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The  
**People's Pledge**

*The campaign for an EU Referendum*

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14<sup>th</sup> January 2014

## **An open letter to Members of the House of Lords**

Dear Member,

Last Friday, the EU Referendum Bill received its 2nd Reading in the House of Lords.

During the debate, a shocking number of misapprehensions, misrepresentations and even disturbingly anti-democratic arguments were advanced by some speakers. We feel they cannot be allowed to lie and offer our responses for your consideration.

**Claim 1: 'The EU Referendum Bill is a 'partisan' party-political Bill designed only to help the Conservative party combat UKIP'.**

This claim ignores numerous polls that show a large majority of the British people - way beyond the support base of any one party - wants an EU referendum. As some Peers rightly commented during Friday's debate, the "settled will" of the people is clear and ignored or blocked at this stage only at considerable risk to the reputation of the House of Lords. Our EU referendum campaign alone has over 131,000 supporters, including 93 MPs and nearly 400 Councillors, from all parties and holding all opinions on EU membership.

It is also the case that the Prime Minister started to shift policy in favour of an EU referendum in September 2012, talking then of 'a new settlement and fresh consent'. UKIP's surprise improvement in performance at the Corby by-election came two months later, with Rotherham and Eastleigh later still. David Cameron's move to back an EU referendum was therefore far more likely in response to the huge public support for an EU referendum the People's Pledge had, earlier that year, highlighted via dramatic local referendums in the marginal constituencies of Thurrock, Cheadle and Hazel Grove – and planned to continue doing in further referendums.

It is misleading to cast an EU referendum in a solely party-political light. Those who refuse to acknowledge that this matter goes way beyond the limited prism of party politics merely portray themselves as completely out of touch with public sentiment.

**Claim 2: 'The Bill deserves proper scrutiny and, if appropriate, amendment'.**

The House of Lords has the right and certainly the duty to scrutinise legislation received from the Commons. However, the EU Referendum Bill has already been given a great deal of scrutiny by MPs.

In addition to many hours of debate at 2nd and 3rd Readings, MPs had six days of Committee Stage debate and three days of Report Stage debate. During this, MPs considered 184 amendments, six new schedules and one new clause. These proposed amendments covered a diverse range of matters, such as the date and length of the poll; the electorate; the question and its translation into other languages; the powers of the Secretary of State; potential consultations, inquiries, committees and commissions; publications relating to the debate; additional voting methods;

minimum turnouts for a valid result; conduct and facilities for the two official campaigns, and the addition of further provisos before a vote could be held.

**All were rejected.** The highest vote for any amendment was 29. Not once did the Bill's opponents vote against it as a whole, allowing it to pass its 2nd and 3rd Readings with strong, unanimous support.

It is absolutely right that the House of Lords should not accept legislation from the Commons unquestioningly. But in the case of the EU Referendum Bill, the will of the Commons reflects the clear will of the people. It is fair to suggest that all the pertinent questions about the Bill have already been dealt with by MPs. In this context it will not be unreasonable for Peers who force the same issues again to be seen as acting maliciously, driven by a motivation to kill the Bill and, from their unelected positions, deny people a say on membership of the EU.

**Claim 3: *'The case for remaining a member of the EU is so overwhelming that people must not be permitted to vote on it'*.**

It's clear from some contributions to the debate, such as Lord Mandelson's description of a referendum as a "lottery", that some opponents of an EU vote are motivated by the kind of anti-democratic 'High Tory' sentiment that attempted to block the extension of the franchise to the working classes and women in the late 19<sup>th</sup> century. No-one recalls Lord Mandelson describing any of the many referendums organised by Labour when in power in such terms. The logic of such arguments against giving people a say on the EU could easily be extended to the holding of elections. Advancing a partisan case on one possible outcome of an EU referendum to justify blocking a vote is a profoundly undemocratic attitude and those using such arguments must accept that label.

