

7.12 pm

[Barry Gardiner \(Brent North\) \(Lab\)](#)

For many months, we have been confronted with a series of choices and a series of false choices. The country had to choose whether to leave or remain. Those in the Cabinet had to choose whether to leave or remain in the Cabinet. For many Government Members, the choice has become whether to leave with or without a deal. For many Opposition Members, the choice has been whether to call for a second referendum or to accept the first.

Many famous figures have been quoted since we started our debate back at the beginning of December, but these are the words that keep coming back to me: it is not our abilities in life but our choices that define who we truly are. For all the heart searching and the division that these questions have caused, I am convinced more than ever that the real divide in our country is not between those who voted to remain and those who voted to leave but, as the leader of my party said last week, between the many who do the work, create the wealth and pay the taxes, and the few who set the rules, reap the rewards and so often dodge paying the taxes. The real choice is choosing whose side we are on when we see injustice, unfairness and inequality. In answer to that question, my party—the Labour party—has always throughout its history had one and only one answer. As the party of the many, we seek to heal the appalling divide that we now see in our society.

The speeches that have moved me in the long course of our debate since December were those like that of my hon. Friend the Member for Stoke-on-Trent Central (Gareth Snell), who explained that his constituents were not interested in the processes and the amendments. He said:

“They want to know how they will feed their kids and heat their house, and how they will get to work if there is no bus. How will they make ends meet if they have to move from their current benefit on to universal credit?”

That view was intriguingly echoed from the Government Benches by the hon. Member for Plymouth, Moor View (Johnny Mercer), who said:

“The vote to leave was in no small part a *cri de coeur* from millions of people who feel that the powers that be in Westminster no longer know, let alone care, what it feels like to walk in their shoes...At every level, there was a direct correlation between household income and the likelihood to vote for leaving the EU.”—[*Official Report*, 6 December 2018; Vol. 650, c. 1144-1159.]

The social divide in our country is real. I agree with my colleagues who say, “That was not caused by the European Union.” That is true, but nor did the European Union provide a shield against it. It will not be solved if we become poorer by leaving the EU, but while our country has been a member of the EU, the experience of those millions of people has been the loss of secure jobs, the hollowing out of their communities, and years of austerity and harsh social policy. That is why remaining in the EU does not appear to them to be a solution to the inequality we face.

Cri de coeur it may have been, but those people will feel nothing but anger and disgust for us as politicians if we turn around now and patronise them by ignoring and reversing on the message they gave us in the referendum. My good friend the hon. Member for Newcastle upon Tyne Central (Chi Onwurah) expressed that with an eloquence we rarely hear in the Chamber when she said:

“The right to be heard is a key battleground in the history of our country, and it is at the heart of the age-old division between those who labour in silence and those who speak from a gilded platform.”—[*Official Report*, 4 December 2018; Vol. 650, c. 832.]

My God, I wish I had said that.

When the referendum result came in, those who voted to leave finally felt that their voices had been heard. The House has to understand that despite the social chapter and the good will of our MEPs, the EU did not present itself as a champion of the voiceless. It was against that backdrop that the Prime Minister had an opportunity to put together a future that met the aspirations of those voters. She could and should have recognised that when our fellow citizens are divided 52% to 48%, it is the time not to go back in the political bunker but to reach out. She should have reached out and tried to build a consensus across Parliament that would have united our country. That would have been leadership, but instead she doubled down, put her party interests before the country and tried to appease the European Research Group.

I do not deny that the Prime Minister has shown steel and determination, but there is a point at which steel and determination become obstinacy and recklessness, and she has gone far beyond it. The Labour party consistently argued that before triggering article 50, Parliament must be properly consulted on, and fully involved in, the impact assessments, the right to a meaningful vote, the deal and the financial modelling. We argued that Parliament had the right to see the full legal opinion prepared by the Attorney General. The Prime Minister’s refusal at every stage was a blunder that resulted in an achievement unique in 1,000 years of our history in this place: a Government being

held to be in contempt of Parliament. That is ironic, given that Brexit was supposed to be about restoring the sovereignty of Parliament.

