

My letter to the Attorney General about the delay Brexit Withdrawal Agreement

Given the government's difficulty in replying to this, I am re issuing it and encourage all to circulate it more widely. The conventional media refuse to ask these questions of the government and supporters of the Agreement.

Dear Geoffrey

Let me have another go at getting a reply from you concerning the way the Withdrawal Agreement stops us leaving the EU. Would you kindly confirm

1. If we sign this Treaty we will be locked into the EU and have to obey all its rules and pay all the bills it sends us for a period of at least 21 months, and probably for 45 months if we have not surrendered further to reach an exit agreement at the 21 month stage. This would mean remaining in the EU for at least 5 years from the decision to leave and probably for 7 years. The EU would be able to legislate and spend against UK interests during this period, whilst we would have no vote or voice in the matter.

2. In order to "leave" in your terms at the 5 to 7 year stage the UK will need to stay in the customs union and accept all single market rules and laws, unless the EU relented over the alleged Irish border issue. 3 years on and the EU has given no ground on the made up border issue, so why would they over the next two years? Isn't the most likely outcome we would remain in the single market and customs union contrary to the government promise leaving meant leaving them in its referendum literature ?

3. After the 45 month period fully in the EU, the UK still would face financial obligations under the Withdrawal Treaty. The bills will be decided by the EU and we will have to pay them. Any attempt to query them would be adjudicated by the EU's own court! The longer we stay in the more the future bills are likely to be. The £39 bn figure is likely to be a considerable underestimate.

4 The Treaty creates a category of super citizen in the UK. EU nationals living in the UK when we "leave" the EU will have their access to benefits guaranteed in a way the rest of us do not for their entire lifetimes. So we will not be taking back control of our benefit system.

I am also concerned about a number of Articles in the draft Treaty that expressly extend EU powers and jurisdiction for a further 4 to 8 years beyond our departure date after the 21 to 45 month delay.

Article 3 asserts EU legal jurisdiction over Gibraltar and British overseas territories in general terms, where disputes about the extent of EU control would fall via the Agreement under the European Court of justice.

Article 5 reintroduces the powers of the European Court and enforces "sincere co-operation" on us as they do not want us impeding their plans for economic, monetary and political union.

Article 31 imposes social security co-ordination on us.

Article 39 gives special protection to EU citizens currently living in the UK from changes to social security for the whole of their lives, protection which the rest of us do not enjoy.

Article 51 applies parts of the VAT regime for an additional 5 years after the long transition envisaged in the Treaty

Articles 92-3 imposes the EU state aids regime on the UK for 4 years beyond transition

Article 95 imposes binding decisions by EU quangos and bodies for 4 years beyond transition

Article 99 requires us to pay for access to records to handle issues over indirect tax where the EU keeps powers for 4 years beyond transition

Article 127 applies the whole panoply of EU law throughout transition, including the right to legislate any way they wish against our interests and enforce it on us via the ECJ

Article 130 prevents us taking back control of our fish any time soon.

Doubtless more of our fishing rights would be given away trying to get an exit deal.

Article 135 allows them to send extra bills up to the end of 2028

Article 140 imposes on us financial liabilities up to December 2020 and carry over into 2021

Articles 144 and 150 prevent us getting back accumulated reserves and profits from our European Investment Fund and EIB shareholdings

Article 143 imposes adverse conditions on us over pension and loan liabilities of the Union

Article 155 requires us to make continuing payments to Turkey under an EU programme after we have left

Article 158 gives the European Court continuing power for 8 years after transition

Article 164 makes a Joint Committee an effective legislator and government over us

Article 168, the exclusivity clause, denies us access to normal international law remedies in the event of disputes. Presumably this closes off use of the Vienna Convention to renounce an onerous Treaty where there has been a material change of circumstances.

Article 174 requires any arbitration to be governed by ECJ judgements on the application of law in disputes

The Protocol on Northern Ireland will require us to stay in the Customs Union with regulatory and legal alignment with the single market, or split off a separate place called UK (NI) which will be governed differently to the rest of the UK on an island of Ireland basis.

There is much more I could object to. This is no Treaty to take back control, no Treaty for a newly independent nation. It does not quantify the financial liabilities, which are open ended and could be much larger than the low field £39bn Treasury estimate. We have little power to abate the bills and no power to abort the bills. It would probably result even in failure to take back control of our fishing grounds.

Mrs May needs to go back to the EU and explain why the UK people and

Parliament have opposed this Treaty, and ask them to think again if they want an agreement before we leave. She needs to make it clear we now intend to leave without signing the Withdrawal Agreement prior to the European Parliamentary elections.

