AM: Good morning. Can we be clear, in this new phase do you stop relentlessly trying to have votes of confidence and calling for another election? This is really a new opening.
KS: Yeah, Andrew, let me just take you through, at party conference we discussed what might happen, what decisions we’d have to make, and the order we thought they’d come up in. And we said there are really three phases –
AM: One election.
KS: No, no, no. The first phase was to assess the deal and vote on it. Obviously that phase passed on Tuesday when the government was defeated. The second phase was to call for a general election, and we put down a no confidence vote on Wednesday. Now, the call for a general election doesn’t go away, but what we anticipated was that the next phase would have to be if the deal doesn’t go through, there’s no general election, then all options need to remain on the table, including the option of a public vote. So that was the unanimous position of the Labour Party. What I was saying yesterday is we’ve arrived at phase three and therefore we need to be realistic about what the options are. And one of the things I was trying to do yesterday was say let's put on one side options that wrong in principle or never going to get through the House of Commons and reduce it to the options that are at least capable of getting a majority, and that is a close economic relationship and a public vote. And so that was the point of the exercise yesterday.

AM: So given where we are now and given the way that the prime minister has been treating the last few days, do you think we are much closer now to another referendum?
KS: Well, the options, as I said, are down in effect to two. I think the prime minister’s deal obviously was rejected hugely on
Tuesday, historic vote, as you know. It was rejected the day before by the House of Lords, it’s been rejected by the Scottish parliament and by the Welsh Assembly. So that just isn’t going anywhere and the focus therefore in the, whatever it is – five days since Tuesday – is, is the prime minister in those circumstances prepared to change her red lines and move to a different place? Now, if she won’t, then it’s very difficult to see where we go from here, and that’s why – at conference we said to break the impasse, if we get to an impasse, that’s why you need the option of a public vote. So actually we anticipated this quite well as a party.

AM: At that same conference I remember Jeremy Corbyn saying he was opening out to the prime minister, she had to give guarantees on workers’ rights and environmental regulations and also go towards a customs union. Can I ask you, first of all, if she did go towards a customs union – it looks very unlikely, but if she did, do you think that would be accepted by the Labour Party?
KS: Well, we’ve been arguing for a long time for a permanent customs union with the EU. That is the offer that Jeremy made. Not on its own, but it’s a really important issue in which –
AM: Anna Soubry just said just now Labour will never accept any version of a Tory Brexit, so the whole thing is a fraud.
KS: Well, I heard what she said. I have said for two years that we will faithfully look at any deal that’s brought back, which is what we did on Tuesday. But I will say this, because I think it’s really important, that the prime minister’s got a real problem with her own party, because if she proceeds with a broken party on this –
AM: (inaudible)
KS: Well, it’s not – because it’s not just, you know, a big night like Tuesday when a deal may nor may not get through. If a deal does get through there needs to be immediate legislation to implement it. And if her own party isn’t behind the deal it is really difficult for her to proceed. She’s said to be resilient, but we need to be clear about her liability for this. She has doggedly stuck to red lines
which from the start it was obvious wouldn’t work. But now – on Tuesday if she’d stood up and said, ‘I am genuinely now open to looking at other options,’ that would have been one thing. But she hasn’t done that, so she is the block.

AM: Let’s come to that in a second. You mentioned just now there’s an awful lot of legislation that needs to get through before we leave at the end of March. There’s also lots of trade deals and there’s a general sense the country isn’t ready for it. You have called – you said you’re not going to have direct talks with the prime minister as a party leadership until she has ruled out no deal.
KS: Yes.
AM: What do you mean by that? How does she rule out no deal?
KS: She has proceeded for two years saying it’s my deal or no deal.
AM: How does she rule out no deal?
KS: I have said for months that’s a hoax. And the proof of that was seven –
AM: That’s not what I asked, my question is how does she take no deal off the table? How does she do it?
KS: Well, she has to say – all at this stage she really needs to do is to say, ‘I am not going to go on any more with this mantra that you back my deal or no deal. I’m going to have an open discussion and I’m absolutely not going to take us out without a deal.’ If she even moved into that –
AM: She just has to say it?
KS: If she moved into that space, ‘my red lines have gone, I’m not going to hold a gun to your heads about no deal, I’m going to be reasonable about it,’ that would shift the position incredibly. That will be in effect to rule out no deal. But no deal on the 29th March –
AM: Is going to happen anyway. It’s law. Unless something changes, unless something changes.
KS: Let’s just be honest about this. The 29\textsuperscript{th} March is 68 days away. We are absolutely not prepared for it. It would be catastrophic – and just to take the smallest example: if we go out without a deal on the 29\textsuperscript{th} March we need customs arrangements in place at one second past midnight on the 30\textsuperscript{th}. We haven’t got any legislation setting out the tariffs, we haven’t got any IT to identify what’s going across the border. We haven’t got any staff. It is ridiculous to suggest that it can be done in 68 days.

