

Tim Shipman:

The Brexit revelations: May's no-deal, a Canada plan and mating porcupines

Blundering, backstabbing, tampering with chairs ... our chief political commentator has seen it all and written the myth-busting inside story



Key revelations

Michel Barnier, EU chief negotiator, bypassed by European Commission, who were privately helpful to UK. Breakthroughs secured in secret meetings on hotel roofs between Oliver Robbins and Martin Selmayr, EU official dubbed “Monster of Brussels”

Three senior figures in government legal service gave Theresa May different advice to attorney-general Geoffrey Cox, whose ruling sunk her deal, saying UK had strong case to escape from Northern Ireland backstop

For 48 hours in mid-March 2019, May seriously considered no-deal Brexit — and David Cameron was prepared to make an intervention

Tories and Labour agreed draft deal in spring 2019 after secret talks involving “Mating Porcupines” WhatsApp group — but neither side thought they could sell it to MPs

May initially backed and then abandoned plan to turn

In the end, I endured Theresa May's premiership for twice as long as she did. For the past seven years I have been writing the final book in a trilogy about the Brexit years in British politics. Every time I thought the end was in sight, Westminster erupted into another round of psychodrama. Closure remained as tantalisingly out of reach for me as it often seemed to be for Brexiteers and Remainers.

In the end so much happened that my publisher decided to make it two books. The first of them, *No Way Out*, the story of Theresa May's three negotiations — with her cabinet, the EU and finally with parliament — comes out on Thursday. The second, *Out*, is published in June and covers the Johnson, Truss and Sunak governments. They are an attempt to tell the full behind-the-scenes story of the most explosive period of domestic British politics since the Second World War. When I was pondering my own vote in those distant prelapsarian days of 2016, I felt Britain was not a natural member of the political institutions in Brussels: too independent minded, too rooted in parliamentary democracy and the ability to change those who rule us. My doubts centred on the economy, cutting ourselves off from our largest market, and a suspicion that the British state was not really set up to handle the process of [Brexit](#) or take advantage of the opportunities it presented.

I believed, frankly, that we would botch it. Everyone will have a different view about how prescient this was. I'll just say that, since January 31, 2020, when we left the EU, we have been free to make our own mistakes, and boy have we made them.

Power won and power wasted



PHILIPPE LOPEZ/AFP/GETTY IMAGES

Despite the fact that we all live daily with the consequences of the 2016 referendum, there are plenty of enduring myths. People tend to think Brexit was primarily driven by ideology, but as I waded through more than 260 interviews and 3.3 million words of transcripts it struck me that the real subject was not Brexit but power: how it is earned and stolen, how it is used, how it is wasted and how it is abused. The story of the past seven years is one of power failure. Brexit was a spectacular failure of leadership, political strategy and communication. The myth, widely accepted, is that it was riddled with such inherent contradictions and difficulties that it was, to all practical effects, impossible — that it would have defeated any prime minister.

But the Brexit we got was one which was shaped, disproportionately by the personality of [Theresa May](#), a leader who first didn't know where she was going; who, when she did decide, felt the need to conceal it from her cabinet and then, when it burst into the open, refused to heed anyone in Brussels or Westminster who (correctly) told her it would not work. None of these people, sitting in a meeting with her, told me they had a clue what she really thought.

Secret deals and sharp practice



PHILIPPE LOPEZ/AFP/GETTY IMAGES

One of the biggest myths is that Brussels took an irredeemably hard line and never wavered, that Michael Barnier’s signature achievement as EU negotiator was to keep everyone in Europe on the same page. That the only way to bypass the European Commission was to appeal over their heads to the member states, usually Germany. This view informed a lot of reporting from Britain at the time, not least my own.

But the real story is more intriguing — and perhaps an object lesson for a Starmer government if it seeks to renegotiate aspects of Britain’s relationship with the EU. At every key stage, the member states (and France in particular) played hardball. The weary pragmatists were those in the commission, including its president, Jean-Claude Juncker (often depicted in the British media as a drunk) and his sidekick Martin Selmayr (branded “the Monster of Brussels”). They sought to secure for May a version of what she wanted, repeatedly going the extra mile when even EU bureaucrats had concluded her plan did not work.

Breakthroughs were thrashed out not in the negotiating room but in clandestine meetings in dark restaurants or on hotel rooftops between Selmayr and Oliver Robbins, May’s chief negotiator. Juncker and Selmayr in effect overruled Barnier.



