

Bordering on delusion

By Professor Alex de Ruyter, Director, Centre for Brexit Studies

Wednesday finally saw the publication of Boris Johnson's proposals for an "alternative" to the EU's demand for a Northern Ireland "backstop". This, you will no doubt recall, was that portion of the Withdrawal agreement negotiated with predecessor PM Theresa May to avoid the need for a hard border in Northern Ireland.

It would have consisted of Northern Ireland staying in alignment with the Single Market and for the whole of the UK to in effect remain in a customs union with the EU after the expiry of a *status quo ante* transition period at the end of December next year (2020) until such a point as alternative means to a backstop (enabled perhaps by some as yet unidentified technology) would come into play (or otherwise the option of extending the transition period by mutual agreement).

Suffice to say this caused uproar amongst Brexiteers, who smelled an EU rat – a plot to keep the UK in "vassalage" to the EU and of course the said withdrawal agreement being voted down in the House of Commons on three occasions.

Indeed, it was assailed on both sides by hard Brexiteers and the Opposition, who at a bare minimum, wanted to maintain a customs union and close alignment with the Single Market in the case of Labour, or otherwise to stay in the EU in the case of the other parties.

Enter Boris Johnson in the subsequent leadership campaign for the Conservative Party, and his stated desire to take the UK out of the EU by October 31st "with or without a deal" and railing against what he regarded as the "anti-democratic" backstop.

Johnson's 'alternative' is that Northern Ireland would leave the EU Customs Union along with the rest of the UK in December 2020, but stay "aligned" with Single Market if the Stormont assembly agrees and then subject it to a vote every four years.

But UK Government has requested that both sides sign up in a treaty that there should be “no checks” on the border even if NI Assembly votes against maintaining Single Market alignment.

In effect he wants to take the UK, including Northern Ireland, out of the customs union with the EU and give the Stormont Assembly the power to undo any backstop. From the perspective of the Republic of Ireland this seems an undue sop to the DUP and raises concerns over one community (unionist) in Northern Ireland being able to scupper the Good Friday Agreement and all-Ireland economy.

But moreover, exiting the customs union would mean new border installations and hence a hard border – despite Johnson’s denials in Parliament that there would be any need for customs infrastructure the written Government proposals state the need for (unspecified) additional infrastructure. However, this is not what was promised two years ago.

The notion that the Stormont Assembly could effectively veto the agreement in 2020 and every 4 years thereafter would undermine the Single Market if the EU were foolish enough to agree to “no checks” at the border. Little wonder this has gone down like a lead balloon in Brussels.”

There is also an inconvenient fact that the Stormont assembly has not sat now for over 1,000 days (3 years), and it is by no means certain that it will sit again in the near future; given the DUP’s almost manic existential hostility to the passing of an Irish Language Act demanded by Sinn Fein.

As the Irish Government and others in the EU have noted, it would be risky in the extreme to delegate such a major decision over the next year or so to body that is currently not functioning and faces severe hurdles in reconvening.

In any event, the prospect of the re-emergence of a hard border to re-emerge post-Brexit with Johnson’s proposals has not gone down well with unionist business community supporters, who fear the impact that this will have on their cross-border trade and supply chains with Ireland. The Irish Government and European Parliament have already dismissed the PM’s proposals as unacceptable.

As Ireland is a member state of the EU, its concerns will be more paramount than any proposals by the UK Government. If so, then the PM's latest proposals are bordering on delusion and already dead in the water (or ditch...).

Which of course has left the pundits wondering why these proposals have been put forward if their progenitors must have known that anything that would be seen to undermine the integrity of the EU's Single Market (a "trap" as EU chief negotiator Michel Barnier referred to it) would even be put on the table.

Perhaps Johnson thinks that the EU could be cajoled around by the prospect of a No Deal outcome on the 1st November; or more likely that he realises his stance of leaving on October 31st come what may is incompatible with any kind of negotiated withdrawal agreement – but that he still has to try and make an effort so as if No Deal were to eventuate, the EU could be blamed.

But of course, Johnson lacks a majority in Parliament and will be mandated to seek an extension to EU membership until at least January 31st next year if he cannot secure a deal by October 19th.

It is unlikely that the Government will be able to circumvent the Benn-Burt amendment and so Johnson will probably be left with little option but to resign and try and foment an early election by throwing down the gauntlet to the opposition parties to have to work together to try and defeat him – or otherwise face a vote of No Confidence if he filibusters any further.

It again promises to be interesting times, and we here at CBS have another book out with Bite-Sized Press: [*Brexit and Northern Ireland – Bordering on Confusion*](#); featuring contributors such as Roy Greenslade, Leslie Budd, Raymond Snoddy, Graham Browlow, Katy Hayward and our own Steve McCabe and David Hearne.

We will be discussing the various issues raised in the book at two events; one in [London on October 17th](#) (also featuring eminent constitutional theorist Vernon Bogdanor) and one in [Belfast on October 24th](#). Join us there to discuss.