AM: People who’ve been watching this programme attentively kind of understand that we’re not ready. My question is do you think she should revoke Article 50? She could do it with a single signature right now.
KS: She doesn’t have to revoke Article 50. She needs to be clear that she’s going to give up on this idea of no deal. It’s simply not viable. It’s not even a threat because it’s not viable.

AM: Do you think she delay revoke Article 50?
KS: Well, she may have to delay Article 50.
AM: Do you want to see Article 50 delayed?
KS: I do not want to see us leave without a deal. If that means extending Article 50 then I’m open to extending Article 50.

AM: Given what you’ve said, the 68 days and the lack of legislation, I’m asking you as Keir Starmer sitting here today, do you think Article 50 should be delayed?
KS: I think it’s extremely difficult to see how the prime minister can achieve what needs to be achieved in 68 days, and therefore I think it’s inevitable that Article 50 will have to be extended..

AM: And you think it should be?
KS: Well, I think it’s going to have to be, Andrew.
AM: And you think it should be. You yourself, as Keir Starmer, say we should delay Article 50, yes or no?
KS: I think it’s inevitable. I don’t think we can get what needs to be done in the next 68 days. And the blame for that lies with the prime minister. It was obvious, by delaying that vote from the 11th December to last Tuesday she last five and a half weeks and didn’t even come back with any changes.

AM: Okay. We at least have taken Article 50 off table, even if nobody else has. In this new circumstance, you’ve got your two options. The first one is your idea of a customs union and so on. Can I ask you, if you get into the room – if Jeremy Corbyn gets into the room with Theresa May on what do you compromise? Do you stick absolutely rigidly to your six tests in every aspect, jot, tittle and syllable of those, or do you compromise?

KS: Well, we need to have a discussion, we need to look at what is most important. I think the permanent customs union and close single market deal is important, not just because of the economy but because I honestly don’t think it’s possible to have no hard border in Northern Ireland without that package. So it’s very difficult to see how you compromise on those essential pillars. I mean, there’s a discussion to be had, if anybody is capable of persuading me that we can have no hard border in Northern Ireland without them I’ll listen to them. But I’ve been listening for two years, I’ve been in Northern Ireland, talked to lots of people about that, and nobody has persuaded me so far. But those discussions could be had.

AM: Okay, you go into that meeting with Theresa May and her Minister and say among the other things we want, we want the exact same benefits of being a member of the EU once we’re outside? Because that – you know that’s nonsense.

KS: Well, Andrew, I mean, as you know, those tests, those words came from the government themselves. But let me that on one side –

AM: You’ve used them endlessly yourselves though.
KS: Let’s put them on one side. If you’re challenge to me today was this deal from the prime minister is so close to your test, you’re just quibbling about the edges.

AM: That’s not my challenge.

KS: - that would be a very powerful challenge. This deal is far away from the tests. One of the tests, of course, is does it deliver for the regions and nations of the United Kingdom? Well, as I say, the Welsh Assembly, Scottish parliament and our parliament voted it down, so it doesn’t meet that test. But I –

AM: You’ve said all the things that it doesn’t meet – you see, a lot of people watching may think the Labour leadership’s real position is to, under all circumstances, reject whatever the prime minister says, blame the Tories for Brexit and hope nobody notices.

KS: Andrew, I voted remain. I campaigned for remain. My constituency is strongly remain. But I – no, no, no just listen to me. I, like many Labour MPs voted for Article 50. It was a very difficult thing to do, but I voted for it in good faith to allow the Article 50 window to open and allow the negotiations to take place to see what deal would come back. At the beginning I made it clear what sort of deal we would support. The prime minister has ignored parliament throughout the process. And her problem in many respects is this: She didn’t want parliament to have a vote on the triggering of Article 50, the Supreme Court got us that; she didn’t want – what happened last Tuesday would not have happened if the prime minister hadn’t been forced into it by a meaningful vote. We’d have just a statement from her.