Jean-Claude Juncker, then president of the European Commission, right, with the secretary-general, Martin Selmayr, in 2018

PHILIPPE LOPEZ/AFP/GETTY IMAGES



Michel Barnier, greeting Theresa May in Brussels in 2018, was overruled by Juncker and Selmayr

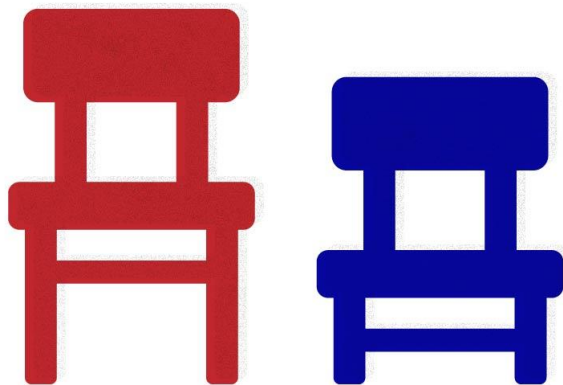
PHILIPPE LOPEZ/AFP/GETTY IMAGES

A similar story defined Boris Johnson's negotiations, where Stéphanie Riso, working on behalf of Juncker's successor, Ursula von der Leyen, and Johnson's point man, David Frost, were smuggled in and out of each other's buildings to come to a deal behind the back of Barnier. This culminated in the Frenchman passing a note, via a waiter, under a door threatening to resign unless he was admitted to one set of key talks.

My broad (if banal) conclusion from watching the four iterations of the Tories since 2016 is that it is really important for politicians to be good at politics — but it is one that surprisingly few politicians accept, preferring to talk about their beliefs and their dedication to public service. A little belief is vital in a politician: it gives them direction and purpose, a backbone and a compass for navigating a complicated world. But being good at the political game is not a luxury or a slightly sordid extra.

For my money, the only time politics was done with direction and skill in the entire period was the second half of 2019, when [Johnson](#) and [Dominic Cummings](#) set a clear goal and resorted to extreme means to achieve it, with every political adviser and civil servant clear on what the central driving mission of the government was. By January 2020, these alpha males were already at each other's throats, long before Covid tore them apart.

The incident of Barnier's chair



The story of Brexit is not just the story of power failure in Downing Street. Many of the forces ranged against successive prime ministers were also inept. Hardline

Brexiters knew where they wanted to go but lacked the skills to take many others with them. The various Brexistance groups could not decide among themselves where to go and spent as much time thwarting each other as they did May.

I decided to open the book with Otto von Bismarck's quote about politics being the "art of the possible". When I looked up the precise wording, I came to appreciate his genius all the more, since there is a second line, which almost nobody knows and which every politician should be able to recite by heart. What he actually said was: "Politics is the art of the possible, the attainable — the art of the next best." Too often in the years after the referendum, the hardliners on both sides — which by 2019 was nearly everyone — failed to heed Bismarck's dictum. The hardcore Brexiters refused to vote for an actual Brexit deal in any form, eventually gravitating towards no-deal. Gavin Barwell, May's chief of staff, told me: "It seemed sometimes like Brexiters would do anything for Brexit apart from vote for it."

Similarly, the "Brexisters" in their many forms (anti-no deal, pro-customs union, pro-Norway, pro-referendum) refused to back any solution but their own. On the two occasions when parliament was given a multiple-choice vote on which solution they preferred in the spring of 2019, most of them versions of soft Brexit, MPs voted down every option. There was a clear majority in parliament for a Brexit settlement that left us closer to the [EU](#) orbit than we ended up with and no one was able to locate it.



May bid adieu to the office of prime minister with a tearful resignation speech in July 2019

PA



Boris Johnson had clear goals — and wasn't afraid to make a point

If reading this is bringing you out in hives at all the agonising memories, it's worth recalling that the Brexit years were also farcical and funny. On one occasion when he was Brexit secretary, David Davis's aides sawed off part of the legs of a chair to make it shorter so Barnier was at a disadvantage in a news conference. Kit Malthouse used chocolate oranges stolen from his children's Christmas stockings to entice fellow MPs on both sides to join his compromise plan. Johnson appointed Iain Duncan Smith chairman of his 2019 leadership election campaign — and then told his aides to hide behind the furniture while Duncan Smith knocked in vain on the door of campaign headquarters.

The 'Mating Porcupines' group

For anyone who thinks the course of Brexit was pre-ordained or inevitable, the book shows there were multiple untrodden paths which might have caused things to turn out differently. There's the meeting in January 2018 where every single minister in the Brexit department (including Remainers) supported a Canada-style free trade deal which Boris Johnson eventually pursued, rather than the closer alignment desired by May. She ignored them.

