

**Baroness Dianne Hayter, Labour Shadow Deputy Leader and Shadow Spokesperson (Exiting the EU),  
House of Lords met the Association of European Journalists UK section on 24 May 2018  
AEJ member Nick Hopkinson has this account of how she assesses the state of play.**

Brexit continues to divide the two major political parties and the British people. Baroness Hayter believes the Brexit vote is the worst thing to have happened to the United Kingdom, but notes Labour accepts the result of the June 2016 referendum. Many doubt whether Theresa May can still obtain a reasonable deal with the European Union (EU) and win a majority for it in Parliament by this Autumn. For many Brexiters, remaining in the customs union and single market would be regarded as a betrayal of Brexit.

Baroness Hayter began by observing that the role of the Lords is to scrutinise the Government's proposed legislation, so debates in the Lords are often more considered than those in the Commons. In the case of the EU Withdrawal Bill, she believes the Lords has also been able to influence the public debate by adopting 15 amendments, many of them by large majorities. Baroness Hayter played a significant role in leading Labour to get those amendments through. However, on the European Economic Area (EEA) amendment, Labour peers were split, meaning an overall majority voted to remain in the EEA. Even though following the Supreme Court's ruling in the case brought by Gina Miller, Theresa May herself spoke of both houses of parliament having a vote on the final Brexit deal, Dianne Hayter is in no doubt that in the end the Commons will and should have primacy in making the decision.

Lady Hayter shared her thoughts about the story so far as follows: No politician knew how complicated the Brexit process would be. If the Prime Minister had launched the Article 50 process with more care and after wider consultation the negotiations would have progressed more rapidly. The 27 EU member states appear more unified than the UK cabinet. In effect, the government is still negotiating less with the EU27 and more amongst the 26 members of the UK Cabinet. For example, the government continues to discuss two customs options (Customs Partnership and 'Max Fac') which the EU has publicly already rejected. In spite of voices in the European Parliament threatening to vote against the final Brexit deal, it will ultimately assent to whatever deal the EU27 and the UK agree, because it is hard to see MEPs voting down a package agreed by the member states' governments. Whatever transpires, the UK will need more negotiating time to avoid a 'looming nightmare'.

The Labour opposition is progressing both "low level tactics" against the Conservative-led government and what it would like to happen in parallel. It is attempting to move May away from her red negotiating lines. But Dianne Hayter thinks there is no chance of the UK ultimately staying in the EU. Labour leader Jeremy Corbyn believes leaving is for good. Both Corbyn and shadow Chancellor John McDonnell are being pragmatic - it is therefore not realistic for Labour to take a position on every aspect of Brexit now, in the absence of detailed knowledge about the state of behind the scenes negotiations. Accordingly, Labour had not finalised its positions. Baroness Hayter's assessment is that the EEA proposal will be defeated in the Commons because Labour has said it believes leaving the EU means leaving the Single Market (SEM). However, observers note that non-member Norway is a member of the EU Single Market. Critics of Labour Brexit also note there is nothing in the SEM that would prevent Labour from progressing its economic programme, including some form of re-nationalisation of the railways and some other industries.

Labour believes it doesn't have the votes in the Commons to reverse Brexit, although there could perhaps be a majority in the House of Commons for remaining in a customs union. A parliamentary vote with just two options of crashing out or agreeing whatever deal is reached would not amount to a "meaningful vote". Parliament should decide how we leave, and in case the vote should go against the government, it should be tasked with improving any deal. There is no clear legal view whether we could anyway exercise an option to withdraw Article 50. A so-called "Peoples Vote" (a referendum on the terms of a final Brexit deal) won't prove feasible. The complexity of Northern Ireland, given the declared intention of all leaders to avoid a hard border, could however drag the entire UK away from a hard Brexit, and may indeed 'save us'.

Labour has found it difficult to communicate its Brexit message. It has to be careful about how most hostile tabloids will cover their proposals. The tone of most Brexit coverage is largely the consequence of the fact that it is mainly being written by political and not economic journalists. Labour is also constrained by the lack of clear evidence of a change in public opinion since the referendum.

Labour polling does not suggest most voters believe “Brexit is awful”. For example, Baroness Hayter had found at first hand that voters in Redcar who spoke to her just want the Government to ‘get on with it’ and progress Brexit. Others, however, point to evidence that opinion may be shifting quite significantly <https://www.prospectmagazine.co.uk/blogs/peter-kellner/new-polling-analysis-reveals-that-a-second-referendum-would-swing-to-remain> . Some therefore have suggested that Labour might be missing a golden opportunity to win more public support by opposing Brexit more forthrightly.