

Brexit: May gets last-minute assurances, but will they be enough?

Prime Minister Theresa May's last-minute assurances from the EU may win over some of her opponents, but she still faces an uphill battle to get her deal approved later on Tuesday. One way or another, a Brexit delay still looks likely



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Prime Minister May's opponents appear to have been looking for a 'ladder to climb down'

On Monday night UK Prime Minister Theresa May made a last-minute dash to Strasbourg to sign off on a set of extra assurances on the contentious Irish backstop. The big question now is whether these will be enough to turn the tables in favour of her deal.

To recap, May faced a heavy defeat on her deal in January, and since then she has been focused on getting legally binding changes to the Irish backstop - an insurance policy against a hard border re-emerging on the island of Ireland.

Until recently, Brexiteers within May's Conservative Party have been demanding the backstop be removed from the deal entirely in order to secure their support for the deal.

But in recent days, the calculation has begun to change. A delay to Brexit now looks inevitable one way or another, while more moderate/pro-EU lawmakers are likely to try to force a series of indicative votes in Parliament to determine whether an alternative Brexit strategy can command a majority.

In theory, both factors could see Brexit watered down (if say Parliament backs a permanent customs union) or stopped entirely (if a long Brexit delay eventually leads to a second referendum). This has put pressure on the Brexiteers to rethink their positions on May's deal, and recent comments suggest some are "looking for a ladder to climb down".

These latest assurances are unlikely to be enough

So following the Prime Minister's latest assurances, will the Brexiteers take the ladder May is offering them? Well to follow the analogy, this is certainly not the ladder they wanted - as one journalist put it, several rungs are missing.

Unsurprisingly, the assurances do not include the unilateral exit mechanism many MPs were asking for. Instead, there is extra clarity on an arbitration panel (which was already part of the deal), which would allow either side to challenge the other if it didn't think they were acting in good faith in future trade talks - although crucially failure to do so would initially result in "temporary remedies" rather than a full-scale removal of the backstop.

The deal also does not come with a time limit on the backstop - another key Brexiteer demand. Here, there is a commitment to pursue alternative arrangements to replace the Irish backstop at some point in the future. However few experts believe this will be possible - the technology simply doesn't exist to perform border checks remotely.

These changes may still be enough for some, more moderate, pro-Brexit MPs. Many though will be waiting to see the Attorney General's latest legal advice this morning, although given there have been few (if any) meaningful changes to the deal, it's hard to see Democratic Unionist (DUP) lawmakers swinging behind it.

Their support is seen as the key to unlocking much wider support from the pro-Brexit European Research Group faction of the Conservative Party. If the vote were to be perceived to be looking close, then some believe that 20-30 Labour lawmakers (those that represent big leave-supporting areas) may also decide to back the deal - although they are unlikely to do so unless they seriously believe the vote stands a good chance of passing.

To us, it still looks more likely that PM May will lose the vote later on Tuesday, but her latest reassurances may help reduce the scale of defeat to something close to 50-100 votes, from what otherwise might have been a heavy three-figure loss.

If she does lose, then focus will switch to a vote later in the week on extending the Article 50 negotiating period beyond 29 March. There is still a lot of uncertainty over how long a delay might last, although the wind appears to be blowing towards a shorter time period - perhaps just two to three months. As part of the package of announcements on Monday night, the EU said that any extension beyond 23-26 May would require the UK to hold European Parliamentary elections.

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