



Withdrawal Agreement Vote | 12th March 2019
Statement from The Rt Hon Priti Patel MP

The Withdrawal Agreement came back to the House of Commons on 12th March 2019 to be voted on after the Government and the EU reached an agreement on a new Joint Instrument. The Joint Instrument and a Unilateral Declaration from the UK Government have been put together in an attempt to address concerns over the Withdrawal Agreement and to secure approval from the House of Commons.

After much consideration, analysis and review of the republished Withdrawal Agreement it is clear that it is the same agreement as originally agreed in November 2018 and that there is no change with regards to the backstop. This means that the Withdrawal Agreement continues to be a legally binding treaty which breaks promises given in the Conservative Party Manifesto, contradicts Government policy and stands against our national interests. I have been consistent in my support for the negotiating objectives set out by the Government and the Withdrawal Agreement does not satisfy those. I have also been very conscience of the result of the Referendum, including the strong support for leaving the EU in the Witham constituency and Essex.

The unchanged Withdrawal Agreement and Joint Instrument still keeps us tied to the European Union, it is not in our national interest, does not respect the referendum result and is harmful to the long term future of our country. The Withdrawal Agreement the Government asked us to vote on also did not contain the legally binding changes that the House of Commons sought and the Government agreed to pursue.

The Joint Instrument and the Unilateral Declaration does not make any substantial changes to the Withdrawal Agreement and the legal advice from the Attorney General confirms this when he stated that “the legal risk remains unchanged” (Attorney General, Legal Opinion, 12 March 2019, para.19).

To understand why the Joint Instrument and the Unilateral Declaration are ineffective it is important to examine what has happened since the beginning of this year.

The vote on 12th March 2019 follows the Government losing the ‘Meaningful Vote’, which took place on 15 January 2019. After losing that vote, on 29th January 2019 the House of Commons passed a motion through the Brady Amendment, which stated that the Withdrawal Agreement could be acceptable if “the Northern Ireland backstop [were] to be replaced with alternative arrangements to avoid a hard border.” During that debate the Prime Minister giving a clear commitment in the House of Commons to seek legally binding changes to the Withdrawal Agreement. She stated in her speech (Hansard, 29 January 2019, Columns 678-9) that:

“What I am talking about is not a further exchange of letters but a significant and legally binding change to the withdrawal agreement. Negotiating such a change will not be easy. It will involve reopening the withdrawal agreement – a move for which I know there is limited appetite among our European partners. But I believe that with a mandate from this House, and supported by the Attorney General, the Chancellor of the Duchy of Lancaster and the Secretary of State for Exiting the European Union, I can secure such a change in advance of our departure from the EU.”

The Prime Minister and the House of Commons were clear that an alternative was needed for the Northern Ireland backstop and this would mean the Withdrawal Agreement being re-opened and subject to legally binding changes. That alternative could have included a unilateral withdrawal mechanism. And a time limit to ensure that the UK cannot be trapped in the backstop arrangements.

Since January 2019 despite the Government saying that it would seek an opening up of the Withdrawal Agreement and securing alternative arrangements, the Government did not seek to agree alternative arrangements to the backstop with the EU. I was involved with a number of colleagues on putting forward some options and alternatives, including the so-called Malthouse Compromise. My colleagues and I sought to influence this process and persuade the Government and the EU to take a sensible and pragmatic approach. We were also encouraged by the Government to undertake this work.

However, this week we have seen that the Government does not want to make any changes to the Withdrawal Agreement and wants to keep the backstop in place. This means that the UK is trapped in a position whereby unless the EU agrees we will be stuck wedded to the EU in a manner that is deeply damaging to our national interests and threatens to separate Northern Ireland from the rest of our country.

In the words of the Attorney General’s latest legal advice (Attorney General, Legal Opinion, 12 March 2019, para.19) on the Joint Instrument:

“...the legal risk remains unchanged that if through no such demonstrable failure of either party, but simply because of intractable differences, that situation does arise, the United Kingdom would have, at least while the fundamental circumstances remained the same no internationally lawful means of exiting the Protocol’s arrangements, save by agreement.”

In effect, since January 2019 there has been no substantial or significant change and there is no lawful way for the UK to unilaterally depart from the backstop arrangements. The legally binding changes to the Withdrawal Agreement which were sought have not been made. Therefore, the Withdrawal Agreement is as unacceptable today as it was in January 2019.

On the issue of the Northern Ireland, to support the Withdrawal Agreement would have meant the future integrity of our United Kingdom would have been put at risk. We would only be able to leave the backstop with the consent of the EU or through a dispute resolution and arbitration process which EU Court judgements are binding on. Moreover, to go through this process we would need to demonstrate there being ‘bad faith’ on the part of the EU. All the EU would need to do in defence would be to say they are considering proposals to end the backstop. That could leave the UKL trapped in the

backstop by way of there being a perpetual stalemate in negotiations.

We would be left in a position where the UK could be subjected to EU rules and controls indefinitely or where Northern Ireland continues to face those controls and the rest of the UK does not. As a member of the Conservative and Unionist Party I cannot contemplate any action that threatens to break up our country.

The Withdrawal Agreement also has a number of other serious areas of concern which have not been resolved or changed. This includes the UK continuing to be bound into following EU laws, rules and court judgements without any say in them. It also establishes an EU-UK single customs territory, which is in effect a customs union recognised by the World Trade Organisation. That would chain us to the tariffs, trade and commercial policies set by the EU and severely limit our ability to establish new trade deals with fast-growing economies across the world.

