LSE European Politics and Policy (EUROPP) Blog: Politicisation and international negotiations: Why delivering on Brexit proved impossible for Theresa May

Page 1 of 3

# Politicisation and international negotiations: Why delivering on Brexit proved impossible for Theresa May

*The Brexit negotiations led by Theresa May ultimately ended in failure for both British and European negotiators. Drawing on a new study,* **Felix Biermann** *and* **Stefan Jagdhuber** *explain why reaching a workable compromise proved impossible.*

Theresa May's unfortunate tenure as British Prime Minister was undone by her inability to secure parliamentary support for her EU withdrawal agreement. Boris Johnson subsequently led the UK out of the EU with a harder form of Brexit than many had hoped for following the 2016 referendum. But why was a soft Brexit so difficult to deliver?

In a new study, we analyse the EU-UK negotiations between 2018 and 2019 that culminated in May's resignation as Prime Minister. The negotiations were emblematic of the challenges that political actors now experience when attempting to secure compromises – the core discipline of politics.

To many observers, May's approach appeared erratic, with her deal being tabled in an almost unchanged format on three separate occasions in parliament, failing each time to win sufficient support. However, given the constellation of preferences that was generated by domestic politicisation processes in the UK, the Prime Minister's task was virtually impossible.

**Politicised bargains**

The Brexit negotiations were a case of politicised bargaining. Politicised bargains characterise intergovernmental agreements within the European context and beyond. The handling of the euro and migration crises or the cumbersome establishment of the Covid-19 recovery fund are other prominent examples.

Politicisation has two significant effects. First, when domestic opinion is polarised, traditional modes of majoritarian preference formation fail, and governments can no longer be sure that their bargaining mandates are stable. Second, rational governments aiming to stay in office therefore consistently need to reassure their domestic supporters while trying to realise optimal results at the international level.

Together, this leads to a dissolution of the confines between domestic and international arenas. Without politicisation, governments can use domestic resistance to play a *tying hands strategy*: they can argue they need a better deal to get it accepted at home. Ratification, then, is a sure-fire success because the public either does not know or does not care. When an issue is politicised, however, the government's *hands are actually tied* by domestic opposition. The government negotiators can never be sure whether the deal will be ratified. They repeatedly need to promote their bargaining position at home. The result is the negotiator's weakened position vis-à-vis their international partners.

**Nested games**

Putting it slightly more theoretically, in times of politicisation, international negotiations change from two-level games into *nested games*, increasingly narrowing governments' room for manoeuvre. In two-level games, international and domestic bargaining occurs sequentially and under the condition of clear, stable and pre-defined preferences. Agreement and compromise are only a matter of negotiation.

In nested games, domestic preferences are unclear and unstable due to polarisation. Moreover, domestic preferences are susceptible to processes in the international arena, which occur in parallel. In a worst-case scenario, governments face irreconcilable demands. When international bargaining partners and powerful domestic opposition voice opposing demands, agreement and compromise become an impossibility.

**May's impossible choice**

Theresa May inherited such a worst-case scenario from her predecessor, David Cameron, who resigned as Prime Minister after unsuccessfully campaigning for Remain in the EU referendum. Strikingly, when Theresa May was appointed Prime Minister in July 2016, she was not only sharing her predecessor's position on Brexit. She also shared the same political destiny three years later. Once appointed as Prime Minister, May had to deliver on Brexit. She faced a choice between pursuing a softer Brexit that resembled Norway's membership of the European Economic Area (the EU's preference), or a hard Brexit similar to Boris Johnson's revised withdrawal agreement (the Brexiteers' preference).

May faced irreconcilable demands across domestic and international levels. In light of the EU's material bargaining power, she soon had to give up on 'red lines' that Brexiteers dictated at home. She became stuck in a nested game that played out as an irresolvable impasse. Prominent Brexiteers threatened to reject the withdrawal agreement if May could not revise it, especially the prominent backstop arrangement. On its part, the EU outright rejected any amendments to the agreement, calling it the 'best deal possible for Britain'. With the soft Brexit option being rejected at home, and a harder Brexit being ruled out by the EU, there was nowhere left to go.

