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Brexit via the Backdoor

By George Worsley

Following the demise of England's worst prime minister in July 2019, the country was confronted with a problem: Parliament had become more powerful than the Government. The Conservatives, with a minority in the House of Commons, had to rely on a reluctant Northern Irish Democratic Unionist Party for support. Who would, or rather, could, lead the government out of the Brexit mess?

The Referendum in 2016 saw a small majority of registered voters in the United Kingdom wanting to the leave the European Union. Of the four parts of the UK, three of them (Northern Ireland, Scotland and Wales) had voted Remain. The Conservative party chose to follow the wishes of all of the people who voted but there was no leader who could get the deal done.

Whatever was agreed between the Conservatives and the EU negotiators in Brussels was turned down by Parliament. Boris Johnson, who always wanted the job of Prime Minister finally got it and after promising not to close down Parliament (proroguing it in Parliamentary parlance), he promptly prorogued it – in effect taking away its ability to vote down any of his plans.

He also said that Britain would leave the EU on the 31st October – or he would die in a ditch. Contrary to his promise, he did not do that.

The deal Mrs. May had agreed with Brussels contained elements of the European Single Market and Customs Union. Parliament voted this down three times, mainly because Britain would have had no say in how the rules of the single market and customs union were made and enforced. Boris said, "right, I'll lead the way out of the single market and customs union. But I promise that Northern Ireland, as part of the UK, will not be part of a separate deal from England, Scotland and Wales." That meant that Northern Ireland, unlike the rest of the Emerald Isle, would also say goodbye to the EU's single market and customs union.

Hey, wait a minute – what about that border between the Republic of Ireland and the UK province of Northern Ireland which, after the Good Friday Agreement, had led to the end of the Troubles, ensuring peace, stability and the ability to send goods and services unfettered in both directions across what had become nothing more than a line on a map?

True to form, Boris ignored his pledges and proposed separate arrangements for the province and put a border down the Irish Sea, between Northern Ireland and mainland UK.

Is there no end to all these promises being broken? It is said that “the road to Hell is paved with good intentions” and that Hell is Brexit.

Ask any Brexiteer what they want from Brexit and you will get a different answer. Here are a few examples of where people did not understand Brexit:

“We’ll take control of our borders!” Actually the Border Agency of HM Customs and Excise has never lost its right to block anyone, EU citizens or not, from entering this country.

“We’ll get our sovereignty back!” The EU and every single country in the world recognise Queen Elizabeth as head of state and Parliament as the ultimate law-maker in the country. EU law and Directives must be agreed by the UK parliament before they become British Law. Such EU laws and directives were devised by elected officials from all EU countries, including the UK and where such laws or directives would not have been in the interests of the UK, those elected officials have the right and duty to oppose and reject them.

“The European Court of Justice will no longer tell our courts what to do!” Their Excellencies, sitting in Luxembourg, are not going to convict a drunken driver from Nottingham for causing a car crash after he left the local boozer down the road; that is what a Magistrate does in England – and that applies to the other 27 member states, too.

The role of The Court of Justice of the European Union (CJEU), officially just the Court of Justice, is the supreme court of the European Union in matters of European Union law. The court is divided into two: the Court of Justice (with one Judge from each EU member) and the General Court (with two Judges from each EU country).

The Court of Justice is tasked with interpreting EU law and ensuring its equal application across all EU member states.

It is still up to the national court in each EU member country to decide issues of its own nation's laws. The European Commission can also take a case against an EU state to the General Court. These cases ask the court to decide whether the member state is in breach of its obligations to the EU. People must remember that France has the Napoleonic Code and Britain has Case Law and Common Law and so on and the CJEU may not override that. If a new EU directive was voted into British law by Parliament but it was not upheld in this country, then it is up to judges in Britain to apply the law as Parliament had directed.

“We can now kick the French fishermen out of our waters!” Some people worry about the Common Fisheries Policy (CFP) - the fisheries policy of the EU. It sets quotas for which member states are allowed to catch each

type of fish, as well as encouraging the fishing industry by various market interventions.

As a general rule, fishing vessels registered in the EU fishing fleet register have equal access to all the EU waters and resources which are managed under the CFP. Access to fisheries is normally authorised through a fishing licence**.** Few people realise that more British fishing vessels operate in other EU members' waters than EU fishing boats in UK waters. What they also do not realise, for example, is that a lot of fish sold in France is caught by British vessels operating in both French and British waters – not a bad deal for British fishermen.
The CFP was designed by elected officials from all EU states – including British officials. If people in this country object to the CFP, all they need to do, is talk to their elected representatives.

Mr. Johnson had promised to get the UK out of the EU on the 31st October – deal or no deal. The UK did not leave the EU on that date; there is a new flexible deadline of the 31st January 2020. Because the weak government cannot get Parliament to agree to its plans, prime minister Boris Johnson has now called an election after which he hopes to have the strong majority he needs for Parliament to agree to the plans which up till now have been voted down.

The main opposition parties: Labour, Liberal Democrats, Scottish National Party to name a few are now against Brexit. The question therefore arises: "who do I vote for, Labour who I dislike because they will nationalise as many industries as possible, mis-manage them and cause the country to take a hit of £70 million by 2029, but they will support a new referendum which I hope will lead to a Remain victory or do I vote Conservative because I have always done so and I must keep Labour out at all costs but realise that Boris will disallow a second referendum because he is scared Remain would win but voting Conservative means Brexit will happen and the country will take a hit of £70 billion by 2029?"

The only way for the UK to avoid leaving the EU is to hold a second referendum – and keeping other issues of the table - which a large number of people believe would support Remain. Boris wants to avoid that. Much of the election discussions relate to other issues than Brexit and they have become toxic as the campaign has become the dirtiest ever. Brexit is an issue but it does not appear to be the main issue.

Boris Johnson's party will lead the country down the garden path with platitudes and promises for helping the ailing National Health Service, putting money into the cash-strapped education system and reinforcing the fight against crime and terrorism but if they win, Boris will say "you authorised me to get Brexit done" – via the back-door.