

My contribution to the debate on the European Union (Notification of Withdrawal) Bill, 7 February 2017

I agree fully with the right hon. Member for Gordon (Alex Salmond) that we should not wish to do anything that weakens or undermines the British bargaining position. All the efforts of this House, as we try to knit together remain and leave voters, should be designed to maximise our leverage, as a newly independent nation, in securing the best possible future relationship with our partners in the European Union. That is why I find myself in disagreement with many of the well-intentioned amendments before us today. I think they are all, perhaps inadvertently, trying to undermine or damage the UK's negotiation—[Interruption.] One of my hon. Friends says, "Nonsense," but let me explain why it would be dangerous to adopt the amendments.

We are being invited to believe that if the House of Commons decided that it did not like the deal the Government negotiated for our future relationship with the EU and voted it down, the rest of the EU would immediately say sorry and offer us a better deal. I just do not think that that is practical politics. I do not understand how Members believe that that is going to happen. What could happen, however, is that those in the rest of the EU who want to keep the UK and our contributions in the EU might think that it would be a rather good idea to offer a very poor deal to try to tempt Parliament into voting the deal down, meaning that there would then be no deal at all. That might suit their particular agenda.

Robert Neill: Why is my right hon. Friend so worried about the House of Commons having a vote? His analysis might be right, but is it not right and proper that we have a choice, informed or otherwise? What is wrong with that? Why is he scared?

John Redwood: I support the Government offering this House a vote. They cannot deny the House a vote—if the House wants to vote, the House will vote—but it is very important that those who want to go further and press the Government even more should understand that this approach could be deeply damaging to the United Kingdom's negotiating position. It is based on a completely unreal view of how multinational negotiations go when a country is leaving the European Union. I find it very disappointing that passionate advocates of the European Union in this House, who have many fine contacts and networks across our continent, as well as access to the counsel and the wisdom of our European partners, give no explanation in these debates of the attitudes of the other member states, the weaknesses of their negotiation position and what their aims might be. If they did so, they could better inform the Government's position, meaning that we could do better for them and for us.

Mr Clegg: The right hon. Gentleman is, as ever, making an articulate case

from his point of view about the dangers of a vote at the end of the process. Can he explain why, on 20 November 2012, in a very interesting blogpost entitled, "The double referendum on the EU", he advocated a second referendum with the following question:

"Do you want to accept the new negotiated relationship with the EU or not?"
How on earth and why on earth has he changed his mind since then?

John Redwood: I do not disagree with that at all. I am very happy for the House to have a vote on whether the new deal is worth accepting, but that would be in the context of leaving the EU. I agree with my right hon. Friend the Prime Minister that no deal is better than a bad deal. If the best the Government can do is a bad deal, I might well want to vote against that deal in favour of leaving without a deal. That is exactly the choice that Government Ministers are offering this House. It is a realistic choice and a democratic choice. It is no choice to pretend that the House can re-run the referendum in this cockpit and vote to stay in the EU. We will have sent the article 50 letter. The public have voted to leave. If this House then votes to stay in, what significance would that have and why should the other member states suddenly turn around and agree?

Geraint Davies: If the right hon. Gentleman wants to maximise negotiating leverage, would it not be better to delay article 50 until after the elections of the new German Government in October and the new French Government in May? We will have only two years, so that would give us the power of having more time to negotiate while we are member, instead of giving that up. If we were to offer a referendum to the people before we trigger article 50, European countries might think that we could stay in, so they might come to the table before article 50 was triggered.

John Redwood: I do not think we should have two referendums on whether or not we leave. The issue is our future relationship. The House is perfectly capable of dealing with whether we accept the future relationship that the Government negotiate.

The point that Opposition Members and their amendments miss is that once we send the article 50 letter, we have notified our intention to leave. If there is no agreement after two years, we are out of the European Union. The right hon. Member for Gordon (Alex Salmond) rightly asked whether the notification is irrevocable, but he did not give his own answer to that. I found it very disappointing that the SNP, which takes such a strong interest in these proceedings, has no party view on whether it is irrevocable. Personally, I accept the testimony of both the Attorney General and the noble Lord who was the advocate for the remain side in the Supreme Court case that it is irrevocable. The House has to make its decision in light of that.

As far as I am concerned, this is irrevocable for another democratic reason: the public were told they were making the decision about whether we stayed in or left the EU. Some 52% of the public, if not the others, expect this House to deliver their wishes. That was what the Minister told this House when we passed the European Referendum Act 2015. Every voter in the country was told by a leaflet sent at our expense by the Government: "You, the people, are

making the decision". Rightly, this House, when under the Supreme Court's guidance it was given the opportunity to have a specific vote on whether to send the letter to leave the European Union, voted to do so by a majority of 384, with just the SNP and a few others in disagreement. It fully understood that the British people had taken the decision and fully understood that it has to do their bidding.

