

ANDREW MARR SHOW

9TH DECEMBER 2018

STEPHEN BARCLAY

AM: I don't want to be impertinent. Welcome, Stephen Barclay. But do you know what's going on?

SB: Absolutely. We've been discussing a vote, the meaningful vote. It's the best deal on the table. It's the only offer, and it's one for Brexiteers like me that delivers on what we campaigned for in the referendum. Things like a skills-based immigration, control of our fishing, control of our agriculture. And that's the key message that we're taking into parliament.

AM: The Sunday Times' front page suggests that this vote is not going to happen on Tuesday, that it's going to be delayed. Can you confirm that it will definitely take place on Tuesday?

SB: The vote is going ahead, and that's because it is a good deal, it's the only deal. And it's important that we don't let the perfect be the enemy of the good. For the Brexiteers in the party, for people like me, we campaigned in the referendum to take back control of our immigration policy, to have a say on things like not sending vast sums of money to the EU, and this is a deal that does that but does it, Andrew, in a way that balances the need to protect jobs, to keep the supply of goods flowing.

AM: But you are almost certain to lose that vote, aren't you?

SB: Well, we're making the case. We're only halfway through, just over halfway through what is a five-day debate. We're making that case to –

AM: Do you think you can win over enough people to win this vote?

SB: Well, we're making that case. And I think, as we've seen – I was visiting businesses on Friday – there's a very clear message from the business community that they want this deal, they want the certainty that the deal brings, they want to know that the

arrangements in place continue till 2020, and then we'll be able to put in place that free trade deal moving forward.

AM: Sadly, it's not businesses, it's Conservative MPs that you need to convince really. You wrote a piece in the Sunday Telegraph, very interesting, this morning, in which you said that there was no more negotiation, that's it, this deal is the only deal – no further negotiations, is that the case? Is that the case?

SB: It is because this has been a hard-fought – let me just answer that - this has been a hard-fought negotiation over two years, with the prime minister working day and night to make the case. And the risk for those who say simply go back and ask again, the risk is well, that isn't necessarily a one-way street. The French, the Spanish and others will turn round if we seek to reopen the negotiation and ask for more. And so this has been a hard-fought negotiation and we have a deal, and we've got a deal that respects the referendum, but does so, that also balances the need to protect jobs, to keep that close relationship with Europe, which is our largest trading partner.

AM: And therefore, not only is Theresa May not going to go back into a last minute so-called handbagging negotiation before this vote, if she loses she can't really go back and ask the EU for something different or something more or something extra, because as you say, the negotiation is over?

SB: Well, we've got the vote on Tuesday. There's still two full days of debate. Colleagues will have heard the views of the business community and others over the course of the weekend. We as a Cabinet, it's for the whole Cabinet to be making this case ahead of the vote on Tuesday, and I think as we get closer to that vote there will be a focus in our minds as to the uncertainty that will happen if we don't go ahead. And the risk is that we don't have Brexit or we don't have a deal.

AM: I'll come on to those things in a second, but I want to be absolutely clear: the Prime Minister is not going back this week or next week to Brussels to try to renegotiate any aspects of this deal?

SB: The vote is on Tuesday. That is what we're focused on. I mean, the prime minister will go to the December Council on Thursday, as has always been the case. That has a full agenda. But the vote is on Tuesday. That is what we are focused on. And I think the key question for colleagues – and it's not just Conservative colleagues, this is for Members of Parliament across the House – the key question is the certainty that the deal delivers, respecting what was the biggest vote in our democratic history, respecting that referendum result, but in a way that protects jobs, protects the supply of goods, or the uncertainty that will come from the various other options that people are coming forward – which won't command the support of the House.

AM: If despite your best arguments and your best endeavours, she loses this vote on Tuesday and loses it big, then Theresa May cannot stay on as prime minister, can she?

SB: Well, we're moving to uncharted waters. Yes, the prime minister is fighting for, and will continue in post. But the question for –

AM: Sorry, but can she stay on as prime minister?

SB: Yes, absolutely.

AM: She can stay on as prime minister?

SB: Absolutely.

AM: If she loses the vote big?

SB: Yes. Absolutely.

AM: So what sort of government is that, in that situation, because you've lost your main policy, you've no clear way forward, surely that's the moment to step aside and let somebody else who thinks that they can negotiate a better deal try?

SB: But what you're pointing to, Andrew, is the point I was making earlier, that we would move into uncharted waters, into uncertainty. Now, there's a process that would then follow in terms of the government would need to come back within 21 days, calendar days, with a statement. There'd be then a further seven days, sitting days, until in terms of bringing forward a motion. So there's a process that would follow, but the point –
AM: By the way, just by the way, it takes the Commons voting and sitting right up to and including on Christmas day, if that happened. That's true, isn't it?

SB: I saw those stories. But the point that you're alluding to is that if the deal doesn't go through we will enter uncharted waters and a period of uncertainty. And the very clear message that I got, that colleagues have got from businesses and others is they want a deal which will allow the investment, protect jobs and allow us to respect the referendum result. And you're absolutely right, the alternative is a period of uncertainty which is bad for jobs and bad for the country.

AM: Some of your colleagues are already talking about what might happen during that period of uncertainty, and some of them think that actually, given where parliament is, unable apparently to move forward in any direction and stuck, then the best thing is to take this back to the British people again, have another referendum and say, 'now you know more what you want to do,' what's your attitude to that?

SB: Well, we had a people's vote in 2016. The people spoke, and that was the biggest democratic vote in English history.

AM: You're clearly against trying to vote again.

