

ANDREW MARR SHOW

16<sup>TH</sup> DECEMBER 2018

LIAM FOX

AM: My next guest is somebody whose job depends entirely on a clean break between Britain and the EU. Without that Liam Fox can't negotiate the international trade deals that are his *raison d'être*. He's been loyal to the prime minister, but he's also suggested that he is unhappy with the current deal unless the backstop is renegotiated. And he is with me now. Liam Fox, Dr Fox, you are one of the few medically qualified MPs. As a medical doctor, how ill is this deal?

LF: It's recovering. And not yet perfect. But I have to correct you on one thing before we go any further. My *raison d'être* is not just to do trade agreements, my department is all about Britain's exports and Britain's investments, which is the majority of the work I do. And both of which are extremely good at the moment. Record exports and record investment.

AM: Right. So this deal is recovering, you say. What, in your view, does it need for you to be able to support it yourself wholeheartedly? What would the EU have to give Theresa May to make it acceptable to you?

LF: Well, I think you have to understand where we've come from to where we are today. First of all the backstop, the EU said, had to be permanent or it wouldn't be a backstop. That's now moved into temporary. So both sides agree we don't want to have a hard border with Ireland. Both sides agree that the backstop has to be temporary. Therefore we need to work out what additional mechanisms we could use to provide a backstop but not the risks that some see, which is locking Britain into a customs union.

AM: And it needs to be legally binding?

LF: Yes, it would have to, of course, be legally binding.

AM: Which is what they haven't offered so far.

LF: I think that we have to understand that when the EU talk about clarification very often they're talking about definition. In other words, they're not going to renegotiate the withdrawal agreement itself. That's clear. But how do we operate it in a way that's acceptable to both sides? And that's where the prime minister has been having negotiations and that's what will be happening over Christmas and into the New Year period.

AM: Arlene Foster says, for instance, this needs major surgery to make it acceptable to the DUP. And lots of your colleagues are talking about dropping the backstop entirely. That kind of radical change is simply not going to happen is it?

LF: Well, there has to be – we agreed there would be a backstop to give certainty in Ireland, and that remains. The question is can we find alternative ways to do it that don't result in Britain being trapped? That is the area of the negotiation that's currently being examined in detail.

AM: But the deal as it is now, unamended, unchanged, in your view that wouldn't even get through Cabinet, never mind getting into the House of Commons?

LF: Well, clearly there's a reflection about the anxieties that MPs have had about potentially being locked into the backstop without any choice. It's unlikely to pass through parliament.

AM: That's where we are now. So if Theresa May went to the Cabinet now and listened to Andrew Gwynne, the Labour Party, and said, 'right, I'm going to bring it back to the House of Commons right now,' the Cabinet would stop her?

LF: Well, the prime minister's giving an update tomorrow. She'll be talking to the Cabinet on Tuesday, and it's very clear that the EU understand what the problem is, and it's question of, without unpicking the whole of the withdrawal agreement, can we find a mechanism of operating the backstop in a way that actually removes those anxieties. And that's something she says will

happen over Christmas, it's not going to happen this week, it's not going to be quick. It will happen sometime in the New Year.

AM: Is this deal, as it is now, acceptable to you?

LF: Well, I agreed with the rest of the Cabinet that we would recommend to the House of Commons that they accept it. The clear view of the House of Commons was there are elements they can't accept. We have to take a political judgement, and we did by holding it back so the prime minister can go to Brussels and say there are elements in terms of the application of this that we find unacceptable.

AM: For the very small number of people who may have missed it, I'm going to refresh them and you with what you said on Politics Live about this:

#### PROGRAMME CLIP

LF: It's very difficult to support the deal if we don't get changes to the backstop. I don't think it will get through. I'm not even sure that the Cabinet will agree for it to be put to the House of Commons.

END OF CLIP.

AM: So there we are. It's very difficult to support it as it is now.

LF: And as I said, if we – so the question is whether it would be worth putting something to the House of Commons knowing it would be rejected. The whole point is to try to deal with those anxieties. The prime minister made very clear in the House of Commons that she understood what those worries were. I think it's also clear that our European partners understand what those worries are. And remember, many of them don't like the backstop at all in any case.