Yours

John Redwood

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[Evidence to the Williams railway review](#)

This week I met the Williams rail review team and gave them some analysis and proposals for improving the railway. They are reviewing the current system and will be offering policy proposals to the government. I will send them a formal written follow up.

General aims

The prime aim of the railways should be to provide safe and reliable transport for people and goods in the UK.

The Review needs to consider how we can improve the traveller's experience, placing the customer at the heart of railway reform and improvement. Any structural changes proposed should be ones that will promote improved travel for customers. Greater choice is likely to be a guiding principle to ensure a better passenger experience. This in turn will require more capacity at popular times on popular routes. Punctuality and reliability are crucial to passenger satisfaction.

Capacity

The railway is most useful for commuters and peak time business users wishing to get to work and back at times when the roads are congested, and seeking to travel long distance in a timely way. These essential trips are the ones most liable to shortage of capacity and shortage of choice of trains to meet the requirement.

The industry typically runs just 20 trains an hour on any given stretch of track. On main routes into large cities this can mean just two or three trains an hour when we could do with a multiple of that from any given station along the route. In my case there are only 6 trains between 7 and 9 in the morning to Waterloo from Wokingham, a popular route where more choice and capacity would be welcome.

The railway needs to speed up the introduction of digital signalling to give

full system visibility of where every train is, with feedback to each train to ensure no collisions. The railway accepts this could lead to a 25% increase in capacity. In due course it may provide a 50% increase in capacity. The London underground can now manage 30 trains an hour on modernised lines. Effective capacity could also be improved by selective investment in short additional sections of track to allow more overtaking. All too often a fast limited stop train gets caught behind a slow stopper, disrupting timetables. This will be a much cheaper option than building new long haul railway lines. It will also boost network safety.

Home to work, home to holiday travel

Travellers want to know the time it takes to do their whole journey, not just the time from one station near departure to one station near destination. We also want to know how easy or difficult getting to and from the station is going to be. The railway industry has to work with Highway authorities, car parking businesses, bus and taxi firms on total journey times, costs and hassle.

Station car parking needs to be cheaper, more plentiful and easier to get to. Highways authorities often do few favours to stations, delaying access to station car parks by restricted road space, aggressive lights, unhelpful one way systems and limited roadspace on the main feeder roads. This puts off potential train users who may find it cheaper and faster to head away from the town centre where the station lies to get directly onto the motorway and trunk road system to do the whole journey by road.

Bus services need to be more easily accessible for travellers visiting new places. The train companies could make information available on trains about the main public transport options at each station for those needing advice. It is time there are display screens in carriages with more journey and connection information for those interested, with an option of interactive service on a travellers phone or tablet. They should also offer real time information about the journey and estimated arrival times, to allow re scheduling of your day where a train is running late. For tourist and leisure travellers there could be more information available about the places being passed and visited.

(to be continued)

My letter to the Attorney General about the draft "Withdrawal" Treaty

The Attorney General raised with me the question of a reply to my letter when I bumped into him in Parliament this week. He wanted to tell me they are planning a reply. He also said that as my letter raises policy issues as well

as legal ones it might be the Brexit Secretary who replies. It was clearly on his mind as I did not raise the matter.

I said I did not mind who replied on behalf of the government. I take the long delay in replying to mean the government is finding it difficult to answer my points in a way which puts a better gloss on the "Delay our exit and take away our powers" Agreement we are talking about. The more people who read the critique of the Agreement the better.

[US policy set out in London](#)

I attended the lecture by the US Secretary of State, Mike Pompeo, yesterday at Lancaster House. Arranged by the Centre for Policy Studies, it was a good event reminding us of the closeness of the Atlantic alliance as seen by a senior member of the current Administration.

The Secretary of State repeated the US offer of an early free trade agreement just as soon as the UK is an independent country again able to negotiate and sign one. He stressed the important contribution the UK makes to the 5 country intelligence grouping that underpins our security and US security. He praised the UK for its support in promoting democracy and better government worldwide, and for the substantial humanitarian aid supplied to trouble spots.

He called for us to support the US view that Germany is undermining western security by undertaking the second gas pipeline from Russia, making the EU far too dependent on Russian energy. He thought the UK could do more to ensure its own energy self sufficiency as the USA has now done through its shale gas revolution. He reminded us of the tough diplomatic response the US made to the Salisbury poisonings. He also warned the UK of the dangers of using a Chinese company which also acts for the Chinese state in 5G networks, suggesting that it will limit US ability and willingness to share with us if they feel the Chinese have access to secret data and messages between allies.

