

50 shades of delay

Remain leaning MPs dream of all kinds of delay. Some would accept a short delay, hoping it would lead to another short delay. Some want a long delay. Opposition MPs want a delay for a General election or a second referendum. It is difficult to see the Conservative party in Parliament voting for either a General election or a second referendum. A small number of Conservative MPs want a delay effectively for a renegotiation which the EU has not offered. In the recent free vote on delay 200 Conservative MPs refused to back the Prime Minister's short delay until April 12th, which passed on Opposition votes.

Parliament's indicative votes about a different future from either leaving without the Withdrawal Agreement or leaving with it imply negotiation of a delay. The problem with this approach is that the things they want relate to the second part of the negotiation with the EU as defined by the EU. The EU has made clear the UK has to sign the Withdrawal Treaty. Parliament has three times rejected before such talks take place.

The wish of a lot of MPs to have a customs union relationship could only happen after signing the Withdrawal Agreement which they rightly refuse to do. The EU has said they would consider a long delay as long as the UK participates in the European elections in May. This is a very uninviting prospect for either of the two main political parties, who could expect a strong challenge from pro Brexit parties angry at the delay.

Yesterday Parliament was offered just four choices for the future, as the number of propositions was whittled down. Because it is a Remain dominated Parliament there was no Brexit option left to choose from. Leaving without signing the Withdrawal Agreement was removed and my preference for a WTO/Free Trade offer exit was not available either. We had a Customs union proposal. We were offered a plan to create Common Market 2.0 with a customs union and single market membership, implying freedom of movement, some financial contributions and acceptance of single market laws. We had a motion to require a confirmatory public vote for any exit plan, which would mean a referendum running any final deal against staying in, with no proper Brexit option on the ballot paper. There was finally a motion to secure a delay or failing that to revoke our notice to leave.

The government should have asked all Conservatives to vote against all four options, which all pro Leave MPs were willing to do. All four were against the Conservative Manifesto of 2017. It was good to see there was a majority against all of these ways of stopping Brexit. The Cabinet should take note and agree our exit on 12 April without the Withdrawal Agreement.

No more delay

Cabinet must get on with our departure on April 12. There is a clear majority of Conservative MPs against any delay. So offer a free trade deal and leave. A fourth vote may not be allowed and is unlikely to give a different answer.

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.