[Charlie Elphicke](#)

The hon. Gentleman talks about the importance of uniting the House. Will he unite with me in rejecting the idea of a second referendum? We need to honour the referendum mandate and leave the European Union.

[Barry Gardiner](#)

I will conclude on exactly the point that the hon. Gentleman raises, because it is at the heart of the conundrum facing the House and the country. If he gives me time, I will get there.

[Dr Fox](#)

I am grateful for how the hon. Gentleman is setting out his arguments, but if he feels that he was ill informed when article 50 was triggered, why did he vote for it?

[Barry Gardiner](#)

The Secretary of State makes a bewildering point, because I did not talk about being ill informed about the triggering of article 50, but he makes his own point and perhaps he understands what he means.

Now that the Prime Minister has finally brought her deal back to the House of Commons, it is hardly surprising that Members on both sides do not believe it to be in the best interests of our country. I know that she is now reaching out to her rather unlikely new-found friends in Unite and the GMB, and even to Opposition Members, but colleagues will recognise that this is a paradigm of too little, too late. Workers' rights and environmental standards and protections are a vital part of Labour's concern about the future relationship. We cannot agree that the UK should be in a situation in which we might fall behind our EU counterparts. The principle of non-regression from current levels makes it almost impossible to take action against the loss of a specific right but, as the TUC has made clear, what is required is not vague assurances but the binding long-term guarantees that working people need. These are not, even now, being offered.

On 10 December, the Prime Minister called a halt to the first part of the debate. She acknowledged that the package of the withdrawal agreement and the future political framework, as it stood, would not gain the support of the House. She undertook to change it and to come back with legally binding assurances on the backstop after listening to Members' objections. Indeed, the Secretary of State for International Trade went as far as to say:

"I think it is very difficult to support the deal if we don't get changes to the backstop... I'm not even sure if the cabinet will agree for it to be put to the House of Commons."

Well, here it is, and here he is, but the only thing that has changed is that the Prime Minister has lost yet more votes, and more of the confidence of Members and of the country. The letter from the EU that she has brought back is a long way from the significant and legally effective commitment she promised last month. It is a reiteration of the EU's existing position. She has delayed proceedings in a futile bid to run down the clock but, once again, nothing has changed.

Before the intermission in our debate, when the Prime Minister was trying to press her Back Benchers to support her, she claimed repeatedly that there was no possibility of renegotiation, but then, when defeat seemed inevitable, she scrambled back to Europe in a vain attempt to do precisely that.

[Mr Jacob Rees-Mogg \(North East Somerset\) \(Con\)](#)

You are criticising—*[Interruption.]* I do apologise, Mr Speaker; Even Homer nods. The hon. Gentleman said that the Prime Minister told us that she could not renegotiate, but now criticises her for coming back saying she could not renegotiate, as she said. That seems a little unfair.

[Barry Gardiner](#)

The hon. Gentleman is extremely courteous and always punctilious about the truth of what is said in this Chamber. I simply stated the fact that the Prime Minister had said it was impossible to renegotiate but that, when she faced defeat, she tried to do what she herself had said was impossible.

The Government could have used some of this time to respond to the Treasury Committee by providing proper economic assessments containing an analysis of the Northern Ireland backstop and setting out the short-term economic impact of the Prime Minister's proposed deal. On 11 December,

the Committee published its report on the withdrawal agreement and the political declaration. It concluded:

“The White Paper scenario, which is akin to the Chequers proposal, represents the most optimistic and generous reading of the Political Declaration, insofar as it is consistent with it at all. It does not represent the central or most likely outcome under the Political Declaration. Therefore, it cannot be used to inform Parliament’s meaningful vote on the Withdrawal Agreement. The information provided includes no analysis of the Backstop, and there is no short-term analysis of any of the scenarios, including on public finances and on regional and sectoral job losses and gains. The Government has only provided long-term analysis, which does not show how the economy will transition to a new trading relationship, or the path taken by inflation and unemployment”.

The Chair of the Committee, the right hon. Member for Loughborough (Nicky Morgan), commented:

“The aim of this report is not to recommend how MPs should vote, but to ensure that MPs are as informed as possible when it comes to choosing a division lobby. Yet the Government has made this difficult to achieve. The Committee is disappointed that the Government has modelled its White Paper, which represents the most optimistic reading of the Political Declaration, rather than a more realistic scenario. The Committee is also disappointed that the Treasury has not analysed the backstop and fails to include short-term analysis of any of the scenarios, including impacts on public finances and on regional and sectoral job losses or gains.”

