

By suggesting there is agreement where I am not sure an...

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Some things in life are best mused upon before an opinion is formed. Theresa May's deal with the EU is one such thing. A couple of days after her, quite surprising, trip to Brussels to confirm that everyone had apparently fallen into line and agreed that progress to the second round of talks could begin quiet reflection suggests that this is little more than a sham, but one that happens to suit all parties.

Let me be clear about what I think a sham is. Most simply stated it is something that is not what it purports to be. What I am saying is that only in the sense that this agreement allows progress to a second round of talks is it anything of use. To that extent there is a deal: otherwise everything remains on the table.

It is entirely true that the EU has revealed its own eagerness to reach agreement. To that extent alone May achieved a goal, and the EU did buckle. But, May conceded everywhere else.

She has conceded that if there is no agreement on the Irish border then the UK will, perforce, effectively stay in the customs union, at the very least.

And she has agreed to pay.

Whilst the continuing role of the ECJ has been conceded.

And the UK has had the letter of its new deal with EU citizens currently resident in the country spelt out to it, [in great detail](#).

I am now not sure that any of these arrangements can be revoked. Most importantly, the agreement with Ireland, weak as it is, sets out terms for a future relationship that could only be ignored at great peril to any future standing that the United Kingdom might have with regard to international relations, let alone in Ireland itself. Whatever the Brexiteers may say, this concession guarantees that the UK will, in effect, stay in the customs union until such time as Ireland agrees otherwise. The scope for any alternative trade deals is now so limited as to be effectively off the agenda for good. Or rather, the agreement either says that or, alternatively, it is no deal at all. In other

words, it might just be a sham, which is no deal at all.

And that, I think is possible. This supposed deal either says that we are in effect paying a great deal of money to continue just about all existing arrangements barring those on migration, where rights will be restricted at enormous cost to the UK, in which case it is a sham of an exit deal (which I think the EU knows, and is happy about because it knows that in practice the UK will have to relax those restrictions in any event because it cannot survive without EU migration) or it is a complete sham that will reveal just how inadequate the UK's negotiating skills are, and just how treacherous its position is, because to secure agreement from the Brexit lobby every one of the commitments now made will have to be put back on the negotiating table to secure an eventual deal to which they will consent, meaning it was no deal at all.

I strongly suspect that this 'deal' was a charade that suited both sides. The UK has been forced into a corner by the EU, but in the terms of its continual games of compromise that are how it makes progress it thinks that this deal is something it can build on because it has won on all major points, whilst the UK thinks it has got 'one over' the EU by saying all negotiating points remain on the table in round two of the talks, which can now begin without any meaningful expectation that they will deliver anything like the Brexiteers want, but which from their point of view prevents this being realised before the alternative of crashing out in March 2019 becomes an inevitability.

And since I believe the two sides really do not understand what the other thinks it has gained this is a sham, because the deal is not what it purports to be. And in that lies its danger, and why this is not something to celebrate. David Davis says this deal makes it harder for the UK to crash out of the EU. I am not at all sure I agree. By suggesting there is agreement where I am not sure any such thing exists it may be very dangerous indeed.