

Thoughts on 18 July agenda - Kate Mariat

I think the fast changing situation has shifted priorities, we have a new government forming. The referendum result is not binding, it does not have to be acted on, but we need to act fast to campaign for a fully democratic process on its result.

I think the first priority must be to campaign for full parliamentary involvement, with a vote, on the invocation of Article 50 and, if its invocation is supported by the vote, for cross-party involvement (perhaps in a committee) in establishing any negotiating position.

a) there are different legal opinions on whether Parliament has to vote for invocation - compare the UK Constitutional Law Association view:

<https://ukconstitutionallaw.org/2016/06/27/nick-barber-tom-hickman-and-jeff-king-pulling-the-article-50-trigger-parliaments-indispensable-role/>

with that of Professor Mark Elliot:

<https://publiclawforeveryone.com/2016/06/30/brexit-on-why-as-a-matter-of-law-triggering-article-50-does-not-require-parliament-to-legislate/>

The latter, while arguing against the legal and legislative necessity of Parliament's involvement in the invocation views it as politically essential.

b) There is a legal case being prepared by Mishcon de Reya to ensure parliamentary involvement in the process, see their press release:

[http://www.mishcon.com/news/firm\\_news/article\\_50\\_process\\_on\\_brexit\\_faces\\_legal\\_challenge\\_to\\_ensure\\_parliamentary\\_involvement\\_07\\_2016](http://www.mishcon.com/news/firm_news/article_50_process_on_brexit_faces_legal_challenge_to_ensure_parliamentary_involvement_07_2016)

At the bottom there is an option for people to support bringing the case, maybe we should investigate doing so as a party, group, or as individuals.

It seems unlikely that a campaign for a re-referendum on the basis of lies would be energy well spent at this stage. The Petition Committee's response to the recent Government petition for a re-referendum was negative, although people may still be adding their names. Various surveys (in as much as they are representative) suggest views on Brexit are changing, for example Wales is now said to be 53% to 47% for remaining in the EU, so a re-vote may be something useful to campaign for at a later stage depending on how things go. NB On checking my emails to send this I find the Petitions Committee has now said there should be a parliamentary debate on the issue due to the huge number of signers. It's scheduled for 5 September at 4.30 in Westminster Hall of the Commons. It will have no legal power but may add to the pressure for accountability. It would be good for as many people to go as possible. Link below in case anyone knows of anyone who hasn't signed it:

<https://petition.parliament.uk/petitions/131215>

I think it's more important, before Article 50 is triggered, to campaign for a referendum on the Government's negotiating proposals (hopefully decided with cross-party involvement) or, failing that, on any proposed agreement with the EU after Article 50 has been triggered and we know what's on offer. I'm not sure what the legal position is after triggering, but Mark Elliot's link suggests negotiations could be abandoned if unsatisfactory:

<https://publiclawforeveryone.com/2016/07/08/brexit-should-there-and-does-there-have-to-be-a-second-referendum/>

There is also an interesting article on the Scottish position on his site.

I think the call for a general election is valid, but given the current poisonous divisions, I think it would be wise, before any further referendums or future elections, to try and get the Electoral Commission mandated to check and publicly correct misinformation given by politicians and the press. This needs to be done before the polling day and the perpetrators discredited. Apparently there is something on the Electoral Commission website that says campaigners must not use threats, deception or fraud (though I haven't found it yet) but given the blatant lies prior to 23 June, some of which were retracted almost immediately afterwards, there has been no enforcement of these rules. If Michael Dougan's assessment

(that the Leave campaign was “criminally irresponsible” - see link in agenda item 11) has legal standing, then there may be a basis for bringing a case/doing something about it. It would also help if the Electoral Commission were able to set future referendum thresholds at say 50+% or 60+% of the electorate rather than 50+% of the vote, as was requested on the petition to the Government.

I think the best way forward at this stage is for as many people as possible:

- to write individualised letters asking their MPs direct questions on what they will support,
- to find outlets for media publicity on these issues, including letters to the press,
- to support the Mishcon case.

A friend of mine had an aunt who was a Labour MP in the 1980s during the Thatcher years who always said letter writing does make a difference. Our MPs are supposed to represent their constituents. Lets try to hold them to it. Most of Oxfordshire voted ‘Remain’.

On immigration, last week’s parliamentary debate for allowing people from other EU countries who are settled here to stay is progress and adds to the pressure, but it had no legal standing. An area by area analysis done in Nottingham Trent University shows that Leave votes were generally higher in areas with less immigration.

On hate crime, according to the National Police Chiefs Council, reports of incidents totalled 3,000 in the second half of June, a rise of 42% with a daily peak of 289 on 25 June. Reversing this level of scapegoating is a massive task. Finding a way of making those responsible for stirring it up accountable with public apologies would be a good start. As a minimal contribution to supporting people affected, perhaps the safety pin (or a ribbon) campaign could be supported with a ‘no bystanders’ campaign, similar to that launched by Stonewall in the cases of witnessing homophobic abuse or attack. Publicity and the reporting of incidents are also key.

There is now a group (I think set up by a Manchester student) called the 48% which has a Facebook page for those that use Facebook. A weekly newspaper ‘The New European’ has been launched and is out on Fridays. This makes me think that all together we can do this.