In the Chancellor’s letter responding to the Committee, he revealed that

“there is not yet sufficient specificity on detailed arrangements for modelling purposes, and therefore the provisions of the backstop have not been included in the analysis.”

Indeed! Members are being asked to take one of the most important decisions for our country on the basis of inadequate financial information, and it is precisely this lack of specificity that has left Members across the House unable to have confidence in the Prime Minister’s deal.

[The Chancellor of the Exchequer \(Mr Philip Hammond\)](#)

Will the hon. Gentleman acknowledge that the cross-Government modelling to which he refers looked at the situation 15 years out? Of course it does not reflect the inclusion of the backstop. The

backstop, if it were used, would be a temporary arrangement, so it is completely irrelevant to the stable state 15 years out.

[Barry Gardiner](#)

Of course it was right to look at the 15-year long-term assessment. Nobody is disputing that. Indeed, I will quote later from precisely that analysis. The problem is—and this is not just my criticism but the all-party Treasury Select Committee’s criticism—that these crucial elements of how we will transition to the future relationship have not been analysed or presented to the House.

[Charlie Elphicke](#)

As a member of that Committee, I share the hon. Gentleman’s concerns about the modelling, and I do believe that the Treasury needs to get better at listening, but would he agree that Labour’s various Brexit tests are not worth the paper they are written on? Indeed, I believe one member of the shadow Cabinet used a profanity in describing Labour’s Brexit policy not so long ago.

[Barry Gardiner](#)

Oh dear, Mr Speaker!

It is precisely this lack of specificity that has left Members across the House unable to have confidence in the Prime Minister’s deal. I probably should not call it a deal, because the future political framework document is no more than a placeholder for the future trade and security agreements that the Government hope eventually to conclude. It is both this lack of detail and the fact that the Prime Minister has wound down the clock that have significantly reduced the ability of Parliament to be properly involved in the most important decision facing our country.

When my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), the shadow Brexit Secretary, fought and won the battle for a meaningful vote, which is now scheduled for tomorrow, he made it clear that the word “meaningful” must imply both a level of detail and clarity about what was proposed and a timeliness that would enable Parliament to amend the proposal and the Government to respond appropriately. We should not forget that originally the Government quite correctly wished to pursue the negotiations on the withdrawal agreement and the political framework side by side, but they agreed the chronology set out by the European Union.

That, I believe, was a mistake, but it made it all the more important that the negotiations on phase one be concluded expeditiously. The Government failed to do that. As a consequence, they ended up agreeing to everything that was vital to the EU in the withdrawal agreement and leaving everything about the future trade, security and political agreement that is vital to the UK to fall into a thin wish list, with words such as “the parties envisage”, “the parties will explore”, “the parties will use their best endeavours”.

The truth is that the real negotiations that will affect our economic life and our citizens’ future security have not yet properly begun. Look at the provisions for data protection: we have lost our place on the European Data Protection Board. The Prime Minister said in Munich that staying on it was one of her objectives so that we could continue to influence the rules and development of the general data protection regulation regime that we had been so influential in setting up. We will still have to comply with the scheme, but under the political declaration the EU will “start the assessments” of whether it should recognise the UK as a fit regime and will endeavour to reach a decision by 2020.

It is the same with REACH and the chemicals regulations: these are areas in which the EU is leading the world and in which we were leading the EU. No longer—our chemicals industry has spent more than half a billion pounds registering more than 6,000 chemicals with the EU’s database. The Government are now asking it to re-register every single one with our own Health and Safety Executive because we will no longer have access to that EU database. It is the same for financial services, where we are talking about equivalence, not even mutual recognition: the EU will start assessing whether it can declare our regulatory and supervisory regime is equivalent only after the withdrawal date. Then it says that it will try to reach a decision before the end of June 2020. Well, how very good of it.