There's the full story of how Theresa May standing up to Donald Trump at a summit persuaded the Commission to offer her a five-year pause in Brexit, a deal outlined over dinner by Selmayr to May's deputy David Lidington.

In the end her problem was that she could never get MPs to choose her deal over a second referendum or no-deal. How much easier might May's job have been had she adopted a plan put forward in mid-2018 by her director of legislative affairs, Nikki da Costa, who suggested a second meaningful vote should be converted into a motion of no-confidence in the government with the threat of a general election behind it. May initially seemed supportive, but the plan, dubbed "King Pong", was killed off by her chief whip Julian Smith, with help from Oliver Letwin, who later took advantage of its absence.

The book also discloses the existence of a secret back channel between the Tories and Labour during the difficult cross-party talks in the spring of 2019. Letwin, Nick Boles and Labour MPs such as Lucy Powell worked together with a former Labour official to brief both May and Jeremy Corbyn's aides about what their rivals were really thinking to try to get them to come to a deal. These communications, secret until now, were conducted partly in a WhatsApp group called "Mating Porcupines".

The most important pivot point of all came in March 2019, when Theresa May signed a tweaked deal with the EU in Strasbourg and put it to the second meaningful vote. Her hopes were sunk by Geoffrey Cox, the attorney general, whose legal advice said it still gave no escape from the Northern Ireland backstop. The book reveals that on six separate occasions Cox warned May not to proceed, telling her it was not enough.

But the sting in the tail is that this was not the view of the government legal service. Jonathan Jones, its head, concluded the new text would give Britain a way of winning a case in an international court to escape the backstop. This was not just Jones's view. Daniel Denman, the director of the Cabinet Office's European law division and senior lawyer in the Department for Exiting the European Union (DExEU), and Cathy Adams, legal director of the government legal department, agreed — and that view was even shared by the lawyers in the attorney general's own office. Views were also sought from EU law experts outside government, and they agreed with Jones. A senior civil servant said: "They said [the new deal] ended the Brussels trap. Their argument was it materially changed the legal position."

Cox made no mention of this view in his legal advice. Jones told colleagues: "My punchline would have been different." Had his view been leaked or published, more moderate Brexiteers might have backed May and, if she looked like winning

the vote, Labour MPs in Leave seats would have backed her too. It is a longshot, but there is a non-zero chance she could still be PM.

After this defeat, despite claims that she never contemplated no-deal, May seriously thought about leaving without a deal for around 48 hours. Concern was so great that David Cameron privately penned an article against no-deal and prepared to make his first major public intervention on Brexit since stepping down as PM. But in the end, her position weakened further, May had second thoughts.

The endless negotiation



When my fourth book on Brexit is published in June, the quartet will comprise more than a million words chronicling seven years. But what does it all mean? On the face of it, not much has changed. David Cameron is back in the cabinet as a lord, immigration (the issue he was trying to solve) is back at the top of the news agenda — and there's another plot against a Tory leader. Only Remainers tend to point out the problems with the Brexit settlement and only Brexiteers look for the potential benefits. On the other hand, everything has changed. Whether Brexit is good or bad, it is both here to stay and a never-ending negotiation.

Writing so much about power failure is enough to make a man cynical but I am somewhat optimistic. After a period of confrontation, the British state and the pragmatists in the European Commission have been quietly working to iron out a lot of the problems with the various Brexit deals. Sir Ivan Rogers, the former British ambassador to the EU, told me when he resigned at the start of 2017 that

the UK would have to go further “out” than was logical, so the EU could convince the other member states that it was undesirable to leave, and to convince the Brexiteers that we had actually left. Later, he believed we would ease into an outer circle in Europe — outside the institutions.

In July, Britain will host the new European Political Community, an organisation bringing together the EU and non-member states. There is talk of a European defence pact to shore up Nato in the event of a new Trump administration losing interest. In another seven years, it is possible we will have found either a new economic accommodation with the EU or worked out how to make the most of regulatory freedom. Whatever happens, I am sure of two things. It will take better leadership than we have seen for the past seven years. And someone else will have to write that story.

No Way Out — Brexit: From the Backstop to Boris *by Tim*

Shipman (HarperCollins £26) is published on Thursday. To order a copy for £23.40 go to [timesbookshop.co.uk](https://www.timesbookshop.co.uk). Free UK standard P&P on orders over £25.

Special discount available for Times+ members. Out: How Brexit Got Done and Four Prime Minister Were Undone is published on June 20.

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