ANDREW MARR SHOW
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MICHAEL GOVE

AM: Is this what people voted for?
MG: Yes, we’ll be outside freedom of movement. That was a critical part of the promise that we made during the course of the referendum campaign. We’ll be outside the Common Agricultural Policy, outside the Common Fisheries Policy. Over a huge swathe of our economy we will have the autonomy to decide what’s in our best interests. We will also have a free trade agreement between the UK and the EU that will work in the interests of business. We’ll also be outside the formal legal structures of the European Union. We will no longer have the European Court of Justice having direct control over what happens in this country, and we will no longer have membership of the Common Foreign Security Policy. We’ll also be outside the justice and home affairs pillar, which has been part of the EU as well. So all of these structures, we’re outside. That’s what people voted for. This honours that vote.

AM: And yet, there was a choice in the road for the country and the government this week. Do we essentially stay quite close to the EU or do we turn our backs and go for a big new free trading destiny in the rest of the world? And it’s the former that has won the argument.
MG: No, I don’t accept that. What we have done is to make a balanced decision. So with respect to goods, 20 per cent of our economy, we will agree a common rule book with the EU. But – and this is critical – should the EU develop or attempt to introduce new laws in those areas, we will have control, our government and our parliament can decide whether or not to accept or reject them. That is wholly different from being in the European Union, where new laws are formed at a European level and every member state has to accept them. And critically, critically, for 80
per cent of our economy, and indeed for the, that part of our economy which is growing fast, we’ll be outside the EU’s regulatory orbit, and that provides a perfect balance. It means that those parts of our economy that have asked for, and benefit from, close access to Europe, which have integrated supply times and just-in-time delivery, then this can deliver for them and at the same time we can ensure that the innovative part of our economy in services, which is growing, which will be a bigger slice of our prosperity in the future, is outside that regulatory orbit.

AM: Was this everything you hoped for?
MG: No, but then I’m a realist. And one of the things about politics is that you mustn’t, you shouldn’t make the perfect the enemy of the good. And one of the things about this compromise is that unites the Cabinet. Before this meeting on Friday –

AM: So in real terms, why did you have to compromise?
MG: Well, because we need to have a united Cabinet. Everyone before Friday wanted to ensure that coming out of Chequers was an agreement which honoured the referendum result – and this absolutely does that – and could also command the support of people across the country. And by making sure that we have an approach which ends free movement, which keeps us out of the Common Agricultural Policy, the Common Fisheries Policy, which ends the jurisdiction of the European Court, we achieve all of the things that we campaigned for in order to ensure that we could leave the EU, but we also do so in a way which respects some of the wishes and some of the concerns of those of my colleagues who voted Remain.

AM: Is it frankly the case that the parliamentary majority wasn’t there for a so-called Canada plus, plus, plus, or harder version of this deal?
MG: Well, I think it was –
AM: Is the parliamentary arithmetic important in this?
MG: Of course the parliamentary arithmetic is a factor, yes. But the most important thing is to make sure that you have a deal that honours, not the parliamentary arithmetic, but the arithmetic of the referendum result. 17.4 million people voted for us to be outside the structures of the European Union, that must be honoured. But of course parliament will have an opportunity throughout this process to vote, but I know that all of my colleagues in parliament, however they voted, want to make sure that we have a deal that honours those red lines and at the same time works for business and helps ensure prosperity in the future.

AM: And from now on every Cabinet minister is absolutely signed up to this, no more mutterings offstage, no more comments about polishing unpleasant objects and so forth, everybody is going to be entirely loyal, and if they’re not, they’re out?
MG: Well, the Prime Minister’s been very clear about that, yes. One of the great strengths that the Prime Minister has is that she allowed us during the course of a day to share views, to share analyses and to look at this proposal in detail. But at the end of it, collective responsibility reigns. And I think for the Cabinet, all of us, our responsibility is to work together in order to ensure that we can get the best possible deal for Britain, and of course it’s absolutely critical as well that that deal respects, as the Prime Minister has been crystal clear, the referendum mandate to end free movement, to get us out of the ECJ’s direct jurisdiction and to take back control of our waters and policy in the areas that matter to our economy.

AM: Let’s get back to that list then again. We have basically agreed a common market for goods, haven’t we?
MG: Yes. And some people will argue that when we entered the EEC, as it then was, what we were voting for was a common market, not a set of common political institutions. So what we’re doing here is saying that 20 per cent of our economy which is
goods, we want to ensure that we can operate effectively a frictionless border.