The hon. Member for East Surrey (Mr Gyimah) spoke with great clarity and from his own bitter experience of negotiating with the EU when he advised the House:

“We must be clear-eyed as we go into these negotiations because they have been set up for failure. The EU will manage the timetable, it will manage the sequencing of the negotiations, it will set the hurdles and it will tell us when we can progress to the next stage. That is what happened in the first phase of the negotiations and that is what will happen in the second phase. We will always be in a position in which we have to walk away or fold”.

The hon. Gentleman was clear about what he thought would happen, from his own experience of negotiating Galileo. He said:

“we will always fold because the clock will be ticking.”—[*Official Report*, 5 December 2018; Vol. 650, c. 920.]

I agree. If we give the green light to the Prime Minister’s proposals tomorrow, we will end up not with the unique agreement that the future framework dangles before us, but with a free trade agreement dictated to us by the EU. We will have a long and difficult road to a future trade agreement that will not solve the economic problems we face or heal the divisions in our society. In the weeks since the Government called a halt to this debate, the US ambassador put to bed any idea of a quick and massive trade deal with the Americans. I do not usually find myself in agreement with the Trump Administration, but the assessment made in Washington that there will be little scope for a major trade deal with the United States is one with which I wholly concur.

The future political framework sets out that

“the United Kingdom’s commitments on customs and regulatory cooperation, including with regard to alignment of rules, would be taken into account in the application of related checks and controls”.

There is nothing remarkable there, really—it is what we in the Opposition have been pointing out for a very long time. If we want a strong trade relationship, the facility of market access must be proportionate to regulatory alignment.

Ruth George

Does my hon. Friend agree that the problems of regulatory alignment with very different actors such as the United States of America and the EU, with which we will both seek to do a free trade agreement, will make it extremely difficult for us to conclude agreements with both? We will have to prioritise one over the other. The USA has asked for access to our internal health markets and says that we will have to align our food standards down to theirs, so our having to choose might be a very good thing.

[Barry Gardiner](#)

I am pleased that I gave way to my hon. Friend, who has said what it is critical to understand on both sides of the House: we cannot simply have deals with everybody that are as good with everybody. We will have to pick and choose.

For my own part, I have never been star-struck by the prospect of a trade agreement with the USA; even under President Obama, it wanted us to weaken our food standards so that it could increase access for American agri-foods to the UK.

[Boris Johnson](#)

rose—

[Barry Gardiner](#)

I will give way to the right hon. Gentleman in a minute—and quicker than his right hon. Friend the Secretary of State for International Development did.

Ten days ago, I had the pleasure of attending the Oxford farming conference. It was clear that the Secretary of State for Environment, Food and Rural Affairs, who had spoken to them the day before, had got farmers seriously concerned. They were pleased that he confirmed that our food production standards in the UK would not be reduced, but incensed by his refusal to deny that food from the USA and elsewhere, which had been produced to lower standards, would be allowed access into the UK to undercut them in our domestic market. That, according to the Government, of course, is not a lowering of our standards in the UK but simply consumer choice and the pursuit of free trade. I now give way to the former Foreign Secretary.

[Boris Johnson](#)

I admire the tone in which the hon. Gentleman is making his remarks. May I ask him about the free trade deals that he says Labour would like to pursue? I am puzzled to hear that. It was my impression that Labour had abandoned its policy of coming out of the customs union and was instead preparing for us to remain in it as a paying, participating member, setting the same tariffs. Will he explain exactly how that is supposed to work?

Barry Gardiner

I am delighted to say that the rest of my speech will be doing precisely that; I hope it will satisfy the right hon. Gentleman.

Alignment of standards is key to trade. That was properly recognised by the Minister for Trade Policy himself—sadly, he is not in his place at the moment—when he said:

“If we come out of alignment with EU regulations in this area, then there is a penalty to be paid in terms of frictionless trade with Europe.”

Of course, the idea that this particular American President is not going to demand greater access for American healthcare businesses into our NHS is simply a fantasy. So yes—I would love to do more business with the USA. It is already our major bilateral trading partner as a country rather than a bloc, but whatever benefits a trade agreement with it may bring must be weighed against the corresponding losses in our existing or any future trade agreement with the EU.