Setting our own tariffs is a key sign of an independent country and would enable us to grow our economy, improve trade and deliver lower consumer prices. Moreover, the Political Declaration on the future EU and UK arrangements which accompanies the Withdrawal Agreement states that it is expected that the single customs territory could continue in the long term. It states (paragraph 23):

“The economic partnership should ensure no tariffs, fees, charges or quantitative restrictions across all sectors, with ambitious customs arrangements that, in line with the Parties’ objectives and principles above, build and improve on the single customs territory provided for in the Withdrawal Agreement which obviates the need for checks on rules of origin.”

Our manifesto and the Government have been clear that the UK would not remain in a customs union with the EU. The Conservative Party Manifesto at the 2017 General Election stated: “As we leave the European Union, we will no longer be members of the single market or customs union.” Furthermore, the Prime Minister in her Lancaster House speech (17 January 2017) stated:

“I do not want Britain to be part of the Common Commercial Policy and I do not want us to be bound by the Common External Tariff. These are elements of the Customs Union that prevent us from striking our own comprehensive trade agreements with other countries.”

Therefore, agreeing to the Withdrawal Agreement would breach the promises given to the public. In opposing the Withdrawal Agreement I am being consistent in my support for the Manifesto and Government policy.

On top of this, the Withdrawal Agreement does not offer us a guarantee of a comprehensive free trade agreement between the EU and the UK in the future. A free trade agreement has been agreed between the EU and Canada which could act as a model to follow and would not involve all the political entanglements which the Withdrawal Agreement contains. Unfortunately, the EU and UK Government have so far dismissed this option.

Consequently, accepting the Withdrawal Agreement would prolong uncertainty because

towards the end of the transition and implementation period there is no guarantee of what the long term future arrangement would be other than the prospect of the UK being tied in closely to being controlled by the EU and to following the EU.

So in effect, agreeing to the Withdrawal Agreement would mean the UK continuing to be governed by remote control from Brussels subject to rules, laws and judgements, our trade policy still being determined by the EU and the future integrity of the United Kingdom put at risk. Added to this is the fact that UK taxpayers will be footing a £39 billion bill. This is not what the British people voted for in the 2016 Referendum when they chose to take back control and vote to leave the EU.

I cannot support a deal between the UK and the EU which leaves the UK fundamentally damaged and weakened in this way. The Withdrawal Agreement represents a serious act of economic and democratic self-harm.

With the Withdrawal Agreement yet again rejected by the House of Commons, this poses the question about what to do next. It has been suggested that the UK now seek an extension to Article 50 and postpone Brexit from 29 March 2019. This option is not sensible or reasonable. Extending Article 50 will come at a huge cost. It would require the agreement of all 27 EU Member States who will see the divisions in the House of Commons as an opportunity to exploit our country. They could demand more money from UK taxpayers and more control over our country.

Likewise, those who are calling for a second referendum would be faced with the effects of Article 50 being extended as well as a divisive referendum campaign. There is no agreement on what question or questions should be on the ballot paper and the outcome of such a referendum may not change. This option is therefore also unacceptable and unreasonable.

Parliament is also considering a vote to block a 'no deal' departure from the EU. This is a reckless approach to take as it removes our negotiating leverage and ties the UK into accepting a deal however bad it may be for our country. It would be a huge mistake for Members of Parliament to kill off our leverage in negotiations with the EU by removing the 'no deal' option. It would only be the EU who would celebrate 'no deal' coming off of the table. As the Prime Minister and Government Ministers have repeatedly said on numerous occasions, "no deal is better than a bad deal." This is Government policy and the Government should stick to that approach.

Our country should not be subject to years of pain and control from the EU just so that the political establishment can wave a piece of paper around saying they have agreed something. The freedoms and control that the British people voted in favour of in the 2016 Referendum cannot now be surrendered. Britain deserves far better than the deal proposed and our future should not be signed away to please the EU or to salvage political reputations.

I am clear that leaving without a deal is a far safer and more secure option than leaving with the Withdrawal Agreement the deal proposed by the Government, which keeps our future under the EU's control. The public voted to leave the EU to secure our democratic

future and to take back control. We can do this by leaving on 29 March 2019 without the deal proposed.

Those options are not in the national interest and do not deliver on the Referendum result.

The most appropriate way forward is now for the UK to fully prepare to leave the EU on 29 March 2019. This is what Parliament has legislated for and what has been promised to the people. The legislation to leave on 29 March is in place. Effective preparation would mean we will be a free and independent country on 29 March 2019 able to set our own trade policies and make our own laws. We could provide certainty to business for the long term while keeping the door open for a new comprehensive trade deal to be agreed with the EU. The uncertainty which comes with the Withdrawal Agreement would be replaced with the certainty of the UK being in control of our own destiny. The Government having triggered Article 50 on March 2017 has had two years to plan and prepare for our withdrawal from the EU.

Leaving on 29 March 2019 also fulfils our promise to the British people and would go some way towards repairing the damage that has been done to our democracy in recent months.

I have strong faith and belief in the ingenuity of the British people and the entrepreneurial spirit of our businesses. Our country can overcome any challenge and with our independence and freedom after 29 March 2019 we can take our country forward to a more successful and prosperous future for all.

with my good wishes
P. Patel

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