

ANDREW MARR SHOW, 31ST MARCH, 2019 DAVID GAUKE, JUSTICE SECRETARY

ANDREW MARR SHOW

31ST MARCH 2019

DAVID GAUKE, MP

JUSTICE SECRETARY

AM: Mr Gauke, is Theresa May's deal now finally and definitely dead?

DG: Well, I'm not sure that one can say that, for the very simple reason is that the country needs to find a way forward which reflects the referendum result, does so in a way that protects our jobs and security and the integrity of the United Kingdom and our national security. And I think in the end you always I think keep coming back to this point, that the Prime Minister's deal does do that. Now we have to recognise that it's been defeated in the House of Commons.

AM: Three times it's been slaughtered, not just defeated.

DB: It has been defeated three times, but parliament has not, as yet, found a way forward. And parliament needs to find a way forward that in my view ensures that we leave the European Union in an orderly manner. And it's not yet done so. And, you know, one of the options that still remains there is the Prime Minister's deal, because I have to say I think it is the best way of meeting that objective.

AM: It's reported that it's going to be brought back on Wednesday, possibly in the form of legislation. Is that true?

DG: Well I think the Prime Minister is reflecting on what the options are and is considering what may happen, but I don't think any decisions have been made as yet.

AM: One thing that may happen and one decision that may happen is tomorrow MPs may gather around an alternative, and there seems to be a head of wind at the moment between the Father of the House, Ken Clarke's idea of what's been called 'Common Market 2.0' or some form of customs union based

arrangement with the EU. Now if that passes in the House of Commons is the government going to honour that result?

DG: Well I think we're clearly going to have to consider very carefully the will of parliament, because in this process – I mean my view is that the best outcome is the Prime Minister's deal. But if that is not the favoured outcome of parliament then we would need to consider what parliament does want to do. At the moment all we've seen is what parliament doesn't want to do. But if parliament moves in that direction clearly we're going to have to consider – I'm not going to make a commitment here and now, but we would have to consider very closely what parliament decides to do.

AM: Because as we were saying in the paper review there is a genuine Constitutional argument. Is it more important that MPs stood on manifestos in the general election saying they were going to honour the result of the referendum, or is it more important that we actually take seriously the sovereignty of parliament and the judgement and conscience of MPs now? Which of those two things is more important to you?

DG: Well look, I think the first thing to say is that we have to be straight with people that there are no ideal choices available and that there are very good arguments against ending possible outcome at the moment, but we're going to have to do something. I think the point I would make on the manifesto, particularly in the context of the customs union is that I would rather leave the customs union. I think that would better reflect the way in which the country voted in 2016 and indeed my party's manifesto. I think we also have to recognise that my party does not have the votes to get its manifesto position through the House of Commons at the moment. I think the Prime Minister's deal does reflect the manifesto position but we, as you say, have been defeated three times. So we do then need to come back and use our judgement as to what is the best way forward. Consider what the options are

and I do think we're in an environment where it's not about just going for your first choice, sometimes you do have to accept your second or third choice in order to avoid an outcome that you consider to be even worse and MPs are entitled to use their judgement as to what the real choices are available for us as a country and come to what they consider to be the best conclusion.

AM: So speculation. The Commons votes for a softer form of Brexit of some kind tomorrow. Question: In those circumstances does the government pick that up and go back to Brussels and try to negotiate on that basis or not?

DG: I think, as you say, speculation, but what I would say is that we need to seriously consider what parliament may have voted for. I don't think we can necessarily give a blank cheque. For example the Prime Minister's very clear that she would never revoke Article 50 if parliament for example voted that way...

AM: But she hasn't said she wouldn't negotiate a softer Brexit.

DG: But in terms of – I mean you know – one of the points a lot of us were making to our parliamentary colleagues last week why they should support the deal is if you don't get the Prime Minister's deal through then parliament may well coalesce behind a softer Brexit. And so we find ourselves in this position because, you know, too many of my colleagues, to be frank, for genuine and sincere reasons but found that they couldn't support a Prime Minister's deal that I think was the right way forward.

AM: In your judgement do you think the Prime Minister should follow the will of the House of Commons in those circumstances?

DG: Well as I say, I think we need to see precisely what the will of parliament is. That hasn't yet been determined at the moment.

AM: Say a customs union.

DG: At the moment all we've seen is parliament has voted against things, but well I think we have to work out what the choices are for us and I don't think – I mean to give you –

AM: Your own judgement. If the Commons votes for a customs union, should the Prime Minister try to negotiate that?

DG: Well, I think she would need to look very closely at that, but I think to give you an example, if parliament is voting overwhelmingly against leaving the European Union without a deal, but is voting in favour of a softer Brexit, then I don't think it's sustainable to say well, we'll ignore parliament's position and therefore leave without a deal. I don't think that is a sustainable position for the government to take.

AM: Two things follow from that. The Prime Minister says rightly that legally the default option at the moment is to leave with no deal. You've seen all the paperwork, what would that do to this country?

