

An April 1 story with a twist

On Friday two government Ministers at different times told me I had to vote for the Withdrawal Agreement if I wanted to secure a free trade/WTO Brexit. I asked each to explain this apparent contradiction. They said they thought I would be intelligent enough to understand it was the only way to get us out unencumbered.

They said if the Agreement was passed then the government would introduce a bill, as it would need to put the Agreement into UK law. I could then with my friends seek to amend the Bill to meet my wishes or vote it down, thus thwarting the Agreement. As this would all take time we could by default leave on 22 May before anything had been legislated.

I said that was too clever by half. How would I explain my volte face on the Agreement? Was I to say I was deliberately voting for something I disagreed with in the hope I could defeat it later? Or did they wish me to pretend to have come round to accepting the draft Treaty? Wasn't that an invitation to me to act in bad faith? Wasn't it encouragement to rebel later against government legislation? Wouldn't the leadership then have a good point if they told me I had to vote for the Bill as I had voted for it in principle in Friday's vote? As it was about an international Treaty what was to stop the government signing the Treaty on the back of the Parliamentary vote and then facing Parliament down to regularise it in UK law? Once the UK has signed the Treaty it is binding whatever Parliament does.

Both dug in and angrily explained that I must be able to see this was the only rational way for me to behave. I said I begged to differ.

The twist in this April fool story is it is not an April fool. This is an account of what happened. Many bizarre things were said and predicted by people speaking for the government last Friday.

Let's rule out some options

Amidst all the silly scares the government put round last week to frighten MPs into voting for their Agreement some were sillier than others. Let's look at the most unlikely.

1 REVOCATION OF ARTICLE 50

This would require Parliament to repeal the EU Withdrawal Act and the EU Notification of Withdrawal Act. I cannot see either Mrs May or Mr Corbyn putting a three line whip on their parties to do this. It would be such a flagrant denial of the referendum and a complete about turn from their

election Manifesto. Most Conservative MPs and many Labour MPs would refuse to support.

2 EARLY GENERAL ELECTION

This would require a substantial number of Conservative MPs to back an early election to override the 5 Year Parliament Act, which requires a two thirds majority of MPs. Practically every Conservative MP I know is against an early election and thinks we need to sort out Brexit now in this Parliament. Alternatively it would require sufficient Conservative MPs to defy a three line whip to vote against their government in a motion of no confidence and threaten to do the same if an alternative leader emerged on a temporary basis within the two week limit to try again. Again I do not think there are MPs wishing to do this.

3. SECOND REFERENDUM

This would require a government sponsored Bill to pass both Houses of Parliament., or for the government to be unable or unwilling to stop someone else's bill when the government should control the timetable, money resolutions and the rest that a Bill needs. The proposal for a second referendum has twice been voted down in the Commons. The Prime Minister says she is strongly against a second referendum, as are most of the Conservative Parliamentary party. There are probably more Labour rebels against a second referendum than Conservative rebels for one. It seems unlikely the government will flip flop on this, and unlikely there would be a majority in the Commons for it.

That leaves us to discuss the same three options that have been around for a long time – leaving without signing the Agreement, leaving with signing the Agreement, and delaying exit.

4. LEAVING WITH SIGNING THE AGREEMENT

Under the Speaker's ruling the government cannot bring back the Agreement and Political Declaration for a third vote, or bring back the Agreement on its own for a second vote. These have now been decided. It is also the case that the UK is out of time under the revised EU timetable for our departure to get the extra time to implement the Agreement, as they had to pass the motion by Friday. Reviving the Agreement therefore requires some way to get it back on the order paper, for 29 MPs to change their minds on it, and for the EU to accept another change to the timetable. The EU has continued to make clear it will not change the Agreement, so it will still be the same Agreement they want Parliament to accept.

5. DELAY

The EU has said it would consider a long delay if the UK wanted to have a second referendum or a General election to change the political situation in the UK. They have always ruled out a delay to renegotiate the Withdrawal Agreement which Parliament has now rejected three times. They might consider a delay if the UK wanted to work out a new negotiating position for the

future partnership, which seems to be what the indicative votes are about. This however, would require the UK to sign the Withdrawal Agreement as proof of good faith.

