

Populism is hijacking democracy

6.49 pm 25.03.19

[Lord Howell of Guildford \(Con\)](#)

My Lords, it is a pleasure to follow the noble Baroness, Lady Deech, who speaks with such clarity and authority. Although I do not agree with everything she said, I agree with much of it.

These occasions have begun to acquire a sort of ritualistic quality. Time after time, there is always the noble Lord, Lord Newby, pronouncing the obituary of the withdrawal treaty, although somehow it goes on. Its death is somewhat exaggerated. The noble and learned Lord, Lord Hope, tries to cheer us all up with his attempt at light-heartedness. The noble Lord, Lord Hennessy, puts it all in a wonderful historical perspective. The noble Baroness, Lady Hayter, tells us that everything on offer is unacceptable, although in this case I think her lovely story about everyone being out of step did not quite add up, because all the people she mentioned, or most of them, want to be in step with the Prime Minister in agreeing the withdrawal treaty. It seemed she drew the wrong conclusion from her story, but never mind. We have to say these things and no doubt they will all be said again by all parties.

Unlike the noble Lord, Lord Newby, I have considerable sympathy for the Prime Minister and her frustration about the membership of the House of Commons. Of course, there are many hard-working MPs of great integrity. Some of us spent decades in the House of Commons and we did our best, but of course there are also some—and there always were—who really do try anybody's patience, like Disraeli's flies in amber. One wonders how the devil some of them got there.

I have been astonished at the cavalier disregard of some MPs for the facts or the truth, especially in commenting on the so-called Prime Minister's deal. Actually, of course, it is a carefully worked out 585-page treaty, drawn up painstakingly between EU and British representatives over a long period. Thus from certain MPs, journalists, academics and lawyers who should know better come statements that, "The withdrawal agreement binds us permanently into subjugation". That is nonsense. Another one says that we "remain for ever under ECJ rules". That is not true. Another says that we pay billions "for nothing", which is nonsense again, or that we remain trapped, et cetera. Others have talked idiotically about penal servitude, the EU torture chamber, putting us at the mercy

of our competitors, or being plunged by the Treasury into a spiral downwards into oblivion. These views have come from both sides, from the hard-line Brexiteers and the hard-line Europhiles.

Others keep insisting that the referendum is being undermined, when in obvious fact the treaty reflects the referendum result. What it undermines is the totally antidemocratic view that the majority takes all and the minority can be ignored. That is the deadly straight road not to democracy, but to majoritarianism and demagoguery. It is the point—I am afraid we are getting quite near it—where populism hijacks democracy.

As to the backstop mentioned by so many, the doom-mongers and our dear lawyers again keep saying—here is their latest—that there is,

“a long-term risk to ... the integrity of the United Kingdom”.

This is nonsense. All sides insist that it should be only temporary. There it is again in the Prime Minister’s latest letter, as in her Statement, that,

“the backstop is unlikely ever to be used, and would only be temporary if it is”.

That cannot be reconciled with the statements that some prominent MPs and columnists consistently make, ignoring the facts, referring to bondage and eternal entrapment. Such statements are utterly twisted and distorted. The withdrawal agreement does none of these things. It is a transition document—a necessary first step on a long journey. It is an exit, as ordained by the referendum, but an orderly one. It takes us decisively out of the European Union and opens the way decisively to new trade relations in a changed world and to catching up with Asia, which is rapidly moving ahead of the western world in almost every respect. After transition we are free of the EU’s worst overcentralising and outdated features, but we remain good and close neighbours—possibly even closer neighbours than we have been—and not all that far, ironically, from what the rest of Europe is increasingly arguing for and what the prospective next German Chancellor is arguing for herself. Portraying the treaty otherwise is malign and mischievous, or the product of narrow legalistic contortions by the lawyers. I should not say this, but I sometimes agree with what Shakespeare had to say about lawyers.

As for all the talk about Mrs May going, this really is a mad time to be suggesting such a thing. The chairman of the 1922 committee has apparently been to see her about resigning. The late Lord Whitelaw, with whom I worked very closely, had a wise adage about parliamentary life at Westminster: never take any notice at all

of the 1922 committee's view. It was always wrong. That is what he said, more than once.

I have urged the Prime Minister, and I urge her again, to make the next meaningful vote on the withdrawal treaty a matter of confidence in Her Majesty's Government. I am convinced that that is possible under the 2011 Act. Of course, it is a gamble and a risk, but no greater than the risk she is taking at present. It would have a powerful effect on all but the most myopic hardliners, as well as on a good many sensible social democrats in the Labour Party—not, of course, the leadership, but that is a different story. If she won we could move on to the task of working out modern commercial arrangements with the EU and the rest the world. If she lost—and that is the gamble—under the 2011 Act there would be a fortnight of limbo and then a general election, for which the European Union would certainly grant any further time necessary. In fact, it has indicated as much. It would take about seven weeks to get a general election under way and organised. It could therefore take place in mid-May. It is certainly not what I want and it would be really messy, with the vote split in every direction in various constituencies between official party candidates and breakaways, between Conservatives and independent Tories, between Corbynite Labourites and more sensible social democrats. But a new Parliament would have a good chance—a better chance than the present one—of being less paralysed. It could well have an ad-hoc majority for the withdrawal treaty and for meeting the overwhelming wish of the British people for settling withdrawal and moving on.

But, of course, none of this needs to happen. Why? Because a confidence vote would be a smack of firm government and would bring over further sensible ERG doubters, and there are quite a few of those. Of course, the deepest diehards in my party will remain outside because, sadly, they are now beyond reason, beyond conservatism and, when one examines their pronouncements, beyond truth. Calling a linked confidence vote—the bold, high-risk course—could now deliver the majority needed and the great issues of our times would be decided in Parliament, in line with our model of democracy, and not in the streets, where democracy does not belong and never did.
