

Resistance

'COULD WE EVEN



LOSE BREXIT?'

Wishful thinking from an obsessive bad loser outside Parliament. However the real threat is not from the (Reject the) People's Vote rabble, but those close to the PM.

This issue has been the hardest yet to complete, needing constant rewriting due to a flux of rapid changes as 'Brexit Day' approaches.

Parliamentary researcher Christopher Howarth, was upbeat on BrexitCentral, writing that not much could stop Britain leaving the EU on 29 March.

MAY'S CHAOS HITS CRISIS

Although this is the default under the EU Withdrawal Act 2018, a deal has not been passed and the necessary preparations are not complete – either for a deal or 'No Deal'.

This also seems true on the continent and many British businesses have not made preparations believing that there would be some continuity from an orderly Brexit. Read some sort of deal.

This is not to say that operational governments have sabotaged Brexit in any way – the National Audit Office has paid tribute towards the work done by DEFRA, and HMRC has managed a risky upgrade for CHIEF (customs declarations IT system).

The biggest operational risks the NAO identified – in a 'worst case' look at civil contingencies planning – were

- more immigration checks abroad
- border delays affecting flow of goods for up to 6 months
- less choice and availability of some fresh food supplies.
- price increases across utilities, food and fuel.

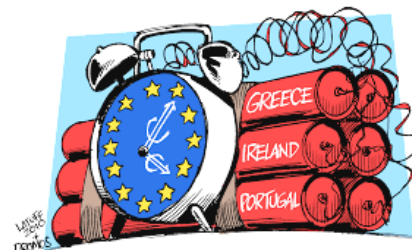
The real problem – identified by the Institute for Government (IFG) – was a failure to pass necessary legislation – no less than 6 Acts of Parliament needed for trade, etc. Of the lesser regulations (Statutory Instruments or SIs) under half of the 600 needed had been passed.

A short extension would be needed for the SIs, which can take about 6 weeks to go through. Brexit Day can also be delayed by an emergency SI, but with parallel EU agreement needed.

Things are complicated by Speaker John Bercow's ruling that the same motion (i.e. for the EU Withdrawal Agreement) cannot be voted on again without substantial changes.

Some might see the PM's hand being strengthened as without concessions from the EU, a deal will not go through – risking a disorderly Brexit (EUspeak for 'No Deal') that the EU is 'hell-bent' on avoiding...

I think they [my colleagues] can see that there is a growing risk of no Brexit
– Brexit Secretary Stephen Barclay



As any extension must be unanimously agreed, any EU member could insist on their own demands, even a trade-off on an unrelated issue, before committing.

However the EU could name its price for a longer extension that would see them suffer British (and most likely anti-EU) MEPs kept on in the European Parliament. Brexit minister Chris Heaton-Harris somewhat hyped it that the EU could exploit the chaos to demand a five-year delay. However EU negotiator Barnier said a longer delay would only be granted if "linked to a new event or political process", implying an election or referendum.

Lead anti-Brexit mutineer Dominic Grieve MP unsurprisingly calls for a referendum condition to be attached. By coincidence, Maltese leader Joseph Muscat claimed in September that EU leaders were "unanimous – or almost unanimous... that we would like the almost impossible to happen, that the UK has another referendum."



The May fan club is up in arms at the prospect of her fake Brexit In Name Only deal being threatened.

IFG's Catherine Haddon outlined how the Commons *could* find a way to vote again on the deal, but by the *Mail's* own calculations, it would likely be rejected by at least 349 MPs.

Others warn that Bercow has an agenda to derail Brexit, and can continue to be selective in the way that he applies the rules.

The PM has been keen to avoid a second referendum, not just to keep down tensions within her party, but as it would give a massive boost to the Scottish IndyRef2 campaign.

She could try to coax the EU with a general election offer, but this does not guarantee any solution. It could just add to delay and uncertainty.

A paralysis of indecision seems to have set in. Michael Roth, Germany's Europe Minister, seemed desperate to get a result. 'We are really exhausted by these negotiations'. Brexit is not top of the EU27's priorities.

Given that they want Britain out of the EU institutions, they could just pull the plug. The Commission has threatened a 'No Deal' Brexit with stop-gap arrangements only in the EU's interest and cancellable without notice. The resulting disruption might then be used to force Britain back to negotiations and to accept their lousy deal?

However any disruption would rebound on EU economy, supply chains, investors and nationals working in the UK – and just before some difficult European Parliament elections. Common sense would dictate not harming an important customer and military ally. Would the EU really gain in the long term from poisoning the important future relationship?



From chaos to sense and hope?