It is of course possible the EU will weaken over the rules of delay if the UK presses them. Both sides are reluctant to trigger European elections in the UK which would be needed for any delay beyond April 12, as both sides have a lot to lose in such elections. There are countries in the EU now asking more insistently what is the point of any delay given the inability of the UK government to deliver a Parliamentary majority for the EU Withdrawal Agreement which they see as a starting point for more talks. Were the UK Parliament to indicate a preference for a customs union – having previously voted it down several times – the EU is likely to say that is only negotiable after signing the Withdrawal Agreement. It would be anathema to many Conservatives who stood on a Manifesto against customs union membership in 2017. Mrs May so far has always been strongly against customs union membership.

My speech in the EU Withdrawal Agreement debate

edited text

I know that numerous Members, particularly on the Conservative side, are finding this a very difficult decision to make, so perhaps I could briefly explain how I have gone about trying to reach my difficult conclusion.□

The first thing I asked myself was: what do my voters in Wokingham want me to do? Where they have a very strong majority for a certain conclusion, I would need an extremely good reason to disagree with them. It is quite clear from all those who have communicated with me—talked to me, sent me emails—that there is a very big majority in Wokingham against accepting this agreement. It has brought together people who voted remain and people who voted leave. They have come to the same conclusion—they would like a different outcome afterwards, but they have come to the same conclusion: this is not an agreement that the United Kingdom should in any circumstances sign up to. The national polling reflects this, so this is a matter of interest to all Members. The agreement has somewhere between 15% and 25% support—on a very good day in a favourable poll—meaning that roughly four out of five people have considered it and think it a very bad idea. I would urge all to bear that in mind before they cast their vote this afternoon.

The second thing I asked myself was: what have I and my party promised my electors in Wokingham and the wider electorate in the United Kingdom whom we serve? I and the national manifesto in 2017, which gave me my mandate, said

that we would see Brexit through, that it would take two years after the formal notification had been received, that no deal was better than a bad deal. Of course we would do our best to get a really good deal, which was our preference. The manifesto of the national Conservative party wisely said that the Government would negotiate both parts together—that any withdrawal issues would be negotiated in parallel with the future trading arrangement and future partnership.

How wise that was! At that point, the Government and our leader understood that compromises would be made and that, if they were to make concessions in the withdrawal bit, they would want the good news in the partnership bit to be nailed down at the same time. Unfortunately, the Government changed their mind about that shortly after the general election. That has let the public down, because it means that we have not used the purchase of all the concessions they made in the withdrawal agreement to gain what they thought was needed in the future partnership agreement. I feel very bad about that. I have to say to my electors that in order to get closer to what I and the Government promised, I must say no to half the total agreement (the half we are voting on today) as it is so obviously weighted very strongly against the United Kingdom and our interests.

Then I come to the third thing. My electors elected me to exercise my judgment. They expect me to read all the documents, understand the background and study major matters for myself. On this happy occasion, their view and my view coincide. I have studied all the documents and closely followed the negotiations. I have offered a great deal of advice to the Prime Minister and her team. Much of it, I am afraid, has not been taken, and thus we are where we are, as the Attorney General said. My study of the documents tells me that the withdrawal agreement is not leaving the EU. Were it to pass, it would be followed by an extremely bad piece of legislation recreating all the powers of the EU and applying them to us for a period of between two and four years. We will not even be told for how long because that is in the gift of the EU and the negotiations.□

We might also have to accept lots of rules and trading arrangements in perpetuity because of the most unfortunate Irish backstop, which has been placed in the agreement. Since none of us wants to break up our country, the only way to fulfil the requirements of this solemn treaty would be for the whole United Kingdom to stay in all the arrangements the EU demanded. The agreement would mean that for at least two years, and maybe four years, the EU could legislate in any way it saw fit over an extremely wide range of issues—not just relating to business and trade—and this House of Commons would have no voice, no vote and no right to do anything other than implement it faithfully and fully without our amending it or even complaining through a reputable mechanism.

