

## ERG members and the vote

I was not present at the meeting I read about between the ERG and the Chief Whip as I was speaking on the advantages of leaving when the meeting was said to have taken place.

It is quite clear there is no UK Parliamentary fix that the government could offer to make the Agreement acceptable. The whole point about the Withdrawal Treaty is it will override anything the UK Parliament might want to do in future were we stupid enough to sign it.

I assume those ERG members who were present will have the same view as I do that the current Agreement is unacceptable and would take a lot of amendment by the EU and UK working together on it before they could consider voting for it. I would go further and think it would be best to observe the words of the Conservative Manifesto which said a Future Trading or Partnership Agreement has to be negotiated in parallel with any Withdrawal Agreement.

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## Yesterday I launched a Politeia pamphlet – How to take back control

This is how my pamphlet begins roughly like this:

Let us make 29 March 2019 our Independence day.

We should be proud of our democratic past and confident about our democratic future.

Restoring the right to govern ourselves is not a threat but a promise. It is not a problem but a whole host of opportunities.

The UK has made such a contribution to the language and architecture of freedom, and to the ways and words of democratic government. The British people had the courage to say they wanted to restore our leading place amongst the nations of the free. We voted against more laws and taxes we do not approve for ourselves. We voted to take back control of our own destiny.

People say we should think most of the young. I agree. I do. I want to give to them the most precious political flower of all, the flower of freedom. Because I believe in our young people and their potential, I want to give them the means to do as they wish through a self governing country.

My generation had that taken away from us by successive transfers of power to the EU without the consent of many British people. Gradually, directive by directive and treaty by treaty, we lost control of so much of our public

policy, lawmaking and taxation.

Bureaucracy, the lowest common denominator, the suffocating hand of centralised authority, comes from Brussels. By taking back control here at home, we can so much more prosperous, inventive, adventurous and engaging with the wider world.

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## The debate and votes on the EU Agreement

Parliament was told on Monday that the Speaker will accept votes on up to six amendments to the government's motion to approve its EU Withdrawal Agreement. The official Opposition has already tabled an amendment that declines to approve the Agreement and asks for customs union and single market membership. This is very likely to be selected for a vote. There is a Lib Dem amendment seeking a second referendum. There is a Hilary Benn/Dominic Grieve amendment seeking to reject both the Withdrawal Agreement and exit without an Agreement. There are then amendments seeking to avoid or amend the Irish backstop. There may be other amendments before the Speaker makes a decision on which ones to select for votes.

Under the procedure laid down the votes on amendments will take place before the vote on the government's main motion proposing the Withdrawal Agreement. Were any of the amendments to be carried, the final vote will then be on the amended motion rather than on the government's original motion proposing the Withdrawal Agreement. It is important to recognise that were the government to lose an amendment the straightforward issue of whether to accept or reject the Withdrawal Agreement will not be voted on. Presumably the government would find the Opposition amendments unacceptable, having tried to vote them down in the first place. It therefore seems likely the government would ask Conservative and DUP MPs to vote against the motion as amended.

Yesterday the government managed to lose three important votes. The votes on whether the government has been guilty of contempt of Parliament or not was mainly lost owing to the disaffection of the DUP over the Withdrawal Agreement. The third one was over how to proceed in January with what should be a neutral motion on leaving if we are leaving without an agreement, if that is the course owing to the defeat of the Withdrawal Agreement. This was lost owing to Conservative opponents of the government from the Remain side who want to keep open a route to thwart Brexit. It shows the difficulty of whipping against the background of a Withdrawal Agreement which suits neither side in the referendum argument, by a government which has lost the reliable support of the DUP.

The government should now publish the Attorney General's advice as Parliament requires. It should accept Parliament and much of the country does not want

the Withdrawal Agreement, and notify the EU accordingly.

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## Let's take control of our economy

Leaving without an Agreement looks more likely given the bad response of most MPs to the proposed Withdrawal Agreement and delayed exit. So let's make the most of the money, the freedoms and the opportunities leaving brings. More than half the voters expect things to get better when we leave, and so they can. That requires the government to cheer up and take some action.

1. Relax the current tight money policies a bit – they are slowing our economy too much
2. Set out a new budget with an additional £15bn of spending increases and tax cuts for 2019=20 at least, financed by saving the Withdrawal payments
3. Encourage import substitution with a farming policy based on more home grown food
4. Allow UK vessels to land a much larger share of our fish by taking control of our fishery in 2019
5. Encourage more fish processing industry
6. Novate all existing EU trade deals promptly
7. Intensify negotiations with the USA, Singapore, New Zealand, Australia and the others who are keen to sign Free Trade Deals with us once we have the power to do so
8. Make clear there will be no new checks at our ports on imports from the EU in the short term, and any longer term extra checks will be done away from the border or with sufficient capacity at the port to avoid delays
9. Set a new tariff schedule which lowers our external tariff, removing all tariffs from imported components for manufacturers and from items here the tariff raises little net revenue

It's high time the media allowed a proper debate on how to take advantage of the opportunities of leaving after months of just recycling false scare stories about the costs.

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## 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.