DG: I think it would be very, very bad news indeed. I think people are aware of some of the economic consequences. Not just short term. I mean clearly there would be major disruption in the short term. But in the long term I think that would have an impact in terms of attracting investment to the United Kingdom. I think people are aware of some of the security concerns. That we won't be able to share data in the same way with our EU counterparts. And I do worry a great deal about what that would do to the integrity of the United Kingdom. At the moment, if you like moderate nationalist opinion in Northern Ireland is reconciled to its position as part of the United Kingdom. In the environment where we have left without a deal, where we will have had to have imposed direct rule, which we would need to do, and where we were essentially heading towards a hard border between Northern Ireland and the Republic of Ireland, I think that puts it in some doubt the future of Northern Ireland's place in the UK.

AM: And yet, a lot of your colleagues have written to the Prime Minister saying this is what you should do. Get us out without a deal. If she consciously took us to no deal could you stay in the Cabinet?

DG: Well, look, my position is very clear on that. That I don't believe that it would be a responsible act to leave without a deal. But look, the Prime Minister has been very clear – I'll just make this point – the Prime Minister's been very clear that when the will of parliament is so clear, you know, overwhelming majorities voting against leaving with a deal that parliament is not going to allow us to go down that route and that is not the course of action that she will take.

AM: If the government nonetheless decided to do that, and as I say 170 plus of your colleagues are asking her to do that very thing right now, if she did that would you vote against the government under some circumstances if there was a vote of confidence and the alternative was taking us out without a deal?

DG: Well, I'm not talking about confidence votes, but look, my position is that is not the responsible thing that a government to do, to leave without a deal in these circumstances, and so obviously I wouldn't be able to remain as a member of a government that pursued that as a policy. It's a point I've made on a number of occasions. But I think to be fair the Prime Minister's been very clear that when parliament is making it clear what it wants to do then she is not going to go down that route.

AM: You sound, given the circumstances, relatively relaxed about the possibility of going out without a deal, as if you pretty much know that the Prime Minister will not take us out without a deal. Is that your view? Can you kind of promise us that's not going to happen?

DG: The Prime Minister can set out her own position, but I do note the remarks that she has made and the sense that I don't think parliament yet acting in good faith, looking at the evidence in front of us and those of us who have the privilege of being in the Cabinet, seeing some of the papers that make it very clear what the consequences of no deal would be, you know I just don't think that the British people – I know there are a lot of people

who say oh just leave without a deal. I don't think the British people would thank us if we left without a deal, with very significant consequences and we just said oh well we were only just following the referendum result. We have a responsibility here and I think we need to take it seriously.

AM: A few very direct questions that follow from that. If the Commons votes for a softer Brexit, that requires a longer negotiation. Do you think – are you sure that if we go to Brussels and say, can we have a longer extension that Brussels will allow that to happen, that President Macron won't say no?

DG: I think it is likely that if a longer extension is necessary the European Union will grant that. You're right, it's a perfectly fair question 'cause there is a risk that they might not do so, but I don't think the European Union would want to be blamed for no deal, which is bad for us, for the reasons I've been very open with you about, but is also bad for the European Union. I don't think that they will stand in the way.

AM: There aren't many options now in front of the Prime Minister. Do you think a General Election is justified at this moment?

DG: I don't see how a General Election particularly solves any – this issue, because the fundamentals remain the same. We have got to find a way of delivering on the Brexit referendum result in a way that is pragmatic, is good for just security and the integrity of the United Kingdom. A General Election and a few changes to the composition of the House of Commons I don't think solves that conundrum.

AM: Some of your colleagues are talking at the moment about working across the Commons, beyond simply the votes. Beyond the Letwin votes and some kind of almost national unity government coming out of all of this. Is that something that you would contemplate? Would you serve in such a government?

DG: I don't, in all honesty, think it is practical. I think it is the case we are in a national crisis and at such time there is a need for cross party cooperation. But I think the idea of a national government, I'm really not sure it's workable. There may be a majority in the House of Commons that neither wants to leave without a deal or put Jeremy Corbyn into Downing Street, but I don't think that there's the makings of a national government as such. I think there's a responsibility on my party, the Conservative Party, to take responsibility here, to deliver something very close to the Prime Minister's deal I hope and move through that way rather than any kind of national government.

AM: Meanwhile there is the rest of the world. When Theresa May stood in front of Downing Street right at the start of all of this she said she wanted to 'end some burning injustices.' I think there were eight burning injustices, but the first was very striking, which is that poorer people in this country die a lot earlier than richer people, middle class people in this country. Do you know what's happened to that on this government's watch?

DG: Well yes I know of some of the recent statistic from ONS which show that we are moving on the wrong direction on that.

AM: Poorer people are dying a hundred days earlier.

DG: Yeah and look, there are complicated factors on this, you know and there is a debate about it, about what the cause of that. Some of that for example is about the uptake of smoking you know some decades ago, I mean by more woman. So there are - you know it's a complicated issue. But if we want to - and as someone like me really wants to do is close some of the gaps. You know we have to have a strong economy -

AM: But you've been so obsessed by Brexit as a government you haven't been able to turn your attention to lots of the other things that matter. That's just my point.

DG: No, I don't fully accept that. I mean of course it's a huge issue. We're also a government that doesn't have a majority. That

constrains what we can do. But you know, I look at for example some of the things that we're doing with the prison system, where we're able to make reforms, that we are taking things forward. So you know, I think there are big challenges for us as a country apart from Brexit and I'd love to be able to crack on and move onto it I must admit.

AM: Well come onto that another day, but for now David Gauke, thank you very much indeed for talking to us.

Ends