**Figure 1: Politicised Brexit negotiations as nested games**
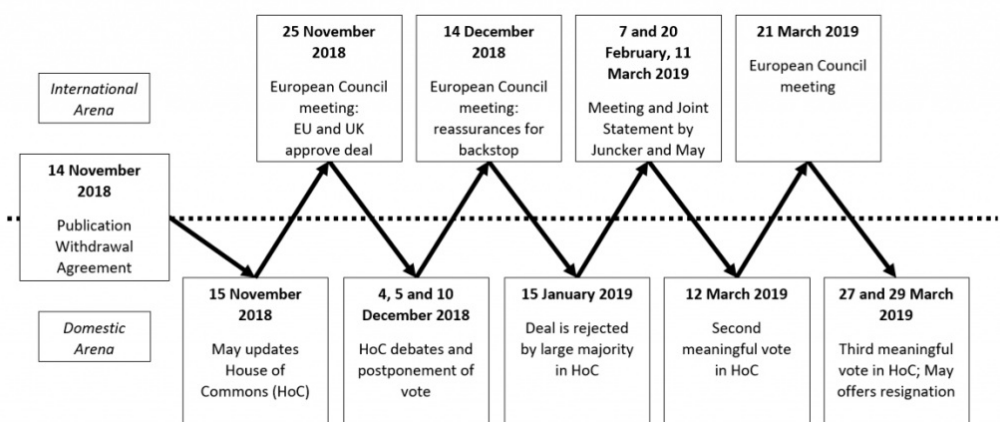


*Note*: **For more information, see the authors' accompanying paper in West European Politics**

In light of this impasse, May's strategy was entirely rational. With the public keeping a sharp eye on the Prime Minister, she pursued a course of unpromising shuttle diplomacy, weak concessions towards both sides, and tying her political career to treaty ratification in the House of Commons to put pressure on Brexiteers (as illustrated in Figure 1). She lacked a clear and stable mandate and was forced to commute between London and Brussels, seeking and receiving minor concessions from the EU and presenting these at home.

The first concession was the EU's agreement to extend the non-binding political declaration. However, any hope that more positive language would make it possible to sell the deal at home quickly vanished. May's minor amendment received a lukewarm response in parliament, and the vote had to be postponed. May crossed the Channel again and asked her European peers to ensure the UK would never be trapped in the backstop. All she got was a short statement in the final European Council communiqué of 15 December 2018. The EU's verbal promises to work on a subsequent agreement before the backstop would kick in did not satisfy Brexiteers' demands for substantial revisions, and the first vote in the House of Commons was unsuccessful in January 2019.

May's shuttle diplomacy continued until 12 March 2019, when the Brexiteers rejected the deal for a second time given the Prime Minister could not meet their central demand of getting rid of the backstop. She had one last-ditch move left: two weeks after her second defeat, she tied her political career to the third meaningful vote in parliament and eventually offered to resign. The loss of this vote sealed May's fate and ultimately ended any chance of a soft Brexit.

**Rational strategies**

LSE European Politics and Policy (EUROPP) Blog: Politicisation and international negotiations: Why delivering on Brexit proved impossible for Theresa May

Page 3 of 3

Theresa May failed, but her bargaining strategy was rational given she faced substantial domestic politicisation and hard-nosed international bargaining partners. Whenever governments are simultaneously confronted by domestic politicisation and negotiations with international partners, they find themselves in a nested game. In the absence of a clear domestic mandate, governments are likely to have a hard time bringing domestic and international interests together. In the worst case, they may be confronted with irreconcilable demands.

May's successor played it rationally, too. Boris Johnson managed to reopen the deal with the EU and ensure ratification. He ultimately had what May lacked, a relatively stable domestic mandate for a hard Brexit and thus a credible licence to threaten a 'no deal' Brexit, an outcome that the EU wished to avoid.

This approach was not without consequences. Johnson is now under pressure from mounting calls for a second Scottish independence referendum, in part because his Brexit model is unpalatable to many Scottish voters, 62 per cent of whom voted for Remain in 2016. Whether Johnson will now fall victim to his uncompromising strategy of sacrificing unity for sovereignty remains to be seen.

***For more information, see the authors' accompanying paper in [West European Politics](#)***

*Note: This article gives the views of the authors, not the position of EUROPP – European Politics and Policy or the London School of Economics. Featured image credit: [European Council](#)*