

ANDREW MARR SHOW

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PHILIP HAMMOND

AM: Foreign Secretary Philip Hammond joins me now. Now you need a rabbit out of that hat, don't you, Mr Hammond? Because the initial signs from the early parts of the negotiations, the things we know about, have gone down like a lead balloon in the Tory Party. People are very unimpressed by what's been negotiated so far.

PH: Well, what we need is a good deal on Thursday, and there's still a lot of moving parts in this discussion. But it's already clear that we're going to get a clear statement that Britain is outside the obligations of ever-closer union. That's a very important point that we need to make. It's already clear that we are going to get a framework for the relationship between the Eurozone countries and the non-Eurozone countries, something that Gisela Stuart was referring to earlier on as being very important. So we're already seeing the shape of a deal, but there's still a lot of moving parts yet over the next few days.

AM: As you'd expect, I want to pick through some of that. But overall generally is it the case that Britain needs to get more than we've negotiated so far for this to be acceptable?

PH: Well, there isn't a deal yet. There is a working draft, there are lots of moving parts and we've got a negotiation that will run through this week, and I have no doubt will run right to the wire, with some of these things only being able to be decided by the heads of state and government on Thursday when they sit down in that room together.

AM: But are the broad parameters of the Tusk draft enough?

PH: Well, we know that we need to achieve commitments on competitiveness, we need to achieve a framework for Eurozone-non-Eurozone relationships. We need to get clear wins for Britain

on national sovereignty and we're starting to see the shape of that -

AM: You need to go further on that?

PH: And we need, of course, something on access to welfare benefits. And our European partners understand that we have to have a robust deal in each of those areas if the British people are to vote to remain inside the European Union.

AM: So to be clear, this week further progress must be made?

PH: Of course we've got to make progress this week. There's still lots of square brackets in the text, there are blanks in the text. There's unclear language in some places. We've got to carry on working through this week up to the European Council. If we can get the right deal at the European Council, then a deal will be done. If we can't get the right deal we'll carry on talking.

AM: Let me read you what your – a large number of your party, Conservative councillors wrote to the Prime Minister this week. 132 of them. They said that the manifesto commitments at the time of the election were the absolute bare minimum that could be acceptable, and they go on to say, 'as these have not been met, the only responsible and honest thing for the Conservative Party and those in it to do is to campaign for Britain's exit from the European Union. You made clear that if you did not get the deal you wanted in Europe you would not rule out campaigning for Britain to leave the EU yourself, and we hope that you'll now unite your party and Britain in doing so.' And the truth of the matter is clearly so far you have not got anywhere near the manifesto promises that you put before the British people ahead of the election.

PH: Well, the manifesto focused on certain areas, but the package has got to be looked at as a whole, and the point of having a referendum is that everybody will make up their own mind about whether the package, on balance, taking the rough with the smooth, is in Britain's interest or not in Britain's interest.

AM: Sure, but as a party you stood in front of the British people at the time of the election and said this is what we will do. You said, for instance, on child tax credits, 'if an EU migrant's child is living abroad, then they should receive no child benefit or child tax credit, no matter how long they've worked in the UK and no matter how much tax they have paid.' Now, you've failed on that argument, haven't you?

PH: Well, let's see what the package is at the end of the day and let's look at it in the round, because there may be areas where we get more than we expected to get and areas where we get slightly less than we expected to get. But it would be absurd not to look at the package in the round, look at all the pluses, all the minuses and weigh the balance.

AM: The Prime Minister made a lot of this four-year pause before migrants can get any kinds of benefit. Now, actually, in terms of the negotiation so far how long would it be after a migrant arrived here from the rest of the EU and was working before they could receive benefits?

PH: Well, look, until a few weeks ago people were telling us it was impossible to have any kind of period in which we treated newly-arrived migrants differently from people who were already here. But the text that's on the table recognises that there can be a period of four years in which people are treated differently. That's a major step forward. What we've still got to discuss is what that difference in treatment precisely is. And that will be a subject that will be discussed – I don't think that's going to get resolved before Thursday. That will be on table.

AM: That's a very difficult one, isn't it?

PH: That will be on the table when the Prime Minister is sitting in the European Council on Thursday.

AM: Because at the moment the Eastern European members of the EU have suggested one year only, which is a long way from four years, clearly, and at any event the suggestion seems to be it'll be a taper, so actually quite quickly migrants will be getting

benefits, just not quite as much as they would have done at the moment. But those benefits will be paid.

PH: Well, the principle that we can have a special regime for newly-arrived migrants for four years has been accepted and is in the draft text. We will have to work with our partners now to shape that. How does it look, how does it work, and how does it fit into the broader picture of the steps that we need to take to reduce the artificial attractiveness of Britain to new arrivals? We've already taken steps. We've already dealt with access to unemployment benefits, we're dealing with access to social housing and housing benefits. These are the bits that need the EU to act, and that's why they're in this text.

AM: So let's be absolutely clear, a deal which said benefits won't be paid for the first year would not be enough to satisfy anything like what you were promising in the manifesto or your own party, would it?

PH: A one-year period would definitely not. I mean, we've got four years, a recognition that there can be different treatment for four years in the text that's on the table.

AM: And a lot of people don't understand how this taper could possibly work. Very, very complicated. Iain Duncan Smith says there's a huge amount of work to do to make this work presumably because every country in the EU has a different system, every country has a different claim, and therefore if you're tapering it over four years it's unbearably complicated, and some people would say almost impossible to actually make work.

PH: Well, I don't think it's unbearably complicated at all. You know, it's not - the concept of giving people 75 per cent of what others are getting, or 50 per cent of what others are getting is not complicated. What we've got to do is look at what the actual proposals are, within this four-year period. But getting agreement that we can treat new arrivals differently for a period of four years is a major breakthrough in challenging, as we have done, one of

the sort of sacred cows of European Union ideology. And it's very important to us that we are now talking about how we treat them differently rather than whether we can treat them differently.