Lucy Powell

Is my hon. Friend aware that, before the referendum, the right hon. Member for Uxbridge and South Ruislip (Boris Johnson) said that staying in the single market was “essential and deliverable”?

Barry Gardiner

I am glad to say that the one thing that I can honestly claim I have no responsibility for are the words of the right hon. Gentleman.

When listening to some of the more extreme proponents of Brexit, it has often amused me to hear them say that trading with the European Union on World Trade Organisation terms would not be the slightest problem for us; in the same breath, they insist that to achieve our destiny we cannot possibly trade on WTO terms with the United States—and that that is why we need to break free from the EU.

The simple truth is this—I hope it answers the right hon. Gentleman’s question: it makes good sense to have good trade agreements with everyone, but to have the best trade agreements with our closest trading partners. For us, that is the EU, with which we do 53% of our trade and which takes 44% of our exports.

[Boris Johnson](#)

rose—

[Barry Gardiner](#)

No, I will not give way again to the right hon. Gentleman.

I move on to immigration, which was a key part of the referendum debate. Like many Members, I was outraged by the dog-whistle politics of the Vote Leave campaign's very own "Project Fear": that millions of Turkish citizens would be queueing up for entry into the UK. That was a lie, and those Members who associated themselves with that campaign should feel ashamed.

I also want to express my disgust at those who have sought to paint leave voters as ignorant racists; it is that sort of demonisation of our fellow citizens that is so damaging to the discourse around Brexit. It precisely obscures some of the real concerns that leave voters did express, and had every right to. Their concerns were about the lack of housing, the strains on the NHS, and being undercut in the workplace by unscrupulous employers who often exploited migrants and paid them less than the minimum wage. All those issues are about public services and domestic enforcement. They will not be solved by our leaving the EU, but they will also not be solved by our remaining. What is needed is a change of Government policy, or, better still, a change of Government.

Immigration is a vital element of our economic growth, and of our trade and trade negotiations. We need migration. The Government's own economic assessment shows that European migration contributes 2% of GDP to the UK. The Government's proposed £30,000 salary threshold would actually preclude three quarters of EU migrants. I am not referring simply to seasonal agricultural workers or careworkers; even some junior doctors do not earn more than £30,000 a year. The Government's supposed skills threshold is really a salary threshold, and it would do serious damage to our economy.

The irony is, of course, that EU net migration is coming down. Statistics published just last month record the number as 74,000. The Government have been complaining that free movement gives them no control over those people. Presumably they mean the sort of control that they have always been able to exercise over migrants coming from the rest of the world. Is it not strange, then, that the figure recorded for net migration from the rest of the world is 248,000?

This is why politicians are not trusted. They tell people that we need to abolish freedom of movement to bring migration down to the tens of thousands when our own rules, over which the EU

has never had any say, are allowing three times that number. What we should be explaining to people is that net migration should go both up and down in line with the needs of our economy. As long as we have fair rules and competent and reasonable management of migration, this country will be better off. The trouble is that we have had lies, arbitrary targets that bear no relation to our economy's requirements, and, frankly, administrative incompetence.

As with regulatory alignment, so with the exchange of people. The deeper the trade deal we want, the greater the need for an exchange of people. Foreign companies that invest in the UK want and need their indigenous workers to get visas, and the harder we make that process, the less investment we will secure. When the Prime Minister went to India two years ago to secure a trade deal, she was rebuffed on precisely that issue. *The Times of India* summed it up on its front page with the headline "You want our business. But you do not want our People".

[David T. C. Davies \(Monmouth\) \(Con\)](#)

Will the hon. Gentleman give way?

[Barry Gardiner](#)

No. I have not spoken for as long as the Secretary of State and I do not intend to, but 80 Members wish to speak, so I will make some progress.

