

# Boris pulls a rabbit out of the hat – but will Super Saturday result in a dead duck in a ditch?

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After weeks of brinkmanship, at the eleventh hour, Boris Johnson has clinched a mutually acceptable agreement between the EU and the UK, for the UK to leave the European Union on 31 October.

To focus on what it means for Ireland, it has been interesting to read that it seems that the EU has been more concerned to meet the requirements of the Good Friday Agreement than the UK. Johnson's earlier proposals involving the setting up customs centres on Irish land.

However, the deal making process has now resulted in a proposal for a customs border in the North Sea, to avoid a hard land border between Northern Ireland and Ireland. To preserve the integrity of the Single Market, exports from the UK into Ireland will be subject to tariffs; exports will have to meet EU standards which require extra paperwork and border checks, in the Irish sea.

EU law on VAT will apply on goods purchased in Northern Ireland. But, tariffs on goods bound for Northern Ireland alone will be refunded to firms. This means that Northern Ireland will be part of the UK customs union. The Northern Ireland assembly is to have the power to review these arrangements. Other proposals concern the two year transition period; citizen's rights and contributions to the EU budget as well as the future UK/EU relationship.

The latter has been taken out of the legally binding agreement and is dealt with in the revised political declaration which now proposes that 'the UK and EU should uphold common high standards', rather than keeping a level playing field in relation to standards; no wonder Mrs Merkel has pointed out the UK will be a competitor to the EU.

The question is, will this deal be passed at the 'Super Saturday' sitting of Parliament? Will the Withdrawal agreement work? It must be said

that the deal crosses redlines set by the DUP, and to some Tories; it treats Northern Ireland differently.

When the UK changes regulatory provisions (to allow imports of lower standard USA products), this will necessitate more border checks on UK exports to the EU, on goods made under a new UK regulatory framework.

This raises the issue of whether the UK will benefit from free trade deals made with other countries than from maintaining frictionless trade with the EU; the government's own report shows that being outside the EU single market and the customs union will mean every household will be more than £2000 poorer.[\[1\]](#)

Concerns have been expressed about the downplaying of environmental standards and workers' rights now in the new political declaration and serve to highlight the government's intention to turn the UK into a Singapore and away from a Sweden with such a welfare and employment regime.[\[2\]](#) But the question is will Boris get the numbers? He does not have a majority in the House but, there are indications that the vote will be close.

However, Boris's entreaty to 'Get Brexit done' and the threat of the alternative 'No-Deal', may fall on deaf ears. It depends on whether the Tories that were denied the whip will support the deal; whether Labour MPs with high leaver vote constituencies will deny the Labour whip to vote against the Agreement and whether the DUP decide to throw in the towel and vote with the government. Failure to get the numbers may mean that Boris will have to acquiesce to the Benn Act and ask the EU for an extension which the EU might not but probably will agree to. Even though Boris has been trying to persuade the EU not to grant an extension.

Alongside this is the issue of a second referendum. Anti-Brexiteers have said that they will not make such a proposal in the House; they think that they may not have support. Alongside this, and it seems to have gone unnoticed by the press, the 'People's Vote' march is to take place on 'Super Saturday' which may see clamour for such a vote outside the house.

With so many still questioning the wisdom of leaving the EU, including major firms and business organisations outlining the consequences of leaving the EU<sup>[3]</sup> and with a challenge being made to the legality of the provisions for Ireland made in the agreement<sup>[4]</sup>, Johnson's deal might turn into a dead duck in a ditch.

<sup>[1]</sup> BBC News. *Brexit: What is in Boris Johnson's new with the EU?* 17 October 2019 <https://www.bbc.co.uk/news/uk-50083026>

<sup>[2]</sup> Tom Kibisi. *Here's why Johnson's plans have every chance of falling apart.* Guardian 17 October 2019 <https://www.theguardian.com/commentisfree/2019/oct/17/boris-johnsons-plans-fall-apart>

<sup>[3]</sup> Jasper Jolly. *British Businesses say new Brexit deal worse than May's agreement.* Guardian 17 October 2019 <https://www.theguardian.com/business/2019/oct/17/british-businesses-say-new-brexit-deal-worse-than-mays-deal>

<sup>[4]</sup> BBC News. *Scottish Court reviews bid to stop 'illegal' Brexit deal.* 18 October 2019 <https://www.bbc.co.uk/news/uk-scotland-50088993>