AM: But they're also absolutely crystal clear, in private and in public, that there is not going to be a substantive renegotiation of this deal.

LF: Well, again what they have said is they can't unpick the whole withdrawal agreement. But can they find ways of operating the backstop that are acceptable to the United Kingdom and to the EU, and particularly Ireland? That's the concentration of the area at the present time, that's a perfectly reasonable place for a solution.

AM: If you don't get those kind of changes then this deal is dead.

LF: Well, in which case parliament will have to decide on the alternatives.

AM: In which case the alternatives aren't very many. I mean, some of your colleagues are talking to the Labour Party and others about a second referendum as one way out of this. What's your message to them?

LF: I have three substantial objections to a referendum. On practical grounds, on democratic grounds, on constitutional grounds. On practical grounds I would say to them we'd have to pass primary legislation. That takes time. The Electoral Commission take about ten weeks to determine the question. We then require twelve weeks or so between the question and any referendum being held. That means –

AM: So you'd have to suspend or delay Article 50?

LF: And when people say this will heal the division in the country, this will not heal the division in the country, it perpetuates the division in the country. The second objection is democratic. Parliament has said to the public we can't make a decision on this, you make a decision and we will take an instruction from that, reinforced by the general election, where both parties said we would honour that referendum. We have to do that.

AM: The usual response is I suppose is the facts have changed. You may have changed your minds now you've seen what's happened.

LF: Well, we had an instruction. If we go back to the public now and we say –

AM: You told them at the time this is going to be the easiest trade deal in history and we're far from that.

LF: We haven't done the trade deal yet.

AM: Yeah, but you're talking like Ivan Rogers –

LF: But we haven't done the trade deal yet. We're doing the withdrawal agreement. It's a different thing.

AM: I know it's a different thing. What I'm saying is that if you thought the withdrawal agreement was hard wait till the trade deal. That's what Ivan Rogers now is saying.

LF: I think the other way round. But let me finish my point.

Suppose we had another referendum. Supposing the Remain side won it by 52 to 48, but it was on a lower turnout – entirely possible. Let me tell you that if there is another referendum, which I don't think there will be, people like me will be immediately demanding it's best of three. Where does that end up? Then we've got the constitutional issue. How do we tell Nicola Sturgeon and the SNP that they can't have another referendum on independence because they didn't like the result, when the remainers want another one on Europe because they didn't like the result.

AM: There's three arguments from Liam Fox against a second referendum. Let me move onto other possibilities. You're presumably, the problem with the EEA answer, the so-called soft Brexit is again the government would have to legislate for it, and this is a government that doesn't believe in it, so it wouldn't actually happen.

LF: I think more than that. It wouldn't happen, but if you look at the so-called EEA plus – and it must be incredibly confusing for people, the number of options being put forward – but this would

effectively mean that Britain stays in a customs union and the single market. In my view, that's worse than being in the European Union, because we'd get all the restrictions of the European Union without getting to make any of the rules around it. And I do not think you could get agreement in parliament or indeed Cabinet for that proposal.

AM: So we're burning quite quickly through the options, which leaves us with no deal, because the clock is ticking and if nothing happens we are running towards no deal. If there isn't a further big shift in Brussels we're heading towards no deal inexorably, aren't we?

LF: Or there's another shift in parliament and one of the things that is becoming an impediment to this is that the Labour Party are effectively being whipped against any of the options. And I know a lot of Labour MPs who are actually sympathetic with the government's proposals who would vote for it if they were allowed to do so.

AM: That's not going to happen. They're not going to break the party whip to save the Conservative government.

LF: Well, that's a decision for them because they say they honour the result of the referendum, but they're putting the institution of what they see as potential chaos and the inevitable consequence of a General Election ahead of what voters actually did on the referendum. But on the question of no deal then of course you come to more than one question on no deal. I hear some people saying let's just go for a clean break, and I hear those who say if we're going to have no deal let's have it managed over a period, for example could we go through the implementation period, make those payments to Brussels to maintain the stability on our way to no deal? So there would be –

AM: There are lots of problems there. But the Labour Party has a fairly clear position. If there's a second referendum and they decided to vote – advocate Remain for instance they could argue that the situation had changed dramatically. They're going to try and get a General Election first, so they've got a series of very clear positions, clearer than the Conservatives.