AM: Marina Wheeler, a prominent QC who's married to Boris Johnson, made a very important point this week when she said the weird thing is that you haven't really gone for the European Court of Justice's jurisdiction over us. There's no treaty changes in any of this, and actually the legal position remains the same after this negotiation, when it comes to rights and lots of things that people complain about in the EU, the ECJ remains supreme and there is absolutely nothing we can do about that unless there is a treaty change and there won't be a treaty change.

PH: Well, first of all, you just talked about rights and so on. Remember that the ECHR and all the rights that flow from the European Convention on Human Rights is nothing to do with the European Union, that's a complete separate -

AM: Have they not been incorporated by the European Court of Justice?

PH: They're referred to, but that's a separate - that's a separate issue. But look, on the treaty change legal question, we are still arguing that treaty change would be the best way to enshrine some of the changes that we need to make in this meeting -

AM: Is there any chance of getting that?

PH: But it isn't essential to give them binding force. What is being proposed is that we will, in any case, whether we eventually have treaty change or not, in the first instance we will have a binding international law decision registered at the United Nations with the status of a treaty, binding on all the member states, binding on the European Court to take account of it in any decisions that it makes. We would need that anyway, because even if treaty change is agreed it will be years before that treaty change comes into force, and what the British people want to see is significant change now that is irreversible and legally binding from day one.

And that means we have to use this route of an international law decision because it is able to come into effect very, very quickly.

AM: Does that mean the emergency brake which triggers the changes to benefits has to come very quickly once this is agreed?

PH: Of course we need – once this is agreed we need to see it implemented as quickly as possible.

AM: Alright, let's move on to another subject which is causing a lot of alarm this morning, which is Syria. Isn't the truth, as we were discussing over the paper review, that Assad is not going to be removed from power now, in effect, in terms of a struggle to stay in power, Assad has now won?

PH: No, I don't think so. I think the situation with regard to Assad is exactly the same as it was a year ago.

AM: Well, he's got the Russians backing him.

PH: It's exactly the same as it was a year ago. Whether or not Assad goes or stays ultimately will depend on whether the Russians are prepared to use their influence to remove him. And that was exactly the same a year ago. I remember saying it a year ago, more than a year ago, in the House of Commons, that there's one man on this planet who can end the civil war in Syria by making a phone call, and that's Mr Putin.

AM: Meanwhile, however, Mr Putin has conducted the war in favour of Assad. He's pushed aside most of the democratic opposition. For a long time we had this great belief there was a powerful democratic Syrian opposition who could win this war. That is now for the birds, is it not? Because they've been defeated.

PH: No, they haven't. That's wrong. Russian air attack has caused attrition against the opposition. There's about 150,000 moderate opposition fighters. I wouldn't call them all democratic, but moderate opposition fighters on the ground. The Russians have launched ferocious air attacks rapidly increasing the intensity of

them over the last few weeks, and that has forced them out of some of the positions that they control. But the important thing is the Syrian regime does not have the forces, does not have the strength and the organisation to take control of those areas. So it's a bit of a stalemate.

AM: They do with the Russians.

PH: No they don't, because the Russians are only using effectively air power. They can force the opposition to give ground but the regime is not able, has not shown itself able, to effectively take and control that ground.

AM: The last of the moderate opposition are holding out in Aleppo right now and the Russians are pounding them. Are you calling on the Russians to stop right now?

PH: Yes, we are. But just to be clear, that isn't where the last of the moderate opposition are. There are moderate opposition positions there, there are moderate opposition positions in the outskirts of Damascus, there are moderate opposition positions in the south of the country. But the situation in Aleppo is extremely worrying. The Russians are using carpet bombing tactics, indiscriminate bombing of civilian areas held by oppositionists, and yes, we demand that the Russians comply with their obligations under international law and their obligations under UN Security Council resolutions that they have signed up to.

AM: Saudi Arabia, Qatar and other Arab countries are talking about putting troops on the ground now to take on the Sh'9iiah forces. The Russians have said this could lead could lead to world war. How worried should we be?

PH: Well, I think that's a gross exaggeration by the Russians, but the Sunni Arabs of the Gulf are deeply concerned by the engagement in this war of Iranian forces, whether they're Iranian revolutionary guard command or whether they're Shia militias or Iranian regular forces, the fact that there are Iranian forces on the ground in Syria is a deeply destabilising factor. And if the Russians are concerned about this, what they should be doing is

prevailing on their Iranian allies to withdraw their forces from Syrian.

AM: Absolutely. Just going back to Europe very briefly, the question that never seems to be asked is what happens to the rest of the EU if Britain leaves? Do you fear – I mean, Mr Tusk has a kind of rather apocalyptic view, this is the days before the First World War, the whole house of cards could come down. What do you think?

PH: Well, what I think I fear and many people in Europe fear is that without Britain, Europe would lurch in very much the wrong direction. Britain has been an enormously important influence in Europe, an influence for open markets, for free trade, for a less dirigiste approach to running the economy. But I think what we have to remember –

AM: So if we leave we would be dealing with a more dangerous, more hostile, less attractive Europe?

PH: We would be dealing with a Europe that looked very much less in our image. And I think the thing we have to remember is that there's a real fear in Europe that if Britain leaves the contagion will spread, and I think people who say we'd do a great deal with Europe if we left, we'd get a great deal with Europe, forget that the countries remaining in the European Union will be looking over their shoulder at people in their own countries saying, well if the Brits can do it why can't we? And they will not have an interest in demonstrating that we can succeed outside the European Union.

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