AM: And to do that we have signed up to this common rule book. But it’s not a kind of joint rule book, it’s basically a clever way of saying we accept their rules, not just for a few years but in perpetuity, forever?
MG: No, what is says is that we agree a common rule book, absolutely. But the UK parliament has the right to diverge in the future. If new EU rules come up and we think, actually, do you know that, that’s not right for Britain and our economy, we have the right to say no.

AM: But as the statement says, there are consequences for that, and it could be said that this is fake sovereignty. In other words, you have got the right to do something which you know will severely damage your trade so you can’t really take it. In effect, we carry on taking their rules.
MG: No. I think there’s a key distinction here. It is the case in any trade agreement that there’s an agreement about common rules and standards right at the beginning. Now, if one country wants to diverge from that agreement of course they have the sovereign ability to do so. But that means the other country can say, ‘well, you’re no longer accepting those common rules, so therefore we have the right, you know, to say, to erect a barrier.’ But that is no different from any trade agreement between any two sovereign entities. And the big difference is this: that Britain has the right, the British parliament and British politicians have the right, if they believe that something is not in our interest, to say no. That was not a right that we had in the European Union.

AM: Well, let’s turn to specifics, because you, I mean, you sat in the same chair a little while ago and told me how incredibly frustrating it was as Environment Secretary to see these huge rafts of regulations come across your desk and be unable to
change them. Civil servants saying, ‘sorry, Minister, you can’t change that, because these are EU regulations.’ Now, this new Chequers statement says, for instance, that ‘the UK and the EU would also agree to maintain high regulatory standards for the environment, climate change, social and employment and consumer protection, meaning we would not let standards fall beneath those current levels.’ In effect that’s going to carry on. Somebody doing your job free down the line is going to be having the same rules coming across their desks and under this system, the common rule book, is not going to be able to say, ‘no, I refuse to accept them.’

MG: No, I think that’s a misunderstanding. We are absolutely committed, yes, to very high environmental standards, that’s one of the reasons why we can be confident that a free trade agreement between Britain and the EU will work in both our interests. But more than that, we will have the ability in particular areas to pursue those high environmental standards in our own way. So for example, we will be outside the Common Agricultural Policy. There are some rules that the Common Agricultural Policy imposes on our farmers that are frankly bureaucratic and counter-productive. We can get rid of those rules in a way which means that farmers can produce food more effectively while also maintaining high environmental standards. It’s also the case that –

AM: You’ve signed up to a common rule book in perpetuity.

MG: No. We’ve said that-

AM: Yes, you have.

MG: No, we’ve said that we can change that when the EU comes forward with rules that we think are wrong, we have the capacity to reject them. There’s one other thing as well, there’s one other thing as well which is important – one thing that’s really important to appreciate, Andrew, is that we have the sovereign right to do that, but it’s also the case in other trade agreements. For example, in a trade agreement that we have concluded, the EU have concluded with Canada, there is a commitment on the part
of the Canadians to high standards when it comes to things like the environment. Now, nobody is suggesting that Canada is not a sovereign nation, but Canada has made a decision that for economic and for trade reasons it will accept common rules and common standards in a particular area.

AM: Can you sit there and say that the European Court will have no influence on British public life going forward?

MG: No, but it will end –

AM: No, you can’t, can you?

MG: No. But there’s a critical thing here. I think that the European Court, by definition, if Britain were, for the sake of argument, completely, totally independent and if Britain had absolutely no tie, no trade agreement, no dealings with Europe, the European Court of Justice would still determine the rules in our large neighbour, and that would have a bearing on the decisions that we would take about how we got our goods into their market. The critical difference, and it’s important that you understand this, is that in the European Union, the European Court of Justice is in effect the UK’s Supreme Court.

AM: It has jurisdiction.

MG: It has direct effect, and that jurisdiction will end.

AM: I do understand this because I’ve read it carefully, and in the future going forward we will take account of case law by the European Court. So it will have a lot of influence on our courts. It says so specifically.

MG: But we also take account of case law in other countries’ courts as well. A critical thing to bear in mind is that our judges don’t sit in isolation, that the law is not something which exists in a pristine bubble. Our lawyers take account of common law jurisprudence in Canada, in Australia, in the United States. They also take account of the development of European law. And the particular area here is that the ECJ’s judgements and European
law will be taken into account by our courts with specific reference to trade arrangements. And as we know – AM: So they will still be influential? So people saying, ‘no more European courts in this country,’ that’s not true, they will be here. They will still be influential.

