European Union set to reject Johnson's Brexit proposal

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Prime Minister Boris Johnson's proposed Brexit deal is almost certain to be rejected, as indicated by the latest comments of European Union (EU) negotiator Michel Barnier and French President Emmanuel Macron.

When the proposals in a seven-page letter were sent from Johnson to EU Commission head Jean-Claude Juncker last week, they had cold water poured on them by senior European players.

Johnson proposes what is essentially a two-border plan, with customs checks within the Republic of Ireland to replace the "backstop," designed to prevent a hard border with Northern Ireland that was integral to former Prime Minister Theresa May's Withdrawal Agreement with the EU. Johnson also wants the Northern Irish Assembly to have the powers to review this border arrangement every four years—a veto also opposed by Brussels.

Macron's comments rejected the existing deadline for agreeing a deal by the start of the EU's two-day summit on October 17. He said a realistic deal must be outlined by the end of this week. Ramping up the pressure, the EU is insisting that there can be "no last-minute" negotiations at the October 17 summit.

Reporting on Macron's call with Johnson Sunday, a French official said, "The president told him that the negotiations should continue swiftly with Michel Barnier's team in coming days, in order to evaluate at the end of the week whether a deal is possible that respects European Union principles."

On Saturday, Dutch Prime Minister Mark Rutte told Johnson that EU member states would not accept an agreement creating any form of customs border in Ireland.

At an event last Friday hosted by French newspaper *Le Monde*, Barnier said, "These negotiations have been lose-lose since the beginning. We are ready for a no-deal, even if we do not want it." He added, "No-deal will never be the choice of the EU—If that happens, it would be the choice of the United Kingdom."

On Monday evening, the *Guardian* published from leaked documents of multiple areas of disagreement the EU has with London's proposals.

Johnson too is refusing to back down. His chief negotiator David Frost told the EU yesterday—as cited by an EU official to the *Financial Times*—that the UK government will not make any "fundamental changes [to its proposals] unless we are in a give-and-take relationship."

The government is set on a massive escalation of the constitutional crisis opened up by Brexit. This has already dragged in the queen, whom Johnson called on to illegally prorogue Parliament in September—a move that the Supreme Court then overturned.

On numerous occasions, Johnson has made clear that he will not support a further delay to Brexit, as agreed by Parliament when it passed the Benn Act before it was prorogued last month. The Benn Act was passed by cross-party opposition MPs led by the Labour Party. Officially known as the EU Withdrawal Act (No. 2), it stipulates that if Johnson cannot reach a deal with the EU by the end of its summit on October 19, he must write a letter requesting a three-month extension to prevent a no-deal Brexit on October 31.

Johnson has repeatedly denounced the legislation as the "surrender act." While playing up to the Conservatives' hard-Brexit ranks, Johnson and his advisers have stressed that they will "obey the law" over the Benn Act, and it emerged in legal documents made public in a Scottish court last Friday that he has committed to signing a letter requesting an extension.

On this basis, the Outer House of the Court of Session in Edinburgh on Monday rejected a petition from pro-EU MPs that could have led to Johnson being fined and even imprisoned if he refused to follow the Benn Act. However, the judge, Lord Pentland, warned Johnson, "I approach matters on the basis that it would be destructive

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of one of the core principles of constitutional propriety and of the mutual trust that is the bedrock of the relationship between the court and the crown for the prime minister or the government to renege on what they have assured the court that the prime minister intends to do."

This is the judge's response to reports that Johnson's advisers have been working on plans to bypass the requirement to ask for an extension. One plan being considered is utilising an Order of (the Privy) Council to suspend the Benn Act until after October 31.

The *Sunday Times* reported, "Boris Johnson will dare the Queen to sack him rather than resign as prime minister in an attempt to drive through Brexit on October 31, cabinet ministers have revealed.

"In an unprecedented escalation of the constitutional crisis, senior aides said Johnson would not stand aside if his proposals were rejected by Brussels and MPs tried to unseat him to avert a no-deal Brexit.

"They said Johnson was prepared to 'squat' in Downing Street even if MPs declare no confidence in his government and agree a caretaker prime minister to replace him."

The *Sunday Times* concludes, "Johnson's plans mean that the clashes in parliament and the Supreme Court may be only the opening salvos in what promises to be the biggest constitutional storm in centuries." The piece notes that no monarch has sacked a prime minister since 1834, when William IV dismissed Lord Melbourne.

It added, "Senior Tories also claimed Johnson would sit tight if he were found in contempt of court for ignoring the Benn Act, a law passed by remainer MPs to prevent no deal, unless he faces jail. One senior figure said: 'Unless the police turn up at the doors of 10 Downing Street with a warrant for the prime minister's arrest, he won't be leaving.'"

Johnson wants to force a general election that could be fought on his terms. Based on the premise that he can win by asserting that he represents the "will of the people" who want to "Get Brexit Done," he has repeatedly called on Labour leader Jeremy Corbyn to move a vote of no confidence in him, which Corbyn—with the backing of Tony Blair and his acolytes in the Labour Party—has refused to do.

The *Sunday Times* cited a "senior cabinet minister" saying, "Our opponents have flouted convention and there is nothing in the Fixed-term Parliaments Act that says you have to resign. The Queen is not going to fire the prime minister. She would dissolve parliament and let the people decide."

The growing crisis places centre stage the efforts by Corbyn to form a caretaker government to stop Brexit, while preventing a general election.

Yesterday, Corbyn headed another round of talks with leaders from the Scottish National Party (SNP), Liberal Democrats, Greens, the Independent Group for Change (IGC) and Plaid Cymru (Party of Wales). Speaking in his pose as the statesman who can rescue big business from Johnson's plans, Corbyn declared ahead of the meeting, "Labour is continuing to lead cross-party efforts to prevent a damaging No Deal. … The cross-party meeting will decide what next steps we can take together to hold the Government to account, and to ensure the Prime Minister adheres to the law in seeking an extension if no deal is reached by 19 October."

The meeting was still unable to resolve the issue of whether Corbyn should head a caretaker government, with the Liberal Democrats and some former Tory MPs who are now in the Independent Group for Change opposed. According to various sources, Labour insisted at the meeting that Corbyn, as leader of the largest opposition party, should be the head of a temporary government tasked with delaying Brexit. Sky News reported "a senior Lib Dem source" who said Labour's "total unwillingness to work with anyone else" made them the "biggest barrier to stopping no-deal." The Lib Dems insist they will only back as caretaker a pro-EU Tory such as Ken Clarke or a right-wing Blairite such as Harriet Harman or Margaret Beckett.

The SNP accepts Corbyn being caretaker, with Ian Blackford saying to the other opposition leaders, "You will all have to face the electorate if we do crash out and we haven't removed this prime minister when we have the option of doing that over the course of the coming days."

It emerged that the opposition MPs are also divided over how or when to utilise a possible standing order 24 (SO24) motion to seize control of parliamentary business in the Commons. Some of the former Tories in the IGC are opposed to this course of action.

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