

# Resistance

## 'SABOTAGING BREXIT?'



**VICHY BRITAIN?** May hands Juncker the keys to No 10 until 31 December 2020?

Machiavelli wrote that nothing met more opposition than change over to a new order. On the morning after the referendum, the BBC had lined up 'Bregrets' – stories from those who allegedly regretted voting Leave.

Then there were the court cases, including one raised in an Irish court. Now sacked LibDem MP Nick Clegg has a book out on 'How to stop Brexit', ironically urging people to join the Labour and Conservative parties!

His successor, Vince Cable, is against the House of Lords on principle, but wants to use it to thwart Brexit.

Legal academics hint that 'Article 50' notice to leave is reversible, although Robert Craig of LSE says this would need a new Act of Parliament. EU law has no provision for reversal.



The All Party Parliamentary Group on EU Relations (APPG) is co-chaired by Chuka Umunna MP (Lab) and Anna Soubry MP (Con). However despite claiming backing from several MPs, it only lists its officers.

A coven for anti-Brexit activists, it is supported by European Movement, Open Britain and Gina Miller's misnamed 'Best for Britain'. Its support for 'Parliamentary sovereignty' is of very recent origin!

However, the EU is keen to see us out before the 2019 European Parliament elections and on 13 Dec, the Evening Standard quoted top EU negotiator Michel Barnier as saying there was **no going back on Brexit!**

The EU Observer news service called Barnier 'Britain's best friend in Brussels'. (This remains to be seen.)

Remoaners' legal antics led to a delay in giving 'Article 50' notice to leave, increasing the time pressure on negotiations.

More recently, Parliament has become the battlefield. There is more than first meets the eye.

The House of Lords is full of unelected (and some unelectable) time-servers who do not support Brexit. However it is bound by the Salisbury Convention not to oppose a government manifesto pledge – such as to leave the EU, so may make a stand, only to back down.

Martin Howe QC of Lawyers for Britain examined Dominic Grieve MP's 'meaningful vote' amendment, and found it basically symbolic. Parliament was due to have a vote on any leaving agreement anyway. Grieve's move only impacts preparation, which is why some Labour Leave MPs were able to back it for party point-scoring reasons.

Susan Elan Jones MP's call for a second referendum on 20 Dec was backed only by **23** MPs. It was hardly needed to derail Brexit once the EU's negotiating **guidelines** were known.

### AN INSULT TO OUR INTELLIGENCE

The guidelines seem confused and are an insult to our intelligence 'as read'! Offering the UK a **transition**, breathing space to make practical arrangements such as for customs is hardly altruistic. The EU needs same for itself.

Yet at first sight, it would force the UK into slavery until **2021!** The EU treaties 'would not apply', but the 'acquis' (the full body of EU law, including treaties) would! The UK would be outside the EU Customs Union and Single Market, but would somehow participate in them

The UK would be outside the trade agreements with other countries (that it had to let the EU negotiate for it) but disruption to other countries avoided!

Worse still, the UK would be liable to adopt **any** new EU laws – a **blank cheque!** The UK would have no vote or representation, but would amazingly have a balance between rights and obligations!

The guidelines seem too drastic, even for the Remainder-dominated Treasury Committee, which would like to see post-Brexit obligations focused on trade and customs issues.



### MAY THE FARCE BE WITH YOU...???

The Sun showed the PM as a Star Wars super-hero for the hyped breakthrough, while the Express hooted 'Huge Boost for Brexit'. The 'achievement' was a big cave-in to the EU for lifting a block on trade talks it would have to lift anyway.

Our previous issue noted the rumour that the EU drafted May's Florence speech calling for a transition period under EU rules. The EU has now 'offered' her what she 'wanted'!!!

Amazingly the 'feelgood' newspaper headlines and image of 'toughness' boosted her in opinion polls!!!



### DEEP AND SPECIAL PARTNERSHIP?

An agreement on the privileges of 'EU citizens' was always on the cards. The deal gives limited extra control over immigration but details are still to be sorted out.

A pamphlet *Free movement after Brexit: Policy Options* by the UK In A Changing Europe think-tank shows how the UK can already limit immigration within the Single Market.

The agreement on Northern Ireland is vague and could keep the entire UK under Single Market rules unless the Northern Ireland Assembly resolves otherwise.

✦ EU President Donald Tusk says that the EU does not wish to punish the UK as 'Brexit is punitive enough'. However the proposed transition deal with '**all obligations and no votes**' is just the **punishment** that EU members such as Poland might get for serious breaches of EU law! ('Article 7' rules).

✦ Some might feel the EU is hinting "Delay leaving until 2021, and keep your vote and trading arrangements" in the hope that there will be a change of government – but it would mess up the 2019 European Parliament elections. The proposed deal would at least delay any economic shock and save the EU from a populist backlash then.



## Winning the Battle for Britain

### SABOTAGING BREXIT?... /ctd

What about the role of the Civil Service? The type of Brexit proposed is hardly what Brexit Secretary David Davis has previously called for. He looks forlorn and sidelined while the PM's longstanding aide Oly Robbins meets EU negotiators without him. Robbins moved from DEXEU to the Cabinet Office – until recently under arch-Britain In Europe supporter Damian Green MP.