Paul Farrelly: Is the right hon. Gentleman not assuming that, as we walk into the room, all the people we are negotiating with are our adversaries? Is that perhaps not the wrong standpoint to take? Is it not the case that a meaningful vote on the substance of any deal might equally focus the Government's mind on what they can sell to this House to unite it, as well as the people we represent, in a very divided country?

John Redwood: The hon. Gentleman has won that argument. We will have a vote in this House on whether we accept the deal and I hope that that works out well. My criticism is not of the Government's decision to make that offer. I think it is was a very good offer to make in the circumstances. My criticism was and is of those Members who do not understand that constantly seeking to undermine and expose alleged weaknesses damages the United Kingdom's case. It is not at all helpful. As many of them have talent and expertise through their many links with the EU, it would be helpful if they did rather more talking about how we can meet the reasonable objectives of the EU and deal with the unreasonable objectives held by some in the Commission and a number of member states.

Alex Salmond: Despite the right hon. Gentleman's certainty about irrevocability, the person who drafted the clause, Lord Kerr, thinks that notification is revocable. The right hon. and learned Member for Beaconsfield (Mr Grieve), the former Attorney General, who is sitting to the right hon. Gentleman's right, is not absolutely sure but does not agree with him, and the Brexit Minister does not know. Does this not remind us of a certain question in European history, where of those who knew the answer one was mad, one was dead and the other had forgotten? Is this the basis on which he wants to take us over the cliff edge?

John Redwood: I have attempted to give the House a clear definition and to show that there is good legal precedent for my argument, based on senior lawyers and the Supreme Court. I note that the SNP does not have a clue and does not want to specify whether the notification is irrevocable.

Joanna Cherry: I remind the right hon. Gentleman that the Supreme Court did not rule on the matter.

John Redwood: It clearly did rule on the matter. It found against the Government because it deemed article 50 to be irrevocable. It would not have found against the Government if it had thought it revocable.

Mr Rees-Mogg: I am grateful to my right hon. Friend for giving way on this supreme red herring. It does not matter whether the ECJ thinks article 50 is irrevocable; the British people have determined that it is an irrevocable decision.

John Redwood: I thank my hon. Friend for that helpful intervention, although there is this legal wrangle. It is fascinating how those who wish to resist, delay or cancel our departure from the EU are now flipping their legal arguments from three or four weeks ago, when they were quite clear that this was irrevocable.

Anna Soubry: My right hon. Friend is a man of courage with a long, fine history of supporting the sovereignty of this place. He says that the Government will give us a vote in the event of a deal, but why does he not agree with those of us, on both sides of the House, who want the same vote, so that we ensure the sovereignty of this place, in the event that the Government cannot strike a deal, despite their finest efforts?

John Redwood: That is exactly the vote we had on Second Reading. If Members are at all worried about leaving the EU, they should clearly not have voted for the Bill on Second Reading. That is the point of the debate about irrevocability.

Tim Farron (Westmorland and Lonsdale) (LD): May I take the right hon. Gentleman back to his comments on his blogpost in November 2012, when he argued in favour of a referendum at the beginning and at the end of the process? He has just said that he does not think that there should be a referendum on whether we leave the EU—we can disagree on that—but he did not exclude a referendum on the terms of the deal. Will he clarify whether he thinks that the people should have the final say on the terms of the deal?

John Redwood: No, not on this occasion, because 2012 was 2012, and we were trying all sorts of things to get us out of the EU—we found one that worked, and I am grateful for that. However, now is now, and we have to speak to the current conditions and the state of the argument.

Mr Harper: On a referendum, it depends what the options are. The hon. Member for Westmorland and Lonsdale (Tim Farron) is clear that his two choices are that we accept the deal or we stay in the EU. I was on the remain side of the argument, but the question on the ballot paper was unconditional: leave or remain. I accept that my side lost and we are leaving. He wants to rerun the referendum all over again, but that is not acceptable.

John Redwood: I agree with that.

People are trying to make these negotiations far more complicated and longwinded than they need be. Because of the Prime Minister's admirable clarity in her 12 points, we do not need to negotiate borders, money, taking back control, sorting out our own laws, getting rid of ECJ jurisdiction and so on. Those are matters of Government policy mandated by the British people—they are things we will just do. We will be negotiating just two things. First, will we have a bill to pay when we leave? My answer is simply: no, of course not. There is no legal power in the treaties to charge Britain any bill, and there is no legal power for any Minister to make an ex gratia payment to the EU over and above the legal payments in our contributions up to the date of our exit.

Secondly, the Government need, primarily, to sort out our future trading relationship with the EU. We will make the generous offer of carrying on as we are at the moment and registering it as a free trade agreement. If the EU does not like that, "most favoured nation" terms under WTO rules will be fine. That is how we trade with the rest of the world—very successfully and at a profit.

Members should relax and understand that things can be much easier. There will be no economic damage. The Government have taken an admirable position and made wonderful concessions to the other side, so I hope that those on the other side will accept them gratefully and gracefully, in the knowledge that they have had an impact on this debate.