

# The government says it will respect the law

Yesterday the government rightly said it would respect the law. It also hinted at a major problem with the European Withdrawal Number 2 Act recently passed by both Houses. It is by no means clear how the government could comply with it, especially given the Kinnock amendment incorporated into it. The rule of law is an important concept. It usually includes the propositions that law has to be clear, reasonable and enforceable. Statute law carries the authority of being passed by Parliament but still needs to meet these tests for the court to enforce it. Quite often the courts and Parliament have exchanges about what the law means and how it should be applied.

This European Withdrawal Act of Parliament says the government “must seek to obtain from the European Council an extension” to UK membership for three months, if no agreement has been reached which Parliament approves . It goes on to give a reason – “to debate and pass a Bill to implement the Agreement between the UK and the EU (The Mrs May Withdrawal Treaty)...including provisions reflecting the outcome of the interparty talks as announced by the Prime Minister on 21 May 2019, and in particular the need for the UK to secure changes to the Political Declaration to reflect the outcome of those inter party talks”.

So the government is asked to pass a major piece of constitutional legislation which the Parliament has three times rejected, with no promises or guarantees from the official Opposition they will change their mind and now vote for it in a Parliament where the government has no majority and has numerous government supporting MPs who do not agree with the Agreement. In addition it is asked to negotiate a new Political Declaration to include unspecified outcomes from talks which both sides said ended without agreement . Who will share with us what were the outcomes of the talks that now have to be negotiated into the Political declaration and what if the EU will not consent to those changes?

The draft letter laid down in the Act for the PM to send requesting an extension does not offer any reasons to the EU why an extension should be granted because it was drafted on the assumption the Kinnock amendment would not pass. The EU has previously said it would grant more time to secure the passage of the draft Withdrawal Treaty agreed with Mrs May, but later concluded the UK Parliament was not going to pass it given the long and acrimonious debates and the three votes against. The EU has also said it might grant an extension for an election or second referendum, but Parliament has expressly voted against an early election to resolve matters, and has not supported a second referendum on the various occasions it has considered this idea. There cannot now be an election prior to the exit date currently enshrined in UK and EU law.

How could anyone enforce a law of this kind on an unwilling government when Parliament is asking the government to do something which cannot be done or

is based on a false assumption? The evidence is Parliament does not want to vote for the Withdrawal Treaty unamended, and there is no agreed set of changes to the Political declaration emerging from the inter party talks to take up with the EU. This law is a mess. It does not mention a so called “No Deal” Brexit, and does not take it off the table. It seeks to exit the EU based on the current Withdrawal Treaty which has thrice been rejected by the very same Parliament passing this Act. Government lawyers need to analyse this Act carefully.

---

## Parliamentary office

Parliament is not in session but my Parliamentary office will be working as usual Mondays to Fridays. I continue with all my Parliamentary duties minus Parliamentary debates and votes, both in the London office and at home in the constituency.

---

## Number and length of contributions

I am receiving too many contributions from the same blogger and too many long contributions. As you can see the numbers have escalated sharply recently. I will have to delete more if from the same person each day or if they are long. Please send me your best single contribution each day and keep it to around a paragraph, unless you have researched argument which is new. I am very busy with many matters of national policy and in the constituency.

---

## My speech during the debate on the European Union (Withdrawal) (No. 2) Act 2019 (Rule of Law)

**John Redwood (Wokingham) (Con):** Of course the Government and all Members of Parliament must obey the law, but Parliament must also pass wise laws and pass them according to our traditions, practices and rules. I wish to concentrate briefly on the question of the wisdom of the law and urge those who sponsored it to think again in the national interest.

This is no normal law. A normal law applies to everyone in the country equally, there are criminal penalties for those who break the law, and we wish to see the law enforced. This is not that kind of a law. This Act of Parliament is a political instruction to our Prime Minister about how he should behave in an international negotiation. Normally, this Parliament takes the view that international negotiations are best handled in detail by the Government, and we the Parliament judge the result by either approving or disapproving of it.

I urge colleagues to think again, because two things follow from Parliament instructing the Prime Minister in the way it has sought to do over this negotiation. The first is that the EU, the counterparties to the negotiation, can see that this Parliament has deliberately undermined the position of the lead negotiator for our country. It will take note of that, and instead of giving things it will say, "There is no point in giving things." The second thing—even worse—is that the EU will take note that our Prime Minister under this Act is to seek an extension on any terms the EU cares to dictate. How can anyone in this House say that is good law or justice or makes sense for the British people? Those of the remain persuasion, just as those of the leave persuasion, must surely see that this is not the way to treat our lead negotiator—putting our country naked into the negotiating chamber with the EU. It puts the country in a farcical and extremely weak position.

I thought that the Labour party wanted us to leave the EU. Labour Members did not like the withdrawal agreement—I have sympathy with that—but they do not like leaving without the withdrawal agreement—I have less sympathy with that—so they are looking for a third way. They presumably think they could do some other kind of renegotiation, but they have never explained to us what that renegotiation would be like, and they have never explained how the EU would even start talking about it, given that it has consistently said we either take the withdrawal agreement or just leave.

**Adam Afriyie (Windsor) (Con):** The Opposition have taken a really bizarre position. They have said that, even if they did manage to negotiate a new deal with the EU, they would campaign against it. It is a really odd position for this nation to be in.

**John Redwood:** That is even more bizarre. Normally, Governments do their best negotiation and then come back and recommend it to the House of Commons. It would indeed be fatuous if we ever had a Government in this country who negotiated a deal they knew they wanted to reject. They should not waste everybody's time and just say, "Let's leave without a deal."

We are wandering a little from the point of this debate, which is about the rule of law. This House of Commons should think again. This is an extremely unwise law. It undermines the Prime Minister, but, more importantly, it undermines our country. It makes it extremely unlikely that those remain-supporting MPs who could live with our exit with a variant of the withdrawal agreement will get that because they have deliberately undermined the pressure our Prime Minister may place on the EU in the negotiations he is trying to undertake. Even worse, they have invited the EU to dictate terrible terms for a few months' extension, and why would the EU not do it? Please,

Parliament, reconsider. Parliament has a duty to put through wise laws and to represent the national interest. This miserable Act is an act of great political folly and is undermining our country in a very desperate way.

---

## How pro EU are you

We did not hear from the usual pro Remain contributors to this site what kind of Remain they wanted. So let's try another approach to get them talking about the EU. Here is a simple test of how pro EU membership you really are.

1. Do you want the UK to join the Euro soon?
2. Do you want the UK to join Schengen and have common borders with the EU?
3. Do you want the common EU defence and security identity to develop, so our forces typically are deployed for EU led missions?
4. Do you want a larger EU budget, with more transfers to the poorer countries?
5. Do you think the UK should reduce its current special abatement of contributions, to help the wider EU?
6. Do you welcome the long term aim of the EU's ever closer union which is political union?

If you answer Yes to all six then you are indeed a keen advocate of EU membership and understand its full implications. If you say No to all these then maybe you should accept the UK cannot remain in the present EU, with so little in common with the aims and aspirations of the other members. Given the direction of travel and the legal form of the EU disagreeing with any one of these propositions makes the UK's position difficult and means we cannot be at heart of the project. Nor can we claim to be a leading influence on the EU if we disagree with these common strands of EU thinking.