I do not see how anyone could possibly inflict that upon a great country that has recently voted to be sovereign and take back control. I do not see how this House could possibly vote for this agreement when it has open-ended financial commitments on an enormous scale. The Treasury has—optimistically, I think—priced them at a pretty big £39 billion, but there are no numbers in the agreement, no agreement about the bills that would be set. There is also

a mechanism that allows the EU to send us bills under very broad headings and a referee system to deal with disagreements that is heavily weighted in favour of the EU and under which any legal matters would be resolved by the European Court of Justice.

Who on earth would agree to pay unlimited unknown bills without genuinely independent arbitration over their purpose? When will the Government give us any purpose for offering to pay all this money? They are in this absurd position because of the way they have handled the negotiation, of having decided to pay the money without securing any goods or services in return. When I go shopping, I do not put £39 on the counter and say to the shop owner, "That is your money whatever happens next. Now can we for the next 21 months discuss whether you will let me have anything in return for my £39?", but that unfortunately is what we are being asked to approve in this agreement this afternoon.

In conclusion, for me it turns out to be an easy decision. I am sorry that for a lot of my right hon. and hon. Friends it is not so easy. I never find it easy to vote against the Government I want to support. In this Parliament, I have very rarely done so, but on this issue I have voted against the Government before and will vote against them again this afternoon, because it is a dreadful agreement. It is a fully binding treaty with no exit clause. We would not be able to get out of it. There would be requirement after requirement. We will have subcontracted our legislation to someone we cannot control and would have to obey and we will have offered to pay them a lot of money for no obvious good reason.

[Parliament votes down the "Stay in and pay up" Treaty](#)

It's been a disagreeable week in Parliament with endless rows and speculation about what might happen next. The government told Remain supporters voting down the Agreement would lead straight to a No deal exit, and told Leavers it would lead to a long delay in Brexit. As their Withdrawal Agreement was a guaranteed 21 month delay, a probable 45 month delay and a possible permanent place in the customs union with regulatory alignment they should know about delay. The government was determined to keep people focussed on anything other than the surrender terms of the document, as no one sensible could sign such a document. Why agree to pay whatever bills they send you, and to accept any laws they make without you?

The UK now has just 12 days to decide if it wants to ask for a delay to leaving or else we will just leave. The EU would want to have a reason for a delay, and would insist on us fighting the EU elections in May. As any of the variants so called soft Brexit advocates like would require us to sign the

Withdrawal Agreement first this is a bit of a problem. Why should the EU think this government or Parliament could deliver anything, given the track record?

The EU would offer a delay in return for a second referendum or possibly a General election. There is no way Conservative MPs would support either of these ideas, so it is difficult seeing even Mrs May changing her mind to promote them.

Another day, yet another debate on Brexit

The government has decided to relaunch its deeply unpopular Withdrawal Agreement with new scares. MPs are being told there could be a General election, a big delay to Brexit, a no deal Brexit or revocation of Article 50, depending on who they are and what they most fear. The good news is most of the fears are contradictory and many of the more extreme Remain ones fanciful.

The government reports to Eurosceptics almost with pleasure the progress of the Letwin -Labour provisional coalition government which ran the highly successful debate and vote on options on Wednesday. This proved that if you give a lot of Remain leaning MPs a range of Remain leaning options they cannot agree on their preferred one. They tell us they could do worse things in the future. Surely the official coalition government can do a bit better and wrestle control of business back to itself? And why cant it use the privileges of government to prevent backbench legislation against government policy? It would help if the government dropped the bad Withdrawal Agreement which has created needless tensions with the DUP.

Today's debate and vote shows the government has been too clever by half. It decided to bring back the Withdrawal Agreement without the Political Declaration in the belief that it is the Declaration that annoys Labour MPs more than the Withdrawal Agreement. The government hopes Labour rebels will swell its vote. They also hope that by holding the vote on a Friday when many MPs are used to being in their constituencies quite a lot of its critics may not turn up.

The Political Declaration is referred to in the Withdrawal Agreement and is an integral part of the deal with the EU. Under the EU withdrawal Act they need to have a vote on both together, so today's vote does not provide legal support in UK law. Labour are on to this. The government also refuse to publish the Withdrawal Agreement Bill, presumably because it would show just how controlled by the EU we would be if we were stupid enough to sign it.

Some in the government think they can win on a Friday because they hope some

opposition MPs will be missing. They will not be missing were the government to have to implement the Agreement by putting it into legislation.