Our universities and colleges represent one of the greatest exports that our country has: education, which contributes hugely to our economy, not just through fees but through the industrial spin-offs from our world-leading research. That depends on our bringing top brains from all over the globe, and encouraging them to see the UK as their intellectual home. However, the bogus colleges scandal, and the way in which we have treated students whose colleges are closed down or go into receivership, has been a disgrace. They are victims of fraud because our system of certification has been so poor, but we treat them as if they were the criminals. They are given just 60 days to find another college, often in the middle of an academic year, and then to pay another full year's fees before they are classed as illegal overstayers. No wonder students from key future trading partners in China and India are now turning to Australia, Canada and the US as their first choices for higher education and research. *[Interruption.]*

The Under-Secretary of State for International Trade, the hon. Member for Beverley and Holderness (Graham Stuart), asks why I am running down our education service. If he had listened carefully, he would have heard me talk about our world-leading research and our top-quality universities. What I ran down was the incompetent administration of the certification of bogus colleges, and the incompetent administration of the immigration rules thereafter.

[Mr Mark Prisk \(Hertford and Stortford\) \(Con\)](#)

Give way.

[Barry Gardiner](#)

The hon. Gentleman may not have noticed, but I did give way.

Students should never have been part of our net migration figures, and immigration should be proclaimed loudly by every Member to be an important and hugely beneficial resource for our economy. Yes, free movement of people will end when we leave the EU, because it is a function of the treaties of the EU, but that does not mean that we should not operate a system of immigration controls with the EU that allows broad and reciprocal access to all our citizens in a way that maximises the benefits to all our economies. That is what our businesses need: access to skills.

For all that, however, some businesses are willing to accept the Prime Minister's deal. They have expressed grudging acceptance of it, and some have even written to their Members of Parliament asking them to support it. Well, there is the proof that "Project Fear" works both ways. The Government are holding a gun to business's head with the threat of no deal, and, given this Hobson's choice, some have been blackmailed into acquiescing in the Prime Minister's proposal. I am sure that their acquiescence will have been cemented by the cheery words of the Secretary of State this morning, when he advised the nation that he did not regard no deal as "national suicide", and that, although he grudgingly accepted that it would "damage our economy", he thought that it was "survivable"—and this from the man who once said that a trade deal with the EU would be "the easiest in human history".

It is so good that the Secretary of State and the Chancellor are sharing the debate. I had some little hope that the Chancellor might have sat with him and taken him through the economic analyses. With no change in migration, no deal would see the UK's GDP 7.7% lower than it would otherwise

be. According to the estimates of the Office for Budget Responsibility, that is £164 billion if translated into the current fiscal year. With zero net EEA worker inflows, no deal would see the UK's GDP 9.3%, or £198 billion, lower than otherwise. That is a heck of a lot of Brexit buses for the NHS: 565.

Unfortunately, during the first part of the debate, the Secretary of State told the House effectively to ignore all the Chancellor's carefully prepared scenarios and analyses. Back in December, he said:

"It is not realistic to expect that there would be no potential shift, if necessary, in Government fiscal policy, or in the Bank of England's monetary policy, or changes to what the Government will be able to do on tariffs. We have to be realistic and try to understand what those things are. To try to confuse forecasts and scenarios, intentionally or otherwise, is not helpful to the debate."—[*Official Report*, 6 December 2018; Vol. 650, c. 1203-4.]

[Conor Burns \(Bournemouth West\) \(Con\)](#)

Will the hon. Gentleman give way?

[Barry Gardiner](#)

No.

Actually, what is not helpful to the debate is to dismiss the existing economic modelling without presenting any credible alternative, to fail to provide any analyses of the short-term consequences of the Prime Minister's deal, and to fail to carry out any analysis at all of the Northern Irish backstop arrangements—and then to have the audacity to expect the nation to blindly trust that no deal is not "national suicide".

[Conor Burns](#)

Will the hon. Gentleman give way?

[Barry Gardiner](#)

I will.

[Conor Burns](#)

Will the hon. Gentleman concede that it is entirely possible that the current Treasury forecasts will prove to be as accurate as the ones that it made before the referendum?

[Barry Gardiner](#)

I think we should look at what actually happened, and it is relevant to the point that the Secretary of State was trying to make back in December. People are very fond of saying, “There were predictions of disaster and financial meltdown, but nothing happened.” Well, actually, something did happen: I think it was called “£70 billion of quantitative easing”, which the Treasury put into the economy in order to stop the problems.

