

ANDREW MARR SHOW

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DAVID LIDINGTON

AM: Welcome Mr Lidington. I suppose the first question is what happens next? Are these talks going to carry on next week and how long are they going to go on for? Months?

DL: No, they're not going to go on for months. They're certainly going to continue next week. I had a good businesslike meeting with John McDonnell a couple of days ago, and what we've agreed is a programme of meetings next week on particular subjects with the ministers and shadow ministers concerned, getting together to talk about things like environmental standards, like workers' rights, like security relationships between the United Kingdom and the EU. And then we would hope to take stock of where we are as soon as parliament gets back after the Easter recess. But I don't think that this question can be allowed to drag out for much longer. I think the public, rightly, wants politicians to get on and deal with it.

AM: So do you have a deadline, a point at which you say these talks have now failed?

D: No, I don't have a particular date ringed in the calendar for that, but I think there is a sense in parliament and a sense in the public mood that they want their politicians to get on and deal with this. And as government we've always made it clear that while we'll do our best to try and reach a compromise with the main opposition party – it would mean compromise on both sides – if that doesn't work then what we will want to move towards is to put before parliament a set of options with a system for making a choice, and parliament actually having to come to a preferred option rather than voting against everything.

AM: And you will be bound by that, whatever it results in?

DL: The government have said we will stand ready to implement what parliament decides.

AM: At the core of where you might be able to do a deal with Labour is the customs union. That will require you moving. Is there any way that this government can sign up to a customs union – I use the words specifically – with the EU or not?

DL: What's been interesting when we started to explore this issue with the Labour Party is we've actually found that in terms of objectives there's a fair bit that both parties would have in common. What both of us are wanting to see is a future relationship with the European Union that means we don't have any tariffs on our trade between the UK and EU. We don't have any quotas, we don't have any rules of origin checks. Now, both parties have very well known public positions about how to do this.

AM: I'm asking you whether you're going to move that red line slightly. I mean, Geoffrey Cox, your colleague, has said it wouldn't be a sell-out or a betrayal to go for a customs union, and it has a particular legal meaning, that term, which is why I ask you again are there any circumstances in which you could accept a customs union?

DL: Well, we think that it's possible to get the benefits of a customs union, which is what I've just described, but still have a flexibility for the UK to pursue an independent trade policy on top of that with other countries outside the EU. Labour's had a different approach. If we're going to reach an agreement on this there's going to need to be movement from both sides, but I think – I don't blame you for asking the question, Andrew, but clearly you wouldn't expect me to give a running commentary on talks in progress at the moment.

AM: I was hoping. Let's be very, very specific. Would you accept the common external tariff barrier?

DL: What we made clear about is that the objective is to get no tariffs, no quotas, no rules of origin, and what we're exploring with Labour is whether it is possible for us to agree a mechanism that allows us to do that.

AM: So why isn't possible just to say no to my question then?

DL: Because I don't want to compromise what is at the moment a space where we are testing with the opposition, they are testing with us, particular ways in which we could move forward. What's very clear is that when we leave the European Union we leave the EU customs union. I don't think that there's any disagreement about that fact. The question is what type of customs arrangement, what type of customs agreement can you then construct that gives us the benefits that we both want to see.

AM: In her famous Lancaster House speech Theresa May said, 'I do not want us to be bound by the Common External Tariff.' But that is still possible now, is it?

DL: That remains the government's position, as the prime minister set out in Lancaster House. And I think the –

AM: What I'm trying to find is whether you would move on that position?

DL: What I'm saying to you is that we are absolutely clear about the objective, which is no tariffs, no quotas, no rules of origin checks. But we still believe that it is possible to get an agreement on customs with the European Union that will allow us, when we get to this future partnership, to have in addition to those benefits of a conventional customs union freedom to do that independent trade policy with the rest of the world.

AM: Can I put it to you that that is a complete fantasy. We have spent two years plus trying to test if that's possible. It's not possible. We can't have all the benefits of a customs union while

at the same time pursuing our independent trade policy. That we know, and yet it's still at the heart of these conversations.

