

ANDREW MARR SHOW, 12<sup>TH</sup> MARCH 2017

DAVID DAVIS, Secretary of State for Exiting the EU

AM: Grossly negligent, Mr Davis.

DD: Good morning. This is like Brexit central this morning, isn't it?

AM: It really is a bit yes.

D: No it's not. I mean the simple truth is we have been planning for the contingency, all the various outcomes, all the possible outcomes of the negotiations.

AM: Including a proper plan for no deal?

DD: Oh yes, oh yes, in terms. Indeed about two weeks, two or three weeks ago, I can't remember what it was now, it was briefed out that I'd spent most of the Cabinet meeting talking to the Cabinet about the importance of making sure the contingency plans were online as well as the other plans. So bear in mind –

AM: So do you have part of your team as it were around the back of the building thinking if it doesn't work this is what we'll have to do?

DD: Well it's not just my team, it's the whole of Whitehall, it's every single department. But understand, it's the contingency plan. The aim is to get a good outcome and we are confident, I'm confident I get a good outcome. And one of the reasons we don't talk about the contingency plan too much is we don't want people to think oh this is what we're trying to do, that's there because we need to have it there for two reasons. One, if as I think Crispin intimated to you earlier, the Chairman of the Select Committee you interviewed earlier, you know it does go wrong for whatever reason we need to be ready for that and make sure that we're in a good position to deal with that, but if we get the main outcome it's actually quite helpful in the negotiation and in the planning for that.

AM: For them to know that we are planning for no deal?

DD: Well no for us to know, for us to know. For us to be confident that we don't face, as you say, a cliff edge or something ....

AM: And in terms of the consequences of not getting a deal, again the Committee was very very strong in its language, it said: 'it's clear from our evidence that a complete breakdown in negotiations represents a very destructive outcome leading to mutually assured damage for the EU and the UK.' Are they right about that?

DD: Well I don't think firstly that is remotely likely to be frank with you. We - really since the referendum the whole government and certainly the Foreign Office, my department, the Prime Minister's department and so on, have been engaged with every country in Europe and of course the institutions. And the feedback with it, look it's going to be tough. Let's not make no bones about it. There will be tough points in this negotiation but it's in absolutely everybody's interest that we get a good outcome. Ours and theirs. The obverse if you like of what the Committee was saying. It's in their interests and our interests. In Spain's interest, it's in Estonia's interest, it's in France's interest, it's in Italy's interest, everybody has an interest in a good outcome to this.

AM: What's your message to MPs tomorrow?

DD: Oh, simply look, I understand - who better to understand bluntly that the importance of parliamentary accountability. I've spent a decade of my life doing nothing but. But the simple - and I've said since the beginning of this exercise, look, it's inconceivable to me that there wouldn't be a vote on the outcome. But the simple truth is what I don't want to do is take a simple bill which is designed to do nothing more than put the

result of the referendum into law as the Supreme Court told us to do. We waited for the Supreme Court to give us the detailed guidance on that and we're going to do that. Please don't tie the Prime Minister's hands in the process of doing that for things which we are – which we expect to attain anyway.

AM: Well me ask you about that vote. So the real question is if you don't get a deal will the Commons have a meaningful vote about what happens next?

DD: Well I think there's a risk with your viewers not quite understanding what's happening already. Number one, we've got the vote on Article 50 going through. Then we've got the Great Repeal Bill. All of the aspects of European law coming into UK law. A huge Bill. Then we've got Primary Legislation and Secondary Legislation and then at the end we have a vote at the end.

AM: So what MPs say, what MPs say to me is what we really want is a meaningful vote which means that we have the ability to send David Davis and Theresa May back to the negotiating table if we don't like the deal.

DD: Well, first thing is there is a limited time on this. I mean we didn't choose the timetable, it's a two year time on Article 50 so there will be a limit to which you can do that. Secondly what we can't have is the either House of parliament reversing the decision of the British people. They haven't got a veto -

AM: (..... nobody is talking about that.)?

DD: Well what does it mean otherwise? People talk about meaningful vote what does it mean otherwise? So I am quite sure there'll be votes throughout this process, there will be a vote on

the deal we strike. It will be a meaningful vote in the sense they accept or not, just like any other international treaty.