Choosing his words carefully, Martin Howe QC observed that the EU Withdrawal Bill in its original form might be seen as “a deliberate trap door inserted by civil servants in an attempt to by-pass the need for Parliamentary approval either for a deferment of our exit from the EU, or for the continuation of existing EU law supremacy, structures and jurisdictions.”

! After December's deal was agreed, May's Chief of Staff, Gavin Barwell, tweeted that Remainers should be “reassured”.



Former Osborne aide and Remain campaigner Greg Hands MP at least promptly accepted the referendum result. Now a trade minister under pro-Brexit Liam Fox.

★ We have written to our local MP, Greg Hands, protesting about the prospect of being fully under EU law after leaving. EU coercion towards this would be against UN Resolution 2625 and the UN Charter. (The Charter takes precedence over other treaties.)

Forcing the UK to give a blank cheque on accepting (new) EU laws would be against the right to self-determination in the Charter – which the EU accepts. Having just been given the Trade Policy brief, he might not like being unable to act before 2021?

We also gave chapter and verse why there is no absolute block on agreeing new trade deals before we leave, even under EU law.

We also drew attention to Treasury Committee concern that the EU's proposed 'standstill transition' would otherwise be illegal.

★ Joe Egerton of the Conservative Group for Europe has proposed 5-7 years of transition, and Sir Mike Rake (Britain In Europe) wants a full 10 years of it!

★ Although some readers express reservations about international bodies such as the UN and WTO, most would seem happy to continue a free trade relationship (FTA) with the EU.

Former WTO head and EU insider Pascal Lamy considers 5-6 years would be needed to negotiate a full FTA. To reduce the timescale you would either need to reduce its scope or make use of existing arrangements (such as the EEA Agreement linking EFTA countries to the Single Market).



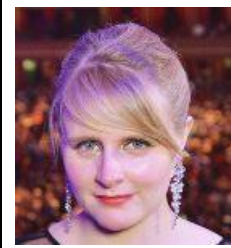
★ The two approaches that could be taken might be for the UK to rejoin EFTA and trade like Norway (which would get Barnier's blessing) or to seek a 'WTO Waiver', a dispensation to continue UK-EU-EEA trade on current trade rules. (The WTO is only concerned with trade, not add-ons). This would need EU and wider agreement (a big ask) but it looks technically possible within existing time and legal constraints.

If Michel Barnier is 'Britain's best friend', why is he apparently pushing a punishing deal? Pundits reckon he is playing up to his hirers in Brussels some of whom hate the UK. It has also been suggested he is putting in place his credentials as candidate for Commission President in 2019, a post he just missed out on in 2014.

★ The UK getting a full FTA by 2021 is not guaranteed. A deal would need to be approved by at least 30 national and regional parliaments. Some countries like Italy and Hungary seem helpful, others might be obstructive to try to divert trade to themselves. 'No deal' whatsoever would be unlikely though as it would be lose-lose.

★ Former Blair adviser Prof. Sir Alan Dashwood feels that negotiating a 'bespoke transition' that mirrors access to EU markets will be nearly as complex as negotiating full Brexit, nigh impossible? *It should be noted that the EU seems to be trying to get a 'mirror arrangement' through in 10-15 mths.*

★ EU Referendum blog lists 'Impact Analyses' – vital trading rights that would be lost on leaving the Single Market. This provides a good checklist for points to include in a new FTA.



Lucy Harris has been doing a good job with Leavers of London to provide support and build confidence for Leavers (often younger) who feel isolated.

She has also been taking the battle into enemy territory with an article for the *Independent* opposing a second referendum. She's contactable on @lugey6.

### WHAT CAN WE DO?

★ Recognise we are in uncharted waters; there has been nothing on the scale of Brexit before. Understand the issues – newspapers will often get it wrong, but the House of Commons Library has compact online briefings that are simple enough for MPs to understand. It is broadly neutral. (See our references page, link below).

★ Realise that if the government's approach doesn't make sense, it's because of facing both ways at once, to manage a divided party. The 2017 manifesto was perceived as going for hard/clean Brexit, but minister Lord Prior got into trouble declaring we're heading for the “softest of soft Brexit”.

Hold the government to its manifesto. Comprehensive free trade, customs and border co-operation should be managed as a free nation under international law ('sincere cooperation' not being dominated!) The EU **has** made concessions, such as backing down on Gibraltar and over us paying for its Agencies to move, so keep demanding due respect in letters to the press and MPs!



★ Keep spreading the word about why we are leaving. Several people will have been shocked at more money being found for the EU while there are cutbacks at home.

Refs: <http://www.newalliance.org.uk/ref118.htm>



PLEASE SPREAD THE WORD....

P & p by New Alliance, PO Box 13199, London SW6 6ZU  
[info@newalliance.org.uk](mailto:info@newalliance.org.uk),  
Tel: 07976 414913

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