DL: Andrew, with all respect to you, we have not been testing that for the past two years. Because the past two years what we've been talking about is the terms of our actual withdrawal from the European Union. It's only when we actually become a third country and have ceased to be an EU member that we can get on legally, in terms of what the EU treaties allow, with those trade negotiations and security negotiations for a future relationship. That's what I want to get us on to do, which is why parliament needs to ratify the withdrawal agreement, then we can get on to those talks on trade and other matters that are so important to people in this country.

AM: Now, the other thing that we know is being talked about, because John McDonnell keeps saying so, is having a confirmatory referendum of some kind after this process. He says it's raised at every meeting. When he raises it what do you say?

DL: What I say to him is we understand where he's coming from on this. He does raise it at every meeting. The government's position is very clear, it hasn't changed, that we think that the public came to a clear view in 2016, with all parties and both campaigns having said to them your decision is going to be final.

AM: As a government your position is absolutely clear. No more referendums under any circumstances, that's it.

DL: It's not just what the government has said. If you look at what's happened in the House of Commons in recent votes, a referendum has come up, it's been voted on and it's been defeated even though every Conservative MP, apart from Cabinet members, who abstained on all the options – Conservative MPs having a free vote, second referendum still went down to defeat. I just question whether there's a majority for it in the House of Commons.

AM: It might be slightly embarrassing in these meetings if every time he raises it you simply say no.

DL: It's a much more constructive exchange than the way you're caricaturing it at the moment. Precisely because these are, you know, difficult, delicate negotiations where we're testing out each other's ideas and trying to establish whether there is sufficient common ground to do a deal, that we can't neither of us go into details.

AM: We've talked about two very, very difficult areas at the heart of these talks. There is a third one the Labour Party talks about a lot, which is, as it were, ensuring that whatever deal they come to with you isn't simply torn up by a future Tory leader and changed. What they call Boris-proofing - I can't think why - this deal. Is it possible to Boris-proof a deal?

DL: What you've got the reality of at the moment is that the House of Commons numbers are pretty finely balanced. There's no overall majority for the government, no clear majority for any particular way forward on the basis of the votes we've had in parliament so far. And that's not going to change. I think what the government already said is that we accept that in the next round of negotiations parliament will expect to have and should get a much bigger say in helping to shape the outcome of those negotiations. We've already said that that future deal will be made subject to approval by the House of Commons. So there will be a parliamentary lock over that.

AM: And that's the nearest you can offer. Because the other thing that's going to change is the party leadership of the governing party. The identity of the prime minister probably at that period. And that is what they're worried about.

DL : Well, the - in the current parliament, whether or not you have a new leader of either of the big political parties, the numbers in the House of Commons aren't going to change. The balance in the House of Commons isn't going to change. Now

clearly the way our system works, if there's a general election, you get either a Conservative government, a Labour government with a clear majority, you're in a different world at that point. But the numbers in the House of Commons are going to remain as they are.

AM: But beyond that, if I'm John McDonnell or Jeremy Corbyn and I say we've come to a deal, fantastic, we shake hands and then I say how can I be sure that a future Tory leader in the near future doesn't just tear it up again? What can you say to them?

DL: These are things that are being discussed. The role of parliament is in being –

AM: You can't really say anything, you can't give them any kind of promises.

DL: The role of parliament in how we go about the future negotiation, is part of a discussion that we're having with the opposition. It's something that different opposition parties, and indeed Members of Parliament on my own side have raised with me over the last couple of months. It's a perfectly reasonable thing for all parliamentarians to be interested in, but I think the blunt fact is the arithmetic of the present House of Commons is not going to change, irrespective of whether either party changes its leader.

AM: You mentioned leadership changes just now. You've been talked about yourself as a potential leader at some point and have been self-deprecating about it. Patrick McLoughlin, former Chairman of the party, said this morning, 'defining ourselves as the Brexit party, pursuing the hardest form of Brexit with a parliament that will not deliver it, is a recipe for paralysis in government and suicide with the electorate.' Do you agree with him?

DL: I think that Patrick's right to say we mustn't define ourselves as the Brexit party. I think we've got to deliver the outcome of the referendum. I think that's what the British people are expecting of

us, and I think there's intense frustration that there's been no majority in parliament for anything. But the Conservative Party has got to remain a broad church, a national party, and it's got to be talking about the things that matter to people in their everyday lives. Housing, health service, living standards.