SB: Very much so. Because I think that would be a betrayal of the referendum result, a betrayal of that, and people spoke in 2016, it is important that politicians of all parties respect that. The Labour Party manifesto gave a commitment to respect that result, as did the Conservatives. And if you look at where the Labour Party is

not, they seem to be veering back on the commitments they gave in their manifesto.

AM: Well, we'll talk to them in a moment, but that at least is clear. The other option being discussed, as you know very well, is the so-called Norway plus, which is something called a soft Brexit and so forth. And again there are Conservatives as well as Labour and Liberal Democrat and SNP colleagues all discussing that at the moment. What's your attitude?

SB: Well, I don't think Norway respects the referendum, and I think there's a number of problems with it. Obviously it doesn't give us control of our immigration, the skills-based system that the prime minister brings forward with this deal. If you'll let me just go on, I think there's a problem on immigration, a problem in terms of continuing to spend money, and also there's a problem in terms of scale. So Norway – I mean, I met the foreign minister of Norway last week – Norway has a population of five million, the rule-taking element of Norway plus, the fact that it will contradict a independent trade policy – if you take areas, for example, like financial services – I used to be Financial Services Minister – the impact of taking rules for a population of five million is very different to that of – so for businesses like Lloyds of London, for sectors of our economy like the building societies, the impact would be very different under those sort of proposals. And we have a deal on the table that actually delivers on the referendum –

AM: I understand that.

SB: - we don't need to be looking at Norway.

AM: I understand that. Now, you've said there's lots of problems with Norway plus and there clearly are problems with Norway plus, but given where we are, with very few exit routes available to the Commons, some of your colleagues, including Amber Rudd, who has said, in terms, publicly, that she thinks Norway plus is plausible – so I ask you again is it plausible, there's a problem with it but is it plausible?

SB: I don't think it honours the referendum result. But the point is Amber campaigned for Remain, I campaigned for Leave. What Amber and I both agree on is this is the right deal. Yes, it doesn't deliver everything to everyone, but in a hard-fought negotiation of course there are compromises. But both Amber, who was on the Remain side, myself on the Leave side, both recognise this is the best deal and it's the only deal that will deliver on the referendum result.

AM: The reason an awful lot of your colleagues don't agree with you is that they're particularly worried about being stuck inside the backstop. And one of the things that happened in the past week is the government was forced to publish its legal advice from the Attorney General, and you can see when you read the legal advice why the government might not have wanted to publish it, because it reads, for instance: 'in international law the backstop would endure indefinitely,' until a superseding agreement took place. Endure indefinitely. At the same time Theresa May was saying it's only a temporary arrangement. How do you explain that?

SB: Well, I think you should look at the totality of what the Attorney General said. He was very clear in the House that he doesn't expect us to be in the backstop permanently. He also went on to say that it is a political decision. And there are three tiers of safeguards in respect – there's three tiers of safeguard. There's safeguards at the front end – we can extend the implementation period. There's safeguards at the back end in terms of the joint committee and the arbitration approach, the need to operate in terms of best efforts in good faith. And there's also safeguards in terms of, if we do end up in the backstop, which we hope not to do, but if we did end up in it, because it's very awkward for the European Union as well, it contradicts Article 50, which says you can't have permanent arrangements. So there are safeguards in place. We intend to have a deal to avoid going in the backstop. We've got a framework in the political declaration

that allows us to do so. But there are safeguards, three levels of safeguards, that apply in terms of that backstop.

AM: I suppose the problem is, as you say, we hope for this, we intend that and the other, we're in a situation where people are looking for clarity and certainty. And the legal clarity, the legal certainty is again that the backstop would endure indefinitely.

SB: No, it's not. And I think the point is, you're right, we are looking for certainty, and that is what the deal on the table delivers. It delivers that clarity, that certainty for businesses, for jobs, the jobs of your viewers. It delivers that clarity moving forward, and that's what the deal offers.

AM: Well, it doesn't give us a way out of the backstop by ourselves. We have to get the EU's agreement to leave. And again, people like Boris Johnson, who I'll be talking to later on, say at that point they've got us over a barrel, they can insist on what they want on fishing rights or Gibraltar or money or whatever.

SB: Well, as I say, there is a process around the arbitration. There is legal wiring to that in terms of the connection from the withdrawal agreement, that does mean that the EU has a duty to act in good faith, and that does have legal force. But it's also very awkward for the EU to be in the backstop. They don't want to be in the backstop. They made it clear they don't want access into the single market without any financial contribution, so the backstop isn't desirable for the EU either. And one's got to look at the balance of risk. The balance of risk between that, and as I say, there are a series of safeguards, and the balance of that risk compared to the alternative is that we'd have no deal or no Brexit. And I think, from a democratic point of view, that would be hugely damaging if after we have the biggest vote we don't go ahead.

AM: As a country, are we ready for no deal?

SB: Yes, we're – obviously it will be challenging, it will be challenging, but there's a huge amount of work that has gone on behind the scenes. Steve Baker, when he was the No Deal Minister, Chris Heaton-Harris, the government has done a huge amount of work in the preparation for that. But let's not get away from the fact, it will be difficult and there will be difficulties with no deal.

AM: And people will lose their jobs and people will lose their companies, there's going to be real dislocation if that happens.

SB: Well, it's undesirable. This is why we need to back the deal, because I'm not saying for a minute that no deal wouldn't be difficult – obviously we have done a huge amount of planning in government to prepare for that, but it's not all within our control. Obviously it will be shaped by what businesses do, it will be shaped by what other countries do. So we have prepared extensively within government for no deal, but the best way of mitigating against no deal, the best way to address those plans, is to actually pass the vote on Tuesday evening.

AM: Which is 100 per cent happening on Tuesday?

SB: It is.

AM: It is. Thanks for shedding some light on that, Stephen Barclay. Thanks a lot.

(ends)