

Why a second referendum would be a disaster

Labour has adopted its new policy with all the enthusiasm of a group of naughty children deciding how to tell their parents of their misconduct because they have been rumbled. They successfully kept opposing the government on Brexit without having a clear position of their own. They implied this was somehow compatible with fighting the 2017 election on a pro Leave ticket. Under pressure they opted for the idea that it needed a General election to resolve matters, which served their own interests and kept them united for a bit. Once they lost a vote of no confidence the internal arguments forced a change of line.

I am spending time on their views because their votes matter in the Commons in the next few weeks. They have said only the public can now decide because Parliament is unable to. This ignores the fact that Parliament despite their opposition has passed the EU Withdrawal Act which means we leave on 29 March without a deal unless Parliament changes its mind and repeals or amends the legislation. Labour's proposed second referendum clearly cannot happen before we leave, so it implies they now want to delay our exit and wish to amend or repeal the legislation about our departure.

It also implies that they expect the EU to acquiesce in a delay to allow a referendum to take place. It would take most of the rest of this year to legislate for a referendum if Parliament was willing and then to hold the vote. It would require the consent of all 27 member states to the delay. If they wanted to change the terms of our membership or relationship that would need further UK legislation. If the EU were happy for us to continue our current membership then we would need to field candidates in the European elections, which no-one has proposed in any motion before the Commons.

If an opposition party wishes to show it is ready for government and wants to propose positive policies then it has to draft the relevant documents and propose the necessary motions. The absence of a Labour motion to fight the European elections brings their wish to delay into some doubt. The absence of draft legislation to handle the delay period with the EU also shows some sloppiness or hesitation. Even more surprising is their inability to tell us what question they would want the referendum to ask.

Mr Starmer seems to want a referendum for Remain voters. It would ask do you want to remain or to accept Mrs May's Agreement. There would be no option for the 17.4 m who want to Leave, as most of us do not see the Withdrawal Agreement as being any kind of Leave. Some Leave voters willing to compromise might accept a vote on would you like to leave without a deal or accept Mrs May's deal? This is unlikely to assuage Remain campaigners for a second referendum. Some now say they want a three way, asking between No deal, the Withdrawal Agreement and Remain.

This three way has two fundamental objections. The first is it is primarily

a re run of the first referendum, so what is the point of it? People are likely to say the same again, with more probably voting to leave out of anger with the political classes for failing to do as promised the first time. The second objection is the winning answer might only get 34% of the vote, with almost two thirds of the country unhappy with the outcome. That would be more divisive than the first referendum.

Some in Labour want to put their different approach to Brexit negotiations on the ballot paper as an option. This is itself a bit vague but probably entails membership of the customs union with some kind of shadowing of the single market and acceptance of EU views on movement of people and citizens rights. There seem to be different versions of whether Labour accepts or wants to end freedom of movement, and whether they want us in effect under the ECJ for many of our laws to stay compliant with the single market. There would need to be a written down detailed version of this to be able to ask people about it. More importantly it would need the EU to sign off in principle that they would agree to it, as otherwise we would be voting on a nonsense which was not negotiable.

I think it unlikely there will be a Commons majority for a second referendum. It is a spectacularly bad idea, guaranteed to split the country more, frustrate good government for longer and undermine the UK's stature and reputation abroad. Leave voters do not want a second referendum and see no need for one. Were a second referendum to give a different answer why would that answer be better than the answer properly given to the first one?