



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people voted for Brexit than for Remain) and the rifts this created in Britain (as Northern Ireland and Scotland voted to remain in the EU). However, May refused to immediately submit a request to the President of the European Council, Donald Tusk, according to Article 50 of the Treaty on the European Union, which would trigger a two-year period until the departure would become effective. This only happened on 29 March 2017. Meanwhile, May was criticised for not providing any clear indications as to what exactly the Brexit negotiations would look like and what her plans for a post-Brexit UK would be. Instead she reverted to proclaiming vague phrases such as 'Brexit means Brexit' (indicating that no new referendum would be held and that the UK would indeed leave the EU) and spreading optimism by alluding to 'bold and ambitious' policies that a 'truly Global Britain' could develop towards 'old friends and new allies'. Against the backdrop of signals from Brussels and EU capitals that Britain could not expect to maintain access to the common market without accepting the free movement of people, May also underscored that she would seek a clean cut, a 'Hard Brexit', with no remaining membership in EU institutions. Instead, she wanted to conclude a trade agreement with the EU within the two years of Brexit negotiations. This, in turn led EU politicians to counter that issues such as the 'settlement bill' (what financial commitments Britain would have to honour despite leaving the EU; some say it might be up to 100 bn Euro) and the status of EU citizens in Britain and vice versa would have to be addressed before trade negotiations would even commence. Overall, the relations between May and her European counterparts quickly deteriorated and on one occasion EU Commission President Jean-Claude Juncker was rumoured to question May's appreciation of the severity of the situation complaining that 'May is living in a different galaxy'.<sup>2</sup> It quickly transpired, arguably also to Theresa May, that the negotiations would be tough and concession would not be easily made on either side – and Britain's negotiating power towards the EU bloc is severely limited, being the much smaller and less powerful party in the negotiations.

### **Snap Elections: Or the myth of 'strong and stable leadership'**

Against this backdrop, but also in light of a looming new Scottish independence referendum (plans for which had been announced by Scottish First Minister Nicola Sturgeon – and rejected by May) and a largely dysfunctional Labour Party, on 18 April 2017, May called for general elections to be held on 8 June. She justified this move with the imminent Brexit negotiations and the need to have a clear majority in parliament to see them through and to strengthen her hand vis-à-vis the EU negotiators. May promised that the elections would result in her 'strong and stable leadership' securing a good outcome for Britain. She was confident that she would secure a broad majority for her party in the elections and arguably the fact that the Labour Party was far behind the Tories in the polls was also a tempting opportunity to cast a devastating blow to the party and its leader, removing them as a viable opposition force in Parliament. Moreover, it is fair to assume that May also wanted to gain legitimacy as she was not elected Prime Minister but only succeeded the elected David Cameron – a flaw which she probably wanted to rectify. However, in the weeks leading up to the elections May presented a rather disoriented Tory Party, with vagueness and a great deal of manoeuvring as to the final political manifesto and the policies for the new government. Her refusal to take part in a televised debate with her opponents together with her heavy-handed management of the campaign as opposed to a much more charismatic Jeremy Corbyn led to the gap between both parties quickly closing. These problems notwithstanding, the Tories were still leading by some margins, depending on what poll one was consulting, and it was generally expected they would win the elections and probably secure a majority. Yet the terror attacks in Manchester and London shortly before the elections opened the Tories up to criticisms of not being able to provide security and of having implemented an austerity policy at the expense of the safety of British citizens. While the impact of the attacks is difficult to assess, in all likelihood the Labour programme of increasing the police force by 10,000 – a point they had developed prior to the attacks – might have given them more credibility, and electability, in the run-up of the elections. Moreover, Corbyn and his party managed to mobilise young voters that would prefer a Labour government over one led by the Tories.



