AM: Barry Gardiner, welcome. You assume you’re going to beat the government, I guess, on the main vote itself, the meaningful vote.

BG: No, no. I think it’s important that we do focus on that vote and there’s so much that is being talked about of what happens after it. But I think we have to focus on what is wrong with that vote and why it is that we in the Labour Party have put forward a very sensible alternative that we believe could actually gain a majority in the House of Commons. And that is by saying, look, this does not at the moment meet the need to embed rights that we have in this country. It means that in the future we will be talking about levels of rights. So our right at work might be eroded, and at that stage nobody could say, ‘oh, somebody’s taken away my rights.’ All they could say is, ‘well, let’s look at whether the balance of rights has gone.’ That’s a real problem with this deal.

AM: I’m sorry, just before we leave the rights, I’m interested in that because it’s suggested in some of the papers today that one of the things the prime minister might do as she tries to assemble a coalition to get this through, is go back to the EU and come back with a further statement on workers’ rights. Is that the kind of thing that might win you over?

BG: Well look, Jeremy has already set out – he did that at his conference speech – set out the alternative that we have proposed. We have said that we want to protect jobs and the economy, we want to secure those benefits that we currently have, and that is by a permanent customs union in which we have a say about future trade agreements.
AM: The political declaration here does talk specifically about a level playing field on employment rights between the EU and the UK after Brexit.

BG: No, in fact if you look at what it says, it says that there will be a level of rights. And that’s the problem. No specific right will be guaranteed, and any future Conservative government could take away your rights at work, could take away all those protections that have been built up, and then say, ‘oh, but we’ve done something else over here which means that on balance there’s no difference.’ Now, that’s very difficult to actually pursue a claim through an industrial tribunal. It just isn’t good enough. There’s no security for workers.

AM: Nevertheless, here we are as a country, looking at this vote on the 11th, assuming it happens on the 11th, and all the numbers seem to suggest the Prime Minister is going to lose. If she loses that vote, what is the first thing that then happens in the House of Commons?

BG: Well, I think what we need to do is we need to see the legal advice that parliament has now insisted that the government gives to parliament. At every stage what we’ve seen is a government that has tried to keep parliament out of this process. It goes right back to the triggering of Article 50, they said we weren’t required, not showing us the impact statements, not showing us the financial assessments and ultimately we’ve got –

AM: And now you’ve got this agreement with the DUP and other parties to insist that the government brings it to the House of Commons. We were discussing this in the paper review and no one could work out what happens to Theresa May if she simply says, ‘no.’ She’s told that she’s in contempt of the Commons; what happens then?
BG: Well, I think we’re in a very serious constitutional crisis. To have a Prime Minister whose sole responsibility in the constitution is to command a majority in the House of Commons being in contempt of that house and not able to get her own key legislation through the house and have a majority. There is only really one answer to that, and it is a general election. That’s what is expected by anybody in the country when they look at a Prime Minister who is held in contempt of parliament and who is not able to get her own legislation through.

AM: But under the current legislation, quinquennial act, for that to happen two-thirds of MPs have to vote for it to happen. And that means a lot of Tory MPs will be voting more or less literally for Christmas. That just isn’t likely.

BG: That isn’t quite true, because –

AM: There is the alternative way, I think.

BG: Indeed, there is the alternative way. And it’s perfectly possible to table a vote of no confidence, which she might lose, and at that stage, within fourteen days, there has to be another vote.

AM: It might happen. I’m just saying you can’t guarantee it’s going to happen, certainly.

BG: Can I also point out to you that it’s not impossible that somewhere in the recesses of her own thinking, if she feels that she is being threatened internally by people in her own party and going to be got rid of, then she may feel the only way of ensuring that she isn’t got rid of by her own Conservative MPs is to call a general election and to force them to rally in behind her.

AM: It’s not at all impossible. Let’s look at Labour’s position. John McDonnell has said it’s more or less inevitable that in the end of this process you might end up voting for another referendum, the so-called people’s vote.
BG: There was confusion about that in the week, but John’s made it clear that what he said was inevitable was actually that we would call a vote of no confidence. Now, we’ve moved on. What has happened is we’ve set out very clearly the hierarchy – and you’re right, that at the end of that hierarchy, first of all you vote on the deal – we have offered an alternative deal that we would – AM: It’s a kind of flow diagram which ends up possibly with a second referendum.

BG: The first thing to say, though, is we have offered Theresa May a deal that respects the referendum result, that would get us through the House of Commons with a majority, that actually would solve the Northern Ireland question – AM: But it would have to be negotiated with the EU, that is the trouble.

BG: Indeed, indeed. We are the opposition, but we have offered to work with her to achieve that.

AM: Again, the problem with that is Mr Junker, for instance, says that this deal on the table at the moment is only deal possible, and the only deal that’s on offer, and that’s it. The deal is the deal he says.

BG: You and I both remember Mandy Rice Davies.

AM: We do.

BG: You know, he would say that, wouldn’t he? Of course what we have is we’ve seen time and again, whether it’s the Lisbon Treaty or in other treaties, the EU, when forced back into a corner always says, ‘okay, we’ll have another look at it, we’ll look at it again.’ Of course they expect that. And the Lithuanian Prime Minister showed that they had already countered that in.

AM: If there was another referendum, how would you vote?

BG: Oh, I’ve said very clearly I voted to remain, I campaigned to remain. If there were another referendum in all probability I would vote for remain. But I don’t want that. What I want to do is to respect the views of the people of this country in the
BARRY GARDINER

referendum, and that’s why we committed to getting a deal through, and that’s why Jeremy made the offer to Theresa May that there is a deal here, if she would only stop being so stubborn, that could actually command a majority in the House of Commons.

AM: If at the end of this strange flow diagram Labour voted for a second referendum, would Barry Gardiner have to resign?
BG: No, not at all. Because I am one of those in Shadow Cabinet who has said we have a hierarchy here. The hierarchy is simple: if the deal doesn’t go through as she’s presented it, we call of a vote of no confidence and a general election. If for any reason that doesn’t happen, we’ve ruled nothing else out, including a second referendum in which remain and I think, no deal would both be on the table.

AM: The reason I’m asking you this is, in sense you should rule out a second referendum given what you said back in August to the Today programme. You said that this would result in a great rise of the far right if you did it. Then you looked to social disruption, perhaps civil disobedience, in a different way. ‘This is playing with our democracy. It’s playing with the foundations of our country in a way that is really, really damaging.’ You couldn’t possibly support playing the foundations of our democracy?
BG: Can I just say, that’s why I don’t want a second referendum. But I accept that if the country is in such chaos and peril because this government, through two years of complete failure in the negotiations, has brought us to an impasse that nothing else can resolve, that is why we haven’t ruled it out. Do I think it’s the best option? I certainly don’t. But is it an option that we should keep open? Yes, it is.

AM: Because we have to keep everything open. Thank you very much indeed, Barry Gardiner.
(ends)