Additionally, those who claim that the case for remaining in the EU is overwhelming yet who oppose a referendum also rather demonstrate a lack of faith in the strength of their own arguments. If the arguments are so strong, why assume people will vote for Britain to leave? The likes of Lord Mandelson as well as others such as Shirley, Baroness Williams, appear not to have the courage to put their pro-EU arguments to the democratic test.

Many of our supporters, like the Labour former Europe Minister Keith Vaz MP, hold the view that continued EU membership is important and beneficial. However, they also recognise that the EU cannot continue to exercise its current range of powers without the direct consent of the people. Not only is this democratically justified, but only a referendum will draw a line under the long-running debate on the issue.

**Claim 4: *'Businesses are concerned about the 'uncertainty' of an EU vote'***

A significant British Chambers of Commerce from May/June last year showed the vast majority of businesses (77%) in fact support a referendum on EU membership. Nearly 4,000 businesses of all sizes and in all sectors were polled, making this the most significant test of business opinion on the subject so far.

The views of **Nissan, Honda, Hitachi, the CBI** and whoever else on the effects of Britain leaving the EU are a factor for people to weigh up when voting in the referendum itself - not in the decision about whether to give people a say. The choice on whether to be concerned about a loss of investment as a result of voting one way or another is for voters to make. It is scaremongering to suggest that any company has threatened to withdraw its investment in the UK simply because we are considering holding a referendum. For example, Nissan Chief Executive Carlos Ghosn said in November that his company would simply "reconsider" its future

investments if the UK came to leave the EU. Even this 'reconsideration' does not necessarily mean there will be any reduction.

The prospect of elections every five years could surely be regarded as provoking similar uncertainty about the business environment that may develop as a result of the outcome. Yet no-one appears to be proposing that elections, for reasons of business 'stability', should not be held. Democracy is inherently uncertain. What alternative are those who have a problem with this proposing?

**Claim 5: 'We should only have an in/out referendum the next time the EU proposes a rule / treaty change'**

There is literally no connection between a new treaty or potential further transfer of power to the EU at some point being proposed and only then allowing people to make a decision about our EU membership as a whole. Why is it necessary to wait indefinitely for such a future rule change to then hold an in/out vote? This is a complete non-sequitur. As such, those advancing this case appear only to be engaging in a dishonest and unfortunately anti-democratic attempt to kick an EU referendum into the long-grass and, conflicting with public opinion, preventing one ever being held. Those complaining about an 'arbitrary date' in the EU Referendum Bill must explain why instead they advocate an arbitrary wait before giving people a say on EU membership.

**Claim 6: 'This Bill must not pass because no parliament should attempt to bind its successor'**

All legislation binds future parliaments until such time as there is a majority for its amendment or repeal. So the logic of this claim runs counter to the way its proponents must know our legislative system works. It would be technically possible for a government of a different persuasion elected in 2015 to amend or repeal an EU Referendum Act, as with any legislation, and as often happens following a change of party in government. So the EU Referendum Bill is no more 'binding' than any other legislation. What obviously concerns opponents of the Bill hiding behind this claim is that such a move would be politically very difficult, inherently acknowledging the strength of public opinion in favour of an EU referendum. This claim is both not a justification to oppose the EU Referendum Bill unless the proponent intends, absurdly, to also oppose all future Bills as 'binding' and also acknowledges an intention to obstruct public opinion on an EU referendum specifically.

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The People's Pledge is monitoring Members of the House of Lords (and which party, if any, from which they take their whip) who participate in the debates on the EU Referendum Bill with a view to establishing for the record, should the Bill fall, a League Table of those of which party who have had the biggest role in its demise. The current draft of the list consists of all Peers who took part in the 2<sup>nd</sup> Reading debate, excepting those who expressed their backing for the Bill or an intention to take no further part in its proceedings.

We strongly recommend that Members of the House of Lords give serious consideration to passing the EU Referendum Bill unamended in order to help to deliver the vote on Britain's membership of the EU that people clearly want.

Yours faithfully,

**Stuart Coster**

*Director & Co-founder – The People's Pledge*