

Publish the legal advice

It is normally right for the government to withhold its legal advice from freedom of information requests or Parliamentary questions. Where the government is pursuing a court action to collect more tax or prosecute some criminal or to justify its actions, it should keep its own legal advice to itself to give it the best chance of a successful court outcome. The case of the legal advice on what the consequences of an International Treaty will be before we have signed it is altogether different. Parliament is to decide whether to sign this Treaty or not. Parliament therefore needs to know the legal implications of what we are being asked to sign.

Not that many of us need the Attorney's advice to grasp just how dangerous legally this Treaty is. It is a Treaty with many long term commitments that we cannot get out of. It is a Treaty which undermines the whole idea of Brexit, by bringing back considerable powers for the EU and for its European Court of Justice. It is a Treaty which prolongs the uncertainty over our possible exit from the EU, damaging business. It is a Treaty which removes most of the bargaining powers the UK currently enjoys when we embark under its provisions to try to negotiate a Future Partnership Agreement. This is not a deal, but a straightjacket. This is not Brexit, but a new servitude.

I am against the whole idea of a Withdrawal Treaty. I voted to come out of the extensive Treaty commitments we currently have under the EU Treaties. I did not vote to enter a new binding Treaty with the EU I cannot get out of. Nor did I vote to end up in an Association Agreement with the EU, which is what they have in mind for the so called Future Partnership. Two Treaties to replace one, and probably at a similar expensive financial price, is not what we Leave voters voted for. We did at least like Article 50, the leave clause, in the current EU Treaties. The two new proposed Treaties have no get out clause!

The Attorney General had a successful career at the criminal law bar and doubtless wrote a detailed and careful opinion. He is also a politician and Minister who will be asked to explain parts of his advice to the Commons under the control of the government's overall message on this Agreement. Parliament wants to see the full advice as some MPs think the most critical sentences about the Agreement are likely to be played down or ignored in any edited highlights for the Commons. It will certainly be a testing session for the Attorney to deliver enough of the shocking truth about this Agreement whilst defending the government that wishes to sign it.

Whatever happens on the publication of some or all of the advice, of one thing readers should be clear. There are quite enough of us MPs in the Commons who have read the draft Agreement and have serious doubts about the wide ranging powers it gives to the EU over us to ensure Parliament with or without the full advice will hold a debate knowing the main legal pitfalls of this unwise Agreement. You do not have to be a lawyer to understand the prose of this Agreement. In so many clauses of this document it places more burdens and restrictions on the UK long after we are meant to have left the EU.