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The final outcome of the 2017 elections was a disaster for May and her party.<sup>3</sup> The Tories, while still being the strongest party, had lost 13 seats and therefore their majority in Parliament. The result was a 'hung parliament', a parliament without an absolute majority. May was seven seats short of the threshold of 325 seats needed to pass laws. Meanwhile, Labour, still 56 seats behind the Tories managed to gain 30 seats. The SNP lost 21 of its 56 seats but remained the third-strongest party. Interestingly enough, it was in the rather pro-European Scotland where the Tories won the most seats, 13. As a result, May was no longer commanding over a majority in parliament and needed to look for a coalition partner, or a party to support her minority government. She was also massively politically damaged as a result of the election: she gambled in an attempt to win more seats in parliament and ended up with less than the ones needed to govern. Under different circumstances this would have most certainly led to her immediate resignation but after having just gone through a change in leadership last summer, no Tory grandee immediately demanded her stepping down. Therefore, she kowtowed to her disgruntled party members but declared her willingness to lead a minority government. This government, so May hopes, will be tolerated by the centre-right, socially-conservative, pro-Brexit, pro-UK, Protestant-nationalist Democratic Unionist Party (DUP) party from Northern Ireland with their 10 seats in Westminster allowing for a majority of 2 seats in the Parliament – a far cry from 'strong and stable leadership'. At the time of this writing, the arrangement between Tories and DUP has yet to be formalised.

### The way forward: Does June mean the end of (Theresa) May?

May's decision to ally herself with the DUP did not go without criticism – obviously from opposition parties – but also from within the Tories. Faced with an alliance with the anti-abortion and anti-LGBTI (Lesbian-Gay-Bisexual-Transgender-Intersex) oriented DUP, the leader of the Scottish wing of the party, the openly gay Ruth Davidson, made it clear that 'there were a number of things that count to me more than party. One of them is country, one of the others is LGBTI rights.'<sup>4</sup> Given the fact that her Scottish party branch managed to secure most of the new seats in Westminster, Davidson's influence is likely increasing – and her opinions are becoming progressively more important. At the same time, May was forced to fire two of her top aides in an attempt to pacify angry voices within the Tory party. Even though, to date, no major Tory member has openly spoken out against May, it is clear that she is severely politically weakened, if not dead yet. It appears that she no longer has the political clout nor votes to secure an orderly and smooth Brexit process (which was her major justification for calling the election); least so as the 'Hard Brexit' promulgated by May does not seem to find sufficient support within the British electorate. Just a few days before the Brexit negotiations are due to commence May stands weak and without a majority in Parliament. The Queen's Speech, the proclamation of the new government's political programme, which was scheduled for 19<sup>th</sup> June, is likely to be postponed, showing just how difficult it is for May to build a functioning government and parliamentary majority.<sup>5</sup> On a side note, though, one of the outcomes of the elections is, that a new Scottish independence referendum is becoming less likely to take place anytime soon. The losses that the SNP suffered in the elections are likely due to a new referendum being unpopular with a significant part of the Scots. Sturgeon herself recognised that and indicated that the SNP would now have to 'reflect' on this. Against this backdrop it is becoming more unlikely that the referendum will be held before Brexit becomes effective as was initially planned.

Moreover, May has recently come under severe criticism for her handling of the crisis around a fire in a social-housing complex (owned by the state) in London which has claimed – to date – 30 lives. Her hesitation to visit the site of the fire together with the alleged lack of empathy she has shown towards the victims has added to the set of problems she is facing at the moment. In addition to this, the reasons for the fire (the government's austerity policy allegedly leading to neglect of safety standards, among others) seems to grant legitimacy to the claim by the opposition that the Tory government cares less about the 'many' (i.e. ordinary people) and more about the 'few' (rich people). The pictures of her fleeing an angry crowd of people near the building certainly challenges the notion of her being able to provide security and a stable government.<sup>6</sup>



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### Possible scenarios for the future

How, then, will the situation develop? At this stage, it is extremely difficult to make any clear predictions. However, a few scenarios are possible:

- 1.) The DUP will tolerate a Tory minority government and deals have to be struck every time a law is to be passed by Parliament to secure a majority for it. This is the declared intention of Theresa May. However, this would also be an extremely tedious and instable outcome and it is doubtful whether this arrangement would survive the Brexit negotiations with all the highly controversial issues they will involve.<sup>7</sup> Moreover, even with the DUP support, the government would only have a delicate majority of two seats that can all too easily vanish.<sup>8</sup>
- 2.) Theresa May will form a minority government without the DUP support and for every law, new majorities will have to be negotiated with opposition parties. This extremely fragile situation would certainly not last five years and it is doubtful this would even be considered an option in light of the major task of negotiating Brexit.
- 3.) New elections. In light of the failure to secure a majority, May could decide to have new elections. This would probably find the support of the opposition parties but would likely lead to the Tories losing more seats – and possibly the status of the strongest party. It would also risk exasperating the public by having yet another election and would show very openly just how weak the Tories – and May – are.
- 4.) Theresa May will (or will be forced to) step down as Prime Minister and the new Tory Prime Minister will call for new elections in the foreseeable future. To date, no major Tory politicians have implied such a development. But it is likely that Boris Johnson – and others – have ambitions for the post of Prime Minister and are preparing themselves to take over. A new Prime Minister could then more easily call for new elections so as to legitimise their position – especially with a view to Brexit – and a more charismatic person, such as Johnson, might think that they could win back seats and still secure a Tory victory. This would be a very risky gamble but might be the only viable option to produce a functioning government and majority.

Although pure speculation at this stage, scenarios 1 and 4 seem to be the most likely. Given the *de-facto* defeat that May has caused her Tory party, and the lack of a clear majority, it is doubtful that she will remain in her position for long and that she is considered powerful enough to negotiate a Brexit deal – or to rule this country for another five years. It seems more likely that – for purely symbolic reasons – she will remain in office for a few more weeks and then scenario 4 will occur. Whoever succeeds her might want to risk new elections hoping that they could win back some seats. Alternatively, this new Tory leader could even secretly fancy the idea of losing the elections – which could be easily blamed on May – thereby leaving the messy business of negotiating Brexit to the Labour party. The Tories would then be in the comfortable position of being able to criticise whatever deal came out of Brexit from the sidelines (i.e. the parliamentary opposition seats) and give the Prime Ministership another go at the next general election in a few years' time. People with ambitions for the job, such as Johnson, might consider this a tempting alternative rather than steering a government without a majority during these stormy Brexit days – a situation in which one can only lose.

### A softening of Brexit?

What are the implications of the current situation – and the scenarios pointed out above – for Brexit? On the one hand, and this is good news, an extremely 'Hard Brexit' (in May's words: 'no deal is better than a bad deal') has become less



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likely. Even if May's minority government survived, the DUP would probably not favour a situation that would lead to a hard border with the Republic of Ireland, thereby making it likely that Britain will have to make certain concessions to the EU. At the same time, the DUP is categorically opposed to any special status being granted to Northern Ireland in the Brexit process – as they want to demonstrate that Northern Ireland is an integral part of the UK – and therefore any deal negotiated with Northern Ireland in mind would have to be applicable for all of the UK. There are also more and more calls from within the Tory party that the negotiation position towards Brexit should also be determined in concert with the devolved governments (the administrations of pro-Remain Scotland, Northern Ireland, and pro-Leave Wales) and possibly even opposition parties. If May had to rely not only on the DUP but also on opposition parties to get a majority for any Brexit deal, a 'Soft Brexit' is the only way to secure this. If new elections were to take place and Labour won, a 'Soft Brexit' would also be more likely.

On the other hand, due to all the uncertainties, it is unclear now when the Brexit negotiations will start in earnest. The EU representatives know full well how damaged May is and that she is not very likely to survive as Prime Minister until Brexit takes effect in 2019. Public declarations by EU leading figures notwithstanding, it would be futile to negotiate any thorny issues with a Prime Minister that might not be in office for much longer, and then having to potentially completely re-negotiate everything with a new Prime Minister or government. Consequently, it might make sense for the EU to wait and see how the situation rolls out in Britain and only properly start serious Brexit talks later. At the very least, they will have to be prepared for many setbacks and a wobbly British position in the talks. Postponing the talks would be a nuisance to the EU, which has a clear interest in producing certainty as to the final deal as soon as possible – and many other issues beside Brexit to attend to.<sup>9</sup> But while certainly an inconvenience, delaying the talks would not cause any major problems for the EU. The opposite is true for Britain. When May triggered Article 50 on 29 March, a two-year clock started ticking, and ticking it is. Any delays in the negotiations – whether because of a delayed start or because a new government might change its position on negotiated deals – will increase the likelihood of no deal being negotiated once time is up and Britain having to rely on basic World Trade Organization rules when trading with its most important market.<sup>10</sup> Moreover, the longer it takes to conclude the final Brexit negotiations, the longer uncertainty continues for British citizens in the EU and EU nationals in the UK, as well as for British businesses. The EU can afford to wait, Britain cannot.