In desperation, some anti-EU figures feel that we should swallow May's deal as the least worst option. These include Conservative Home's Mark Wallace, the Guido Fawkes blog, the Sun and Express editorially. Plus a number of Tory MPs including Philip Davies and Esther McVey.

McVey resigned energetically from the Cabinet over a deal that sells the UK short, the unacceptable backstop and loss of public trust.



Not smiling now? But between 40 and 65 of their MP colleagues are holding firm.

Both would have been happy to leave without a deal, but she sighs "you saw no deal removed." "This meant that the Government's deal "was the only deal in town to get out of the EU."

Barnier disagrees, warning that MPs voting against "No Deal" would not prevent it from happening and urged preparations to be finalised. (Lord Lamont is right that 'No Deal' does not strictly exist as there are side-deals, it is a term of convenience.)

PRO-SOVEREIGNTY AND TRADE

There are other options. A sane government would demand our rights in the UN Charter and the spirit of the WTO Agreement to be respected in a pro-sovereignty deal, that would keep trade flowing – much like other EU trade deals. It could take the EU27 to the UN to get their bullying ruled out of order. (MPs were copied an explainer, but to no avail.)

We are limited short-term by the (low) quality of what the public elects. Even so, the IFG sees cross-party working might produce a deal based on the EEA (which unlike the backstop, Britain can easily leave.)

Parliament recognises we must leave and the EU has learned the hard way that there are limitations on what it is prepared to pass. Martin Howe QC of Lawyers for Britain sees the lesser of evils as extending negotiations rather than taking the PM's trap of a deal.

The Get-out-of-Jail card seems to be the **WTO Waiver**. AKA GATT Article 24, it would allow Britain and the EU to suspend any WTO Agreement rules for up to 10 years, pending a new Free Trade Agreement. It covers **all** 'annexed agreements' – on goods, services, intellectual property, etc, helping trade to continue freely.

However the government dissembles that it is only supposed to be used where there isn't an existing FTA !!! This is not backed by the GATT text or former WTO head Pascal Lamy, who felt that WTO lawyers would be pragmatic in allowing it to ensure that trade kept flowing!

- ✳ Former EU judge Franklin Dehousse criticised the EU for breaking its own rules over sneaking the backstop into the Withdrawal Agreement, as it would technically be a 'future relationship' matter.

An astute UK government would have queried why, by the EU's own lights, it says it could not have a free trade agreement (even stop-gap) in the Withdrawal Agreement.

- ✳ Legal experts Gavin Phillipson and Alison Young say that the PM could only revoke 'Article 50' notice of withdrawal with an Act of Parliament.
- ✳ Another expert, Robert Craig, argues that the PM can just use the Royal Prerogative to move Brexit Day; no new Act is needed.



The Mail's trashier stablemate *Metro* had a whingeing article against Tim Martin using the Wetherspoon's pub magazine for 'propaganda'. If they actually read it, they'd find that Martin presented both sides of the EU issue

Metro's own propagandistic articles included "Huge number of people started using antidepressants after Brexit referendum" and "Thousands more will die of heart attacks or strokes due to Brexit". Snowflakes!

✳ The BBC website has been using its Sport pages to promote the pro-EU views of Liverpool's eccentric German manager, Jurgen Klopp. However they're quiet about other figures like England's goalkeeping legend Peter Shilton being anti-EU.



SPOT ON: "That's another fine mess you've got me into, Ollly [Robbins]"

✳ The BBC irresponsibly rehashed Sky News propaganda that Honda's planned Swindon works closure was due to Brexit – something quickly denied by Honda. The closure is related to less demand for cars on the continent and a move away from diesel engines – which are both related to EU policies.

However the BBC soon made up its 'clarification' with other propaganda by 'outside experts' - *How Brexit hit the pound in your pocket*. A biased article failed to mention that the Pound fell in value after previously being over-valued against a weak Euro. It also played down the benefit to exporters and FTSE100 firms.

✳ Hying a Volkswagen executive's use of a phrase similar to a WW2 concentration camp slogan, the BBC effectively drew attention away from VW's plans for 7,000 job losses in the move towards electric cars.

✳ BMW has confirmed Oxford as the main site for producing the Mini.

SPOONS OR MUGS? *Metro* quoted an anon (and foreign) employee to attack ardent Brexiter Martin.

✳ Rodney Atkinson's *Freenations* website reports that two of the organisations promoting marches in London for a second referendum have received direct funding from the EU. European Alternatives received €300,000 and the European Movement €350,000.

References and notes for this issue <http://www.newalliance.org.uk/ref319.htm>
Also links to a Glossary of terms used.

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