LF: No they don't have a clear position. John McDonnell in the House of Commons talked about Labour and being in a customs union, but a customs union that would allow Labour to have a say in future EU Treaties.

AM: It's just like you guys, cake and eat it.

LF: It's not the same, it's not the same, it's actually illegal, because under the EU Treaty you are not allowed as a non-member of the EU to have a say in EU trade policy. It's fantasy. They haven't thought it through. They didn't even seem to know in the House of Commons it wasn't legal.

AM: Now you raised the question just now of Labour MPs deciding in their consciences to vote for Theresa May's deal in whatever form to eventually comes back. What about a free vote of all MPs in that case? Shouldn't Tory MPs also be allowed a free vote?

LF: Well that's not something that we have considered I have to say personally. I wouldn't have a huge problem with parliament as a whole having a say on what the options were, because it wasn't the government that was given an instruction by the referendum it was parliament. Parliament said in that referendum we can't make a decision. We are going to – on this particular area we're going to subcontract our sovereignty to the people and they gave us an instruction. It's time parliament carried it out.

AM: So that's very interesting, because if the Conservatives said d'you know on our side we think it's for all parliament and it's going to be a free vote. It's much harder for the opposition parties

then to whip. So the suggestion that all of parliament will vote on a free vote on this is a new one but not an uninteresting one?

LF: And not one that to be frank Cabinet has discussed yet –

AM: It will be a busy Monday.

LF: - but I think when you look at the options that we have we've got to recognise that there are, as you said, a limited number of real world options here. No Brexit, which would be a betrayal of the voters and I think an affront to our democratic process and a dangerous one. Secondly, the deal that the Prime Minister has negotiated if we can get it into a shape MPs are happy with, or no Brexit. There are no other options there.

AM: Can I be absolutely clear on the Prime Minister's deal, you still hope that's going to get through the House of Commons. What in specific terms does she need to come back from Brussels with to make it acceptable?

LF: I think there needs to be a mechanism for the backstop that doesn't leave the United Kingdom in a position where it feels it could be trapped there.

AM: An ejector seat with only a British hand on the handle?

LF: No, it doesn't have to be. There are a number of mechanisms and I'm not going to go into those because they're being looked at in detail, but a way in which both sides could feel happy that the basic points of the backstop, i.e that we don't have a hard border in Ireland with all the risks that that would entail, that there are ways of doing that that don't entail the current mechanism doing it.

AM: I'm tempted to say if you were diagnosing me that that sounds a little bit nebulous, doctor.

LF: Well, nebulous is not a word I would have used in medicine ever.

AM: Can I finally ask you about the prospect of the Prime Minister herself because she lost a large chunk of Tory backbenchers in that Vote of Confidence. She won the Vote of Confidence clearly though not with as many votes as Margaret Thatcher had when she decided to stand down, but she is badly damaged now. Are you personally sad that she's not going to see you through another election?

LF: Well she said herself that she wanted to stand down before the next election. We'll have a new Leader in place for that. I did find it though a bit of an odd argument that in a referendum of 65 million people one vote would have been enough for a victory, but in an electorate of 300 the Prime Minister getting a majority of almost a hundred was too few. It just shows that we have varying and somewhat inconsistent views of democracy.

AM: And you've also got a still pretty unreconciled and difficult group of Brexiteers in the House of Commons who are very unhappy even now. What's your message to them because they are talking and talking to journalists about using various parliamentary mechanisms to make her life very, very hard as Prime Minister.

LF: Well, I think that we have two tasks. We have to deliver Brexit and we have to stay in office to prevent Britain being subjected to the absolutely awful and horrendous possibility of a hard left Corbyn government.

AM: And so that's your message to them. Back off for the next weeks and months?

LF: I want to see Brexit delivered. I think one of the biggest dangers in our political system would be that voters were told by parliament to make a decision. They took that decision and then parliament said we don't accept it. That I think is potentially breaking faith and possibly breaking the mould of our relationship between parliament and the people.

AM: You stood in the last two Tory leadership elections. Will you stand in the next one?

LF: I think twice is enough for anyone.

AM: Liam Fox, thank you very much indeed.

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