AM: And Windrush – you may have heard David Lammy earlier on – you have come to an agreement, but actually you can understand why, given the nature of the injustice visited upon so many people, when you look at the amount of money the government is prepared to offer them, it is paltry. He's right, it's peanuts. Are you going to look at this again?

DL: Well, I'm sure this is something that Javid will keep under review. But I think that David, in fairness, could have given more credit for the fact both that these problems over the Windrush generation started under the previous Labour government, and that when this was brought to the Home Secretary's attention he took very resolute, very swift action to try and get justice for the people who've been wronged, and that was the right thing to do.

AM: When you look at the amount of money that's being offered, if you were made homeless, and for every month you were made homeless, if you've got all the paperwork, if you've got the paperwork, you get £250. If you've been denied access to NHS healthcare you get £500. Is that just, is that reasonable? Are you happy with those kind of figures?

DL: I think that it depends upon each individual case. I'm sure if there's evidence of injustice that is something that the Home Office ministers will look at.

AM: Well, let me give you an individual case. Albert Thompson, who lived here for 45 years after coming to the UK from Jamaica as a teenager. He was diagnosed with prostate cancer and he was due to be treated in November 2017, and then all this stuff happened and he was told, even when he was actually in hospital,

that it would cost him £54,000 and his treatment was finally delayed for another six months. Somebody like that. You're a man with a strong moral core. He gets £500. That is a disgrace, is it not? Given his treatment.

DL: Well, I don't know the detail of the case any more than what you have just read out to me. But I think that that was clearly, on the account that you've given me, Andrew, that was a disgrace. It was outrageous that that man was treated in that way, and I would expect the government to see justice done to him. But that is not just about a matter of financial compensation, it's about a matter of seeing that he gets the health treatment urgently that he needs.

AM: Do you think personally that was enough?

DL: I don't know the detail of the case, so I'm not going to comment on individual cases on air without knowing those details.

AM: Okay, the European elections. We know the Conservative Party, for fairly obvious reasons, doesn't want them to happen, but they are now going to happen aren't they?

DL: I hope not, because if we can take the withdrawal implementation Bill through both houses of parliament and give effect to leaving the European Union before the 23rd May, then that election process can be extinguished but the legal obligation on us was there from the moment that we remained a member of the EU beyond 12th April.

AM: And you have in effect legally hit the starting button. I just put it to you, that once a campaign gets going parties are spending money, they're coming in front of the electorate, they're on hustings and so on. In the middle of all of that people are looking at opinion polls, you can't suddenly pull the whole thing half way through, can you? Extraordinary.

DL: Well, it's a matter of law. If you leave the European Union before the 23rd of May then we no longer have the right to send

members to the European Parliament. So you would bring it to a halt immediately at that point. But because we are as of today a member state of the European Union, we are under a legal obligation to hold those elections, to prepare for them, and any UK citizen entitled to vote in those elections could if we were not doing that go to court and say the government is trying to deny me my legal rights.

AM: So you're stuck legally.

DL: It's a legal obligation.

AM: Let me ask you about one other legal obligation which is the case of Julian Assange pulled out of the Ecuadorian Embassy. Now there's a big campaign around the country and many MPs have been involved to say that if he's extradited he should be extradited to Sweden to face the rape charges. Do you agree with that?

DL: I think that it's a matter for the court to decide how to weigh the potentially different applications for extradition from Sweden and the United States and it would clearly be wrong me as a Minister to say anything that might prejudice a court proceeding. But it's a matter for the court. What is right is that Mr Assange should face justice, the allegations that were made against him in Sweden were very serious, but it is for the Swedish authorities to decide whether they make application for extradition.

AM: So far as you're aware, have we received an application from Sweden for him to return?

DL: So far as I am aware no, but then I would not necessarily expect to be kept right up to the minute on what is happening in that process.

AM: Can I ask you a question which I think is a question of fact, which is that normally what happens is that extradition requests are dealt with in the order in which they've been received, and we know that the American request has come in already and the

Swedish request, at least when we came on air, hadn't come in, so far as I'm aware. Therefore is it not the case that the American extradition request is bound to be considered before anything from Sweden?

DL: That is a matter for the judge who's hearing the case.

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