MG: Andrew, Andrew, no. There won’t be any – AM: Because we’ll do what they say anyway.

MG: No. There won’t be any direct jurisdiction of European courts. AM: No. I didn’t say direct jurisdiction, but they will still have influence.

MG: No, no, no. I think that you are not representing the position fairly. Because the European Court of Justice’s writ will end, and it is only, only with respect to a limited number of areas where our courts may, should they choose to, take account of EU law in the interpretation of the application of things that we have already agreed.

AM: I think this is fake sovereignty.

MG: Well, I think that you’re wrong. I think that is a fake question. Because I think one of the points about our departure from the European Union is if you say will we have control of our territorial waters, of course we will. Will we have the capacity to set the rules for agriculture, of course we will. Will we have the capacity for 80 per cent and growing of our economy to do exactly as we wish, yes we will. Will it also be the case that we can set our own taxes, will it be the case that we are outside the direct jurisdiction of the European Court of Justice, of course we can. We can’t actually set our taxes as we wish to at the moment because VAT is set in accordance with EU rules. So that is another area where we will be sovereign – AM: Let me give you really – Let me give you another really critical area.

MG: What you’re doing is manufacturing a sense of fake – AM: No, no, I’m – MG: Fake, or even mock, outrage. But in fact –
AM: I’m not outraged, I’m just asking you questions. Let me ask you a question –
MG: No, no, but you’re affecting that attitude.
AM: I’m not affecting any kind of – I’m not outraged at all, I’m just asking questions. Let me ask you a question about another really critical area, which is free movement of people. We have this new labour mobility system. Now, can you answer a question the Prime Minister couldn’t answer? Will, going forward, EU citizens have special rights under that system?
MG: We’ll decide who has special rights. There’s a parallel here with fisheries. Some people imagine that when we take back control of our waters that means that no European boat will ever enter our seas. No, European boats will enter our seas, but on our terms. In the same way, ending free movement doesn’t mean that no European citizen will ever make their way into the UK, but it means that we can decide on our terms.

AM: Will there be visas?
MG: It will be up to us to decide what our immigration policy is.
AM: I’m asking what it’s going to be like. Will there be visas?
MG: It’s a matter for this government to decide what the future migration policy should be. That’s what taking back control means.

AM: If I’m a raspberry farmer in Blairgowrie and I’m employing people from Latvia at the moment to pick my raspberries, under this system will I see much difference?
MG: Well, one of the things that we want to do to help raspberry growers in Blairgowrie and across the country is to make sure that we can have an appropriate scheme in order to help them get workers on a seasonal basis. We’re working out what some of the details of that might be. But the important things is, outside the European Union we can decide, in consultation with industry and through parliament, who comes to this country and on what terms. We will have control of our migration policy, and there’s a
big difference, because you used the F-word earlier, a particular four-letter F-word, fake, and in using that I think a case in point is the sovereignty that we will have over migration. At the moment any citizen of the EU has a right to come here entirely freely as a matter of EU law. As the result of us being outside the EU we will be able to say no, we decide who comes here and on what terms.

AM: Now, you’ve most unfairly accused me of confecting outrage a moment ago. Let me read you some real outrage. This is something that’s been passed around the European Reform Group, of which you’re well aware.

MG: A fine body of men and women.

AM: Well, this is what the fine body of men and women have been sharing with each other: ‘these proposals will lead directly to a worst-of-all-worlds black hole Brexit where the UK is stuck permanently as a vassal state in the EU’s legal and regulatory tar pit, still has to obey EU laws and ECJ rulings across the vast areas discussed, cannot develop an effective international trade policy or adapt our economy to take advantage of the freedom of Brexit and has lost its vote and treaty vetoes as an EU member state.’ They think you have sold them out.

MG: Well, it’s a vivid piece of writing from one individual. But I have to respectfully disagree. How could it be the case that we are stuck in a regulatory tar pit when we can determine, not just migration policy but also in a huge swathe of our economy we have perfect autonomy, and also parliament can decide, if new rules come forward, to reject them? So I admire the –

AM: You’re not polishing a stool are you?

MG: No, I’m sitting on a very handsome orange chair. One of the things about this agreement, and one of the things about that text is that text has a highly coloured, vivid, almost Dickensian –

AM: Like the kind of thin g you used to say yourself.

