

# Why do the “liberal” establishment so hate democracy?

On both sides of the Atlantic in relatively free societies with open and fair elections and referenda there is a nasty anger at the results from some who claim the moral high ground of being the “liberal” establishment. I too have no time for racism or undemocratic attitudes, but think many voters for so called populist parties and causes are decent people making good points about the change they wish to see.

Indeed, it is becoming so bad that in most advanced country democracies now the liberal elite fulminate against those the voters choose to elect. In the USA they pour bile on the elected President, Donald Trump. In Italy they complain that 5 Star and Lega who commanded a majority of the votes and seats at the recent election should not be in government as they do not conform to the Euro scheme. In Greece they used to reject the verdict of the people when they voted for Syriza to sweep aside the old parties and to go on to challenge austerity, but are less concerned now Syriza has conformed with their views. In the Netherlands the Wilders party topped the poll but is widely disliked. The governments of Poland and Hungary are seen as enemies of Brussels and of the establishment. The liberal elite are full of disapproval for the Brexit vote in the UK. Only in France has a populist movement met with approval, because it is one under Macron that seeks more European integration.

So why is there this contempt for the will of the people? It seems the so called “liberal” elite are worried about the obvious challenges to two of their pet projects. In Europe they are very concerned about the unpopularity of the austerity policies they impose on Euro states. Despite this causing high unemployment and poor economic growth much of the time, the elite insists there is no alternative to the limits imposed on borrowing and state debt. In Italy, Spain, Greece, Portugal, Ireland and elsewhere the EU effectively puts up taxes and cuts spending in national budgets. In both Europe and the USA they seem upset that populists including the all important President Trump are not keen to become entangled in religious and civil wars in the Middle East. The elite prefers the Clinton approach of engagement, bombing and if necessary the commitment of advisers and troops to proxy armies on the ground.

The issue the elite most mention unfavourably is that of migration. They dislike the way people on both sides of the Atlantic vote for fewer migrants to come. They argue that this makes the populist parties racist. It is true there is a minority of voters and even politicians motivated by racial and religious considerations. This is not true of most of the voters, who simply argue for lower numbers. It is the populist voters who complain of the consequences of rapid migration that they think creates housing shortages, lower wages, and pressure on public services. It is the elite who welcome cheap labour for their businesses or as helps in their own homes.

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## Brussels still rules

One of the extraordinary things since the vote is the enthusiasm of the UK establishment to carry on implementing everything the EU sends us and to wish to be even more rigorous in applying EU rules, when many continental countries take a much more relaxed approach. I see we are being taken to the ECJ for alleged non compliance with the clean air rules and over EU citizenship rights and we are busily putting into UK law various EU measures.

One above all shows just how much control Brussels exerts over us. That is the General Data Protection Regulation. This directly acting EU law comes into force on May 25th. It has led to months of work and much opportunity for consultants and lawyers, as businesses scramble to ensure they are fully compliant. Most are already careful in the way they keep and handle data about people they deal with, but need to demonstrate they handle it in a specified way under the new law. I have no problem with the aim of the legislation, but this blockbuster of a law requires specific bureaucratic processes to handle data to be sure that a business that does handle data well is seen to do so.

This of course includes MP offices. We are often sent sensitive details about a person's job or income or health when people wish us to help resolve a dispute with public authorities or help them get a better deal from a branch of government. .

The House authorities sent out substantial and very cautious advice. The Secretary of State for Culture, media and sport who is responsible for this area of law has also offered less austere advice. MPs are keen to be able to share data in order to resolve queries and complaints about government, but also keen to comply with this new law.

The government is also enacting a similar law as UK law. This is the Bill that allowed amendments concerning the press which have been the subject of recent controversy. With or without this law the GDPR comes into effect next week. Businesses are having to contact people and firms on their mailing lists and getting consent to staying on those mailing lists. Some are worried they will lose contact with large numbers of people they want to talk and who may wish to hear from them. Is this a helpful good idea?

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## That Customs Union again

How many more times do we need to explain the Customs issues to the media and to some of the Remain peers and MPs?

The government's debate about the New Customs Partnership or Max Fac (Maximum Facilitation) is we read inclusive. There does seem to be general agreement there is no worked out model of a New Customs Partnership that everyone thinks will work, and certainly no buy in to the original concept from the EU. No 10 has denied rumours that the government now wants to extend transition. That would be a very bad idea.

I suggest the government leaves the NCP debate, and goes back to the basics of the negotiation. They tell us they have worked up a No Deal option and are prepared to leave without a deal next March, though they are very keen to have a deal. So the first requirement in any briefing of Ministers and in public statements should be to set out clearly how the system will work with No Deal as the base case. This is not difficult to do, as we know how we currently trade with the rest of the world under WTO rules and with the EU tariff schedule, and we know that works. Many so called complex supply chains need components from outside the EU and they come in just in time. We can then negotiate better terms with the rest of the world, reducing the tariff barriers that already exist. Any deal needs to be better than No Deal.