AM: So what happens if they don't accept it?

DD: Well then that is what's called the most favoured nation's status deal with the World Trade Organisation.

AM: Then we go out as it were on ....

DD: That is why of course we do the contingency planning to make sure that that is not harmful, but that's – this is a reality. The decision has been made. The British people decided on June 23<sup>rd</sup> last year to leave the European Union. That is going to happen. My job and the job of the government is to make the terms on which that happens as beneficial as possible. And remember, we keep talking about all the sort of negative sort of stuff of protecting this, protecting that. As well as protecting our European markets we're also going to be freed up to access all those other high growth markets in the rest of the world. Markets which we are uniquely equipped to make the best of because of our history, because of our language and so on.

AM: So let's assume, just for the sake of argument, that you win your vote in the House of Commons tomorrow, the Bill goes back to the House of Lords and they don't cause any more trouble. At that point is it technically, is that the moment when Article 50 can be triggered?

DD: Well in theory it's the point at which you have royal ascent. When the Queen gives her approval and the Bill goes into law and becomes an Act of Parliament. When it will be – I mean people have been predicting the 6<sup>th</sup>, the 9<sup>th</sup>, the 15<sup>th</sup>.

AM: But you want to crack on, don't you?

D: Of course, but I also want to pick the right day, I also want to do it in a right way – each date has different implications in terms of when it can be responded to by the Council and so on, and I'm not going to go into the details of why but there's politics in terms of success, achieving success.

AM: Elections and there's all sorts of stuff. I understand that. Nonetheless very soon we are going to trigger Article 50.

D: Before the end of March.

AM: And my question is, what happens then?

DD: Ah right. What happens then is fairly straight forward in formal terms, whether it's straight forward in negotiating terms is another matter, but the letter goes to the Council, the Council then has to decide a guideline. They tell the Commission how to carry out the negotiation. That will require a meeting of the Council which will probably take a month. We don't know for sure but it will probably take a month, depending on how they address it, the Council (without us.) And then they hand that guideline back to Jean Claude Juncker who tells Michel Barnier, my opposite number how to run his negotiation. Then we meet and we start. And I guess the first meeting bluntly will be about how we do this. How many meetings, you know, who's going to meet, who's going to come. Specialists, generalists whatever.

AM: Where's it going to happen?

DD: Where?

AM: Yes. Is it going to be here or Brussels?

DD: Well mostly Brussels I suspect. But it won't just be Brussels. I mean we are – we've got massively strong bilateral relationships with all of our other colleagues.

AM; This is a really important question, who are you really negotiating with? Is it Brussels central as they think or is it leaders around the EU, does Angela Merkel get involved or is it you and Barnier and you until you both agree?

DD: It's both. The formal negotiation will be between the United Kingdom government and the Commission on behalf of the 27 member states. On behalf of the Council representing 27 member states. But at certain points along the way there may well come points of contention. Let's imagine that we disagree on something, we don't agree on something. I suspect at the end of the day it will be the Council that says, okay let's take ...

AM: Big beasts move in at that point.

DD: I mean that's - I'm guessing, I'm guessing 'cause after all it's their decision not mine. That sort of thing.

AM: A really important question, 'cause I've been talking to people on the other side as well, and they say actually do you know what, Britain can possibly get access, friction free access to the single market and what they want, but there will be a heavy financial price to pay. Do the discussions about the so called divorce bill, the money does that go in parallel with the other discussions or do you have to deal with that first as people in the EU want?

DD: Well firstly I think our argument's very plain. We think these things have to be done in parallel, that you can only make a judgement as it were the end. The European Commission has a favourite phrase which is nothing is agreed until everything is

agreed and actually on this occasion I rather agree with them, you know.

AM: So you want to run everything in parallel?

DD: But it may well be there's an argument over that, but let's see how it turns out.

AM: Because they say they would like to see how much British money they're going to get before they see how generous they're going to be on other things.

DD: Well, first thing is I mean you know, as the Chancellor said to you last week, as the Prime Minister said during the course of the week, you know, the days of giving huge sums of money are past.

AM: What is huge?