AM: This is great commentary, but I’m trying to nail you down a little bit on where you would compromise and where you would move. Can you honestly sit here, as a grown-up who understands these things, and say that we can leave the EU and have the exact same benefits as if we were a member? Can you really say that?

KS: Well, as I say, that came from the government.

AM: But you’ve come across it again and again.
KS: But it’s – strip it away from the single market and the customs union – customs union, absolutely, because if you replicate the customs union through a customs union then you get the same benefit. With the single market it depends how close you are, but you can certainly get very close depending on the compromises that you need to make.

AM: What about your voice in Brussels? What about your MEPs?
KS: I agree, but –
AM: It’s not the exact same benefits because you haven’t got the voice there, you haven’t got the votes there. It’s not the same.
KS: Well, if your challenge to me today was, ‘Here’s the deal, it’s so close you tests and you’re quibbling about whether it’s precisely the same,’ that would be a very good challenge. And I’d have to meet it. But we’re not in that –
AM: Okay, well, meet it then, because, you know, you’re going into those meetings, if they take place at all, we don’t even know if they’ll take place, with the prime minister with a series of demands, one of which is that you must negotiate the exact same benefits as being an EU member. I’m just putting it to you that that is a nonsense demand.
KS: Andrew, we’re not at that place at the moment. All we’re saying to the prime minister at the moment – all we’re saying – is to make progress, to have meaningful discussions you need to drop your red lines and be willing to do. Then there’s a discussion to be had. There is a block, there’s a road block, and that road block is the prime minister. And you heard from Hilary Benn, who’s been in the see the prime minister, that her mind is closed.

AM: Does your deal require a backstop or not?
KS: I think at this stage any deal probably does require a backstop, and we’ve got to recognise that.
AM: Jeremy Corbyn said it didn’t.
KS: There are problems with this backstop, there are risks that are real. But I think because we’re at this stage of the exercise,
nearly two years in, the chance now of a deal that doesn’t have a backstop are very, very slim and we’d have to accept that and proceed from there.

AM: So we’ve talked through quite a lot of your option one, which is a deal around a customs union and your kind of thinking, and you’ve made it pretty clear that you don’t think that’s going to happen because the prime minister’s not going to move and maybe your side won’t move enough towards her. We can agree it’s most unlikely. Does that therefore mean that leaves only on the table another referendum as the next option?
KS: I think she’s created that circumstance, because if she can’t move her red lines, she knows the verdict on her red lines, she got that verdict loud and clear last Tuesday. She hasn’t budged from that. We are at a position where we’re facing a possible no deal and therefore a public vote – the whole reason we moved our conference policy onto a public vote was to deal with that situation.

AM: And so we’re now in the position where, as we’ve said, the customs agreement across parties is most unlikely. It’s another referendum or a no deal exit are the two possibilities left. Therefore, in those circumstances, it follows logically that you think that a second referendum is now very likely.
KS: Well, the next week or two is when other options are going to be tested one way or the other. Either if the prime minister won’t move her red lines – you can see what’s going to happen, which is parliament is going to try and take control of the process. That is because people are frustrated with the prime minister. It’s only happening because of that. And I think in the next week or two other options will now be tested one way or another, and they need to be because parliament needs to be brought it.

AM: And if the country gets another referendum and it’s in or out, which way will you be campaigning?
KEIR STARMER

KS: I will campaign for in and I will vote for in.

AM: And if there’s a general election your party’s manifesto is going to be pro-Brexit, so you’re going to be on the other side.
KS: Andrew, you asked Jeremy Corbyn about this a number of times last week, and as he said, our manifesto will build on the last manifesto but also take account of the conference policy and then go through a process, and that is how we’ll arrive at a decision as to what’s in our manifesto.

AM: Is it conceivable that Labour at the next election won’t be pro-Brexit?
KS: Well, we need to, as I say, build on the manifesto –
AM: Just yes or no, is it conceivable you won’t be pro-Brexit?
KS: - take on board what we said at our conference. Of course there’s then our members who have to be brought into the process through what we call the Clause 5 meeting, and we will go through that process.

AM: But as things stand you’re going to go into that election as a pro-Brexit party?
KS: Andrew, you’re putting that to me and I’m not agreeing with you. I am saying the process that we’re going through – I’m describing the process we will go through.
AM: Right, Sir Keir Starmer, as ever very nice to talk to you, thanks very much.
(ends)