Of course the Secretary of State once believed that his friends in the Anglosphere would be queuing up to do new trade agreements that would replace any lost GDP growth. The Bank of England has quantified the potential value of those deals at just 0.2%—not 2%, but 0.2%, or one fifth of 1%, or £4.25 billion. Nice to have, but by my reckoning the Secretary of State would still owe me about 533 Brexit buses.

The Prime Minister is fond of saying that her deal is the only one on the table. Well, of course it is; she is the Government, and only the Government are able to negotiate with the EU. That does not mean that there could not be a different deal. The Brexit negotiations have been constrained by the Prime Minister’s red lines. We know that had the red lines been different then the deal would have been different also.

The Father of the House the right hon. and learned Member for Rushcliffe (Mr Clarke) reminded us in his admonishment of the Home Secretary that

“if we are maintaining an open border where there is a land border, it can only be done in a modern economy by having some form of customs union applying to both sides of the border”.—[*Official Report*, 5 December 2018; Vol. 650, c. 900.]

That is why we on the Labour Benches have been calling for a new permanent customs union with the EU in which we would have a say over future trade agreements.

When the shadow Chancellor mentioned this previously in our debate the Secretary of State was really rather rude and he reinforced that disparagement today. He reminded the House that under

article 3 of the treaty on the functioning of the European Union the EU shall have exclusive competence with regard to the customs union. Of course it does: the treaty binds the member states of the EU and gives the Commission that right to negotiate the terms of any agreement with third-party countries. It does not stop the EU concluding agreements with third-party countries where there is joint control.

[Greg Hands \(Chelsea and Fulham\) \(Con\)](#)

Will the hon. Gentleman give way?

[Barry Gardiner](#)

No.

Perhaps I can read from article 8 of the TFEU:

“The Union shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation.

2. For the purposes of paragraph 1, the Union may conclude specific agreements with the countries concerned. These agreements may contain reciprocal rights and obligations as well as the possibility of undertaking activities jointly.”

Several hon. Members rose—

[Barry Gardiner](#)

I will not give way as I am moving to my conclusion.

A new customs union in which the UK would be able to reject any agreement it believed was concluded to its disadvantage—however advantageous it might be for the 27 EU member states—is a vital way of securing the open trade border, avoiding the problems of the backstop and respecting the referendum mantra of taking back control. It should have been part of our negotiating mandate from the beginning.

So often it has seemed, on both sides of the Brexit divide, that the point of listening has been to prepare one’s counter-arguments and rebut what the other person is saying, rather than any genuine attempt to understand their fears and concerns, so I want to conclude by sharing with

colleagues my own fears and concerns about the position we are in. It seems to me that we are caught between two competing and equally important principles: our responsibility to protect the economic wellbeing and livelihoods of our constituents; and our democratic responsibility to accept the result of a referendum where we promised to respect the result. The first principle is often invoked by colleagues who say, “Nobody voted to make themselves poorer or put themselves out of a job,” and that is true. The second principle is often invoked by colleagues who say that we will damage our democracy and increase cynicism about politics if we turn round and pat the electorate on the head and basically say “There, there! You didn’t understand. You were lied to. We will give you another chance to see it our way.”

I have found myself genuinely torn apart by these competing claims, as I know many colleagues have. It seems to me that it is simply not good enough to insist either that we remain or that we leave no matter the cost. Both these positions are absolutes, and while we may campaign in black and white, we must govern in shades of grey. Each absolute side of the debate must be able to have a credible explanation for the roughly 50% of their fellow citizens who profoundly disagree with them as to why they should not be taken into account.

I know what I promised my constituents at the last general election. It is right here in our manifesto:

“Labour accepts the referendum result”—

not that we would respect it, but that we would accept it.

“We will prioritise jobs and living standards, build a close new relationship with the EU, protect workers’ rights and environmental standards, provide certainty to EU nationals and give a meaningful role to Parliament throughout negotiations.”

That is the rejoinder to those who pretend that our Brexit position has not been clear. It has been there, consistent and unchanged in black and white, since the general election. That is what this Government should have done; it is what we—*[Interruption.]* That is what this Government should have done; it is what we would have done and what a new Government now need to do.

And one thing more. We said that we would

“seek to unite the country around a Brexit deal that works for every community in Britain.”

The Prime Minister’s deal does not, and that is why Parliament must reject it.