DD: Well literally, no no, I'm not going to negotiate on air, Andrew, but the do not...

AM: Sorry, just on this point if I may, very quickly because it is being suggested by Boris Johnson, Michael Gove and others and there's a story in the Sunday Times today that actually we might be getting money back from them, rather than giving money to them and that you know the actual bill might be in negative as far as we're concerned.

DD: As they might say on a football programme, this is a negotiation of two halves and the bits both ways. But we'll see. I mean look, we're not engaged yet. We haven't had a formal proposal from them yet. I mean the thing to understand is that there is one thing which we know will be upfront. One thing above all that we get the same from the member states and from the

Commission and that's the issue of the rights of citizens. European citizens here, British citizens abroad.

AM: That's of great interest to people.

DD: And that's right up front. That's the first thing I think.

AM: That's the first thing you'll deal with. And will we know the result of that before the entire thing is concluded in two and a bit years time?

DD: Well it may or not be that it requires a treaty, I don't know, but I think we'll know in principle result. I mean bluntly I am reasonably sure where the in principle result will end, because our negotiation, not our negotiation, we're not allowed to negotiate yet but our discussions with the European Union across the board, virtually everyone I've been to see has raised that as the first issue, you know, and they all understand something by the way and this has got context for tomorrow, because I understand why people are concerned. I think there's a moral responsibility over European citizens too, but everybody understands that this is an issue that's got to be resolved together. Brits and Europeans together. The Polish Prime Minister when she came here said in terms, these issues are linked and have to be dealt together, so that's what we're going to do.

AM: In your best guess or judgement what is the day on which we leave the European Union?

DD: Well it will be by March 2019. I mean that's not to say there won't be some transition or implementation.

AM: But in terms of people looking at their diaries March 2019 is the date to -

DD: Yes.



AM: Okay, let me turn to the Northern Irish question, you may have heard Gerry Adams. They are really, really worried about the return of the border and particularly if we don't get a deal. What's your message back to them?

DD: Well my message is we have put that pretty much as our top priority. I mean the – I first went – the first visit I made was to Belfast to talk about this. We have looked very closely and we are - I mean one of the contingency plans if you like, or one of the plans being put together is how on earth we create a visible - sorry – an invisible frictionless border between North and South, between Northern Ireland and the Republic of Ireland. We have talked to the Irish government about it. The first foreign trip I made was to Dublin. They're on side. We are determined to do it. The Commission are on side. The Commission remember had a part to play in the peace process. Indeed Michel Barnier had a part to play in the peace process. They are absolutely determined in their mind that this is not going to go wrong. So that's the combination of determination that exists here.

AM: When you sitting in Cabinet on Wednesday did the Chancellor warn you that he was about to break an election pledge?

DD: He told us the package he's put in front and look – wait a minute to be fair.

AM: Did you spot it?

DD: I'm not going to go into detail of Cabinet discussions, that would be in breach of my Privy Council oath I suspect, but he made plain what he was going to do and actually there was no hiding of anything, everybody knew what we're talking about here.

AM: Sorry. Did everybody know that you were breaking an election pledge?

DD: I don't know, I can't speak for everybody else.

AM; Did you know?

D: I'm not going to go into the Cabinet - we go round this in circles if you like Andrew -

AM: No, I'm just asking you whether you knew you were breaking an election pledge.

DD: - and waste everybody's time. The point here is very simple. People say to me my job is the most difficult in government. Actually I don't think it is. I think the Chancellor's the most difficult. Why? 'Cause he's still having to deal with that huge overhang of debt that comes back from 2008. From Gordon Brown's mess in 2008.

AM: I can understand.

DD: Now. Understand this. What he has proposed is fair in terms of the less well off -

AM; but breaks an election pledge.

DD: Yes. Half of the - yeah but also pays

AM: You said, yes, you agree?

DD: No, no but pays - you're trying to trip me up. Pays for social welfare, pays for the National Health Service, all those things

which everybody wants to do, but don't say how we should pay for it.

AM: Almost out of time, very quickly, are we going to see by elections as a result of Conservative election fraud, alleged?

DD: I know nothing about that at all, but I don't think so.

ENDS