MG: No, not at all. I don’t think I could have written nearly as well as that. But however powerfully written it is, I fear that it misses the point and it’s short of the mark. So all of the important areas
where an independent country chooses to exercise sovereignty, Britain will be able to do so and in so doing will be respecting the referendum result and the mandate that we were given.

AM: So is your message to those colleagues wondering about what to do next, this isn’t perfect, this isn’t absolutely what I would have wanted, but it is by far the best we can possibly get now?

MG: Yes. Critically. We have got to do ensure that this country leaves the European Union in March 2019. Now there are two people I noticed who’ve been very unhappy with this deal. Nick Clegg, on the one hand. Nigel Farage on the other. Nick Clegg’s unhappy with this deal because he doesn’t want us to leave. Nigel Farage is unhappy with this approach because he wants this government to fail so that he can cry betrayal for his own reasons. All those of us who believe that we want to execute a proper Brexit and one that is the best deal for Britain have an opportunity now to get behind the Prime Minister in order to negotiate that deal. There’s one other thing as well that was agreed at Chequers. One really important thing. Which is, we’re being generous towards the EU. We’re showing flexibility. If the EU is ungenerous and inflexible then we may have to contemplate walking away without a deal. And one of the things that we agreed at Chequers is that –

AM: But you’re not ready for that.

MG: - we would step up the preparations for precisely that outcome. And civil servants and ministers across the government –

AM: Can I ask you a very straight forward cut question?

MG: - across government have been working hard in order to ensure that even though that is not –

AM: I know people have been working hard. Can I ask you a very straight forward question about this.
MG: We will be – we will be in a position in March 2019 if we don’t get the deal that we want to be able to walk away.

AM: Are we actually in a position to walk away now?
MG: We need to be by March 2019.
AM: So we’re not?
MG: The cabinet – we need to be. The cabinet have agreed that we’re going to take the preparations. No one wants to walk away now because we’re in the middle of a negotiation. What we need to do is to be able to walk away in March 2019.

AM: How many extra customs officials have we hired?

MG: We are in the process of hiring a significant number of people. In my own department, I’m not the minister in charge of customs, we’ve hired a significant number of people in order to prepare for just that eventuality.

AM: Are there any extra lorry parks or warehouses waiting to deal with no deal?

MG: We have made an investment in infrastructure, we’ve got the legislation ready, we’ve got the people ready. There is more to do. The critical thing is we need to be ready by March 2019 and the Prime Minister authorised the cabinet to step up those preparations. Not because we want that outcome. I don’t want that outcome. I want a deal and I think what the Prime Minister is putting forward succeeds in making sure that we end ECJ jurisdiction, we end freedom of movement and we have the regulatory autonomy we need in the areas that are important to make this economy a success in the future.

AM: If Barnier looks at this and says I can push Britain a little bit more towards the EEA, to full membership of the customs union and the single market, what’s your message to him?
MG: My message to Michel Barnier is that I have enormous respect for Michel. I know that you’re going to negotiate hard. But it’s in the interests of French farmers, French industry and French citizens that we continue to have good trading relationships. Make sure that you regard the interests of your citizens with the same care and the same attention as our Prime Minister has the interests of our citizens.

AM: One final question. You were co-conveyor of Vote Leave. At any stage were you aware of working jointly with the campaign Believe who got £600,000 of public money quite late in the campaign?

MG: No.

AM: Do you believe that you have broken electoral law?

MG: No.

AM: If the Electoral Commission conclude that you have broken electoral law how will you act?

MG: That’s a hypothetical question, but one of the key things about the –

AM: Not very.

MG: It is actually. One of the key things about the Electoral Commission report which the BBC I know managed to get a read out of earlier this week is that I haven’t read it, you haven’t read it, Andrew. Let’s wait for it to be published and I know that Vote Leave are going to challenge that in the courts. I think it would be wrong for me as a government minister to pre-empt that process by - I love answering questions that you offer as pithily as possible but this is one area where -

AM: It’s not terribly evident today but thank you.
MG: No, well I think the previous ones I did answer with one syllable and only two letters. The critical thing here is that both of us have to respect the legal process, because that’s one of the things about Britain. Our rule of law, our common law system which will be enhanced as we leave the European Union is one of the glories of our Constitution.

AM: And respect for the clock. Michael Gove, we’ve run out of time. Thanks very much indeed.

Ends