The government should then ask the EU if it wants a tariff free deal or not. Assuming it does we then do not need to put the extra customs line into electronic filings for EU goods in the way we currently do for non EU goods. The UK and EU can negotiate the exact terms quite quickly, as it can be based on Canada plus extra items that reflect our current arrangements for service access to each other's markets.

If the EU does not want a free trade agreement with us then we end the idea of a Deal and ensure proper enforcement of the smooth border arrangements under the WTO Facilitation of Trade Agreement . We should agree a sensible way of dealing with detailed matters to ensure smooth flows of trade, which are much in the EU's interest.

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## The business of England

On Tuesday in the Commons we were asked to go into English Grand Committee to approve the Rating Bill that has been making its way through Parliament.

This is a modest measure, allowing higher rates to be charged on empty property, and allowing contiguous properties that can be properly considered as one property to be charged tax as one. The measure only applies to

England.

Under the partial reforms England gained in the last Parliament, any Bill relating just to England can be debated in an English Grand Committee comprising all the MPs representing English seats, and has to be approved by a majority of English MPs on a vote. This procedure prevents the Union Parliament forcing a new law on England which England does not want.

This falls well short of the powers Scotland enjoys through its own Parliament. Not only can they prevent the UK Parliament passing a law on a devolved matter they do not like, but they can also propose and enact measures which the rest of the UK does not like. In England's case if we want a law but there is no majority in the UK Parliament for it we are prevented from passing it.

On Tuesday the SNP decided to make an issue out of this. They spoke with contradictory intention. They both argued that England should have its own Parliament to settle such matters, and objected strongly to English MPs having a veto over such legislation. They decided to force a debate on the Bill where English MPs saw no need to. The Bill met with general agreement – or lacked any English opponents.

The settlement of the English issue was only ever a partial and I trust temporary one. England should of course have the same right to propose as well as to block on devolved matters, as Scotland enjoys. The modest proposals so far incorporated in Standing Orders does something to address the unfairness in the lop sided devolution settlement Conservative governments inherited from Labour. The SNP did themselves harm by mocking a modest improvement to our constitutional arrangements.

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## [The role of the House of Lords](#)

The unelected Lords has two important tasks. It is there to provide detailed scrutiny of legislation to see if improvements can be made given the purpose and political context of the Bill provided by the government with its Commons majority. It is also there to ask the Commons to think again about its political judgements where it thinks the whole idea of a Bill or policy is misjudged. In this second role the Lords could persuade the government or the Commons to cancel a measure or amend it substantially.

There is a long standing convention that the Lords does not ask the Commons to think again about a Bill or measure that was in the governing party's Manifesto. That makes sense, as such an idea has been well tested by the exertions of election debate as well as in subsequent Commons exchanges. It has been directly voted for by the electorate who voted in the case of a prominent pledge, or has gained the implied consent of the electorate for a lesser pledge which probably avoided prolonged attention because it did meet

with general approval.

Yesterday the Lords broke their Salisbury Convention again by pressing for a second reconsideration of the Conservative Manifesto pledge on press freedom. The Commons rejected the Lords revised amendment by 301 to 289, so I expect that will be the end of the matter. This vote also is of interest because it casts light on the progress of the EU Withdrawal Bill. I trust it will give the government the confidence to have an early debate and vote on the unhelpful amendments the Lords have put through to the EU Bill.

This Bill is a central Manifesto Bill of the Conservatives and the DUP. Those peers who say the Salisbury convention no longer applies because the Conservatives fell just short of a Commons majority have to acknowledge that the Coalition does have a majority and the Bill featured in the manifesto of both parties. On that basis Salisbury should apply. For that matter it also was in the Labour Manifesto, so an overwhelming majority of MPs were elected on the pledge to carry through the necessary legislation for our exit. There is also the point that a well supported nationwide referendum should also be an override against the Lords seeking a different outcome.

Some peers try to argue that their amendments to the EU Bill were "improvements" not designed to prevent Brexit. It is difficult to interpret some of them in this favourable light. Removing the date of exit means their Bill would leave us plunged into legal uncertainty on the day we leave the EU under international law in accordance with the Article 50 letter. It is most important the parallel UK Bill comes into effect at the same time. Wanting us to stay in the Customs Union or single market is a denial of what was clearly voted for in the referendum, when both sides agreed leaving the EU meant leaving both the single market and the Customs Union. Some of those peers who have urged these amendments on the Lords have made no secret of their opposition to the whole policy of Brexit which was freely chosen by voters in the referendum and then again in the results of the General Election.

I trust just as the Commons has twice now voted to uphold a Manifesto promise of the governing party against Lords amendment over press issues, so we will do the same to the amendments to the EU Withdrawal Bill that seek to slow down, water down or prevent Brexit.