Whatever the domestic political developments within Britain over the next few months will be, Brexit – an already complex process – has just become even more complicated. Whether an urban legend or truly Chinese in origin, there is a purportedly ancient curse that says: 'may you live in interesting times'. Looking at the current situation in Britain domestically and vis-à-vis Brexit, one cannot help but feel a little cursed right now.

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### Footnotes

<sup>1</sup> Read the Papier d'actualité by Daniel Kenelay on the UK's relationship with Brexit for more information on this, see <http://www.fondation-pierredubois.ch/publications/2016-2/no62016-brexit-in-historical-perspective/>

<sup>2</sup> Thomas Gutschker, 'Juncker bei May: Das desaströse Brexit-Dinner', *Frankfurter Allgemeine Zeitung*, 1 May 2017, <http://www.faz.net/aktuell/brexit/juncker-bei-may-das-desastroese-brexit-dinner-14993605.html>.

<sup>3</sup> A word of clarification might be needed here on the voting system for the House of Commons, the Lower Chamber of the British Parliament: Members of Parliament are elected following a 'first-past-the-post' system, which means that one candidate – the one who gets the majority of the votes in his or her area – is sent from every constituency. Consequently, what matters eventually is not so much the overall percentage of the votes that falls to every party but how many constituencies they win over as this determines how many seats they will have in Parliament.

<sup>4</sup> 'Ruth Davidson given DUP Gay Rights Assurance', *BBC News*, 9 June 2017, sec. Scotland politics, <http://www.bbc.co.uk/news/uk-scotland-scotland-politics-40229826>.

<sup>5</sup> One of the justifications for a possible postponing of the speech is worth quoting as it shows the particularities of British traditions: 'One of the reasons for the delay is also believed to be because the speech has to be written on goat's skin parchment, which takes a few days to dry - and the Tory negotiations with the DUP mean it cannot be ready in time.', 'Queen's Speech Faces Delay as DUP Talks Continue', *BBC News*, 12 June 2017, sec. Election 2017, <http://www.bbc.co.uk/news/uk-politics-40243782>.

<sup>6</sup> See e.g. Nicola Slawson (now) Haroon Siddique, Matthew Weaver, and Bonnie Malkin (earlier), 'Protesters March as Anger Mounts over Grenfell Tower Response – as It Happened', *The Guardian*, 17 June 2017, sec. UK news, <https://www.theguardian.com/uk-news/live/2017/jun/16/grenfell-tower-fire-london-police-criminal-investigation-into-tragedy-latest-updates>; 'London Fire: Anger Mounting after Grenfell Tower Disaster', *BBC News*, 17 June 2017, sec. London, <http://www.bbc.co.uk/news/live/uk-england-london-40239008>.

<sup>7</sup> It is beyond the scope of this paper to discuss what consequences an involvement of the DUP – of whatever nature – in a UK government might have on the Northern Ireland peace process.

<sup>8</sup> To be precise, their majority might be slightly bigger as even though 326 seats are needed to have a majority, the Northern Irish Sinn Féin party has, to date, refused to assume their seats in Westminster, which means that the majority needed to pass laws would go down as Sinn Féin won 7 seats. However, if Sinn Féin's political opponent – the DUP – will tolerate a Tory government, Sinn Féin might possibly assume the seats out of opposition to the DUP.

<sup>9</sup> The lingering Euro crisis, the refugee crisis, the erosion of the rule of law in eastern European states, the troubled relationship with Turkey, President Trump, climate change, Euroscepticism and so on.

<sup>10</sup> Together, the EU states are, by far, the most important trade partner of the UK, see 'OECD - United Kingdom (GBR) Exports, Imports, and Trade Partners', accessed 13 June 2017, <http://atlas.media.mit.edu/en/profile/country/gbr/>; Office of National Statistics, 'Statistical Bulletin: UK Trade: Jan 2017', 3 October 2017, <https://www.ons.gov.uk/economy/nationalaccounts/balanceofpayments/bulletins/uktrade/jan2017#who-are-the-uks-biggest-trade-partners>.