His visit was a preparatory visit for the President's on the occasion of the NATO Summit. He told us how the new US Ambassador who arrived in London in 1941 at the nadir of our fortunes in that war opted to live in a modest flat and to live under the rule of the UK ration book to share the dangers and deprivations faced by Londoners fighting for our freedoms. It was a moving address from an important ally. It was also good to hear from a country that has the full range of powers for self government, and a country willing to use them for what it sees as its national good and for the wider causes of freedom and democracy worldwide.

Wider ownership and Margaret Thatcher (first published in House magazine)

Everyone an owner was the central slogan I put to Margaret Thatcher when I became her principal policy adviser. She liked the idea. I worked up ways to promote home ownership, small business ownership, share participation in larger companies, employee share schemes, popular shareholdings from nationalised industry sales, more identification of an individual with their pension or insurance savings, portable pension plans and strengthened shareholder democracy. It was an exciting time. We wanted many more people to have a stake in the country, to own their own piece of land, their own home, a share in larger enterprises or their own business. Whilst the socialists worried about the concentration of ownership and wealth with a view to taxing the few that did enjoy the benefits of ownership, we wanted to do something positive to empower the millions in the economic life of the country and to spread wealth much more widely.

I wrote about the revolution in "Popular Capitalism" and in pamphlets on promoting wider ownership. Each privatisation sale of a nationalised business contained special provisions for free and discounted shares for employees. My favourite government asset sale was National Freight. This nationalised road freight business was sold to its employees who immediately set about transforming it into a more modern more profitable and successful logistics company. As one of the lorry drivers explained to me when I interviewed him for a film about it, becoming a shareholder changed his approach. Where before if the lorry did not work in the morning the driver might give it a kick and decide he could not take it out, as a co-owner he helped coax the vehicle back into life so it could generate revenue again that day. The truck driver owners opted for professional management on the grounds they wanted their investment looked after by people who knew how to do it. Later I was able to help the miners of Tower Colliery in Wales buy out their pit which the Coal Board said was no longer economic and wanted closed. The miners proved the Coal Board wrong and kept it going for many years afterwards successfully.

The movement needed lower taxes to make it cheaper to acquire assets and to hold and enjoy them. Income taxes were lowered generally, leading to a big overall boost in revenue, whilst savings were given special treatment to boost them further. Council house sales were developed with bigger discounts to make them more affordable. Labour argued strongly against it on the bogus grounds that it reduced the supply of housing. We pointed out the same person lived in the home after sale as before, but the state had a capital receipt it could use to build another home. Soon we found Labour party members and Councillors buying their own Council home, undermining their party's statement of principle against the idea.

Some Unions wanted to oppose employee shareholdings in former nationalised industries, as they opposed privatisation. They found most of their members wanted to take up the free shares on offer to employees, and many wanted to buy discounted shares on top. Why wouldn't you want to have a share in the profits of the business you worked for? How did the employee share schemes for former nationalised industry staff differ from the co-op approach to ownership which the Labour party supported?

We encountered opposition from unlikely quarters in business and the Conservative party. Harold Macmillan, a former Conservative Prime Minister complained in a very patrician way we were selling the family silver. I countered we were returning the silver the family members. Some in the nationalised industries did not like the way we introduced competition into unresponsive monopolies when we sold off telecoms or energy businesses. It was giving customers choice and allowing challengers to emerge to the traditional businesses we sold that added much of the economic gain and helped fuel the UK economy to better performance.

Privatisation solved the bedevilling problem of capital shortage that nationalised industries faced. All their investment counted as public spending and it often got cut to give priority to the NHS or schools. Once out in the market they could raise much larger sums based on the need and the prospective returns. In the case of electricity generation it allowed the change from fuel inefficient and dirty coal driven power stations to much more thermally efficient and cleaner gas stations. It was the greenest policy any UK government has followed.

Our telephone system was modernised rapidly once out of state hands. It moved from electro mechanical old fashioned equipment to electronic and digital. It moved from copper cable to fibre optics. It moved from only allowing a handful of phones and add on equipment from the monopolist to a profusion of choice from worldwide suppliers. Out went rationing of phone capacity by delay in installing a line and line sharing through so called party lines, to modern levels of service and availability. The mobile phone revolution became possible thanks to privatisation and the end of the monopoly. It would have been very difficult for the UK to build the amazing success in financial and business services which followed if we had continued with a monopoly phone supply with rationing and out of date equipment.

Popular capitalism did create many more homeowners, share owners, business owners and employee share holders. It did transform whole industries from phones to electricity. It was part of Margaret Thatcher's great success and enduring legacy.