

David Lidington



Chancellor of the Duchy of Lancaster and Minister of State for the Cabinet Office January 2018 – July 2019

Lord Chancellor and Secretary of State for Justice June 2017 – January 2018

Lord President of the Council and Leader of the House of Commons: July 2016 – May 2017

Minister of State (Foreign and Commonwealth Office) (European issues and NATO): May 2010 – July 2016

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The Coalition Government

UK in a Changing Europe (UKICE): If we just start way back when, with the coalition. You were, of course, Europe Minister then. Did you get a sense from your counterparts across the EU that they understood that something was shifting in the UK?

David Lidington (DL): I think that at the start, no. I think at the start, going back to 2010, that was not the view in the government or the leadership of the Conservative Party. The steer very much from David Cameron was that he wanted us to highlight a positive UK approach within the European Union.

I can remember tabling papers, getting them accepted by Cabinet committees, setting out in detail what our positive approach should be about further development of the Single Market, particularly in services, trying to entrench measures of deregulation into the European process, and also bilaterally to try

to repair some of the relationships that we hadn't worked on sufficiently in the past.

Germany was the obvious one. I can remember talking to Ivan (Rogers) when he was at Number 10, or Jon Cunliffe before he went to Brussels, and somebody at Number 10 who said to me, 'Look, I can get Jeremy Heywood or any permanent secretary in Whitehall to leap on the Eurostar to Paris or to get a plane to Washington at the drop of a hat, but try to persuade any of them to go to Berlin and they look at me aghast.'

We did a lot of work, and actually we did, we got that changed. We increased fourfold the number of senior ministerial and official engagements with Germany, but that was all good. Then we pushed with Romania. We worked on Poland. We worked on Spain. Sweden we worked on.

David Cameron really did think that we just needed to 'Stop banging on about Europe,' to deploy his phrase, and did want to demonstrate that he could make Europe work for British interests, and felt that he could do something in that regard. It's also fair to say, I think, David never saw Europe as the most interesting part of his responsibilities as Prime Minister.

I think that, as we went on through the coalition, what you saw were events – both at Westminster and then electorally in the country – that started to shift things. You had the Conservative backbench rebellions ... the particular one that did have a big impact, I think, on David Cameron was the one on the budget, and also the attempt to attach an amendment to the Loyal Address for the Queen's Speech.

I think that that worried him, but then also in the country what you had was loss of by-elections, local election results going badly – a lot of it is inevitable mid-term – and the rise of UKIP and then the so-called 'People's Pledge' campaign, which was a very clever way to try and focus this not on coming out but on the idea of a referendum and [so the people would] have a choice.

I think in everybody's minds in the Conservative Party in Government, there was this recent history of Lisbon and the fact that we'd promised a referendum on Lisbon had it not been ratified. David did get a lot of flak from the press and the right of the Conservative Party for allegedly going back on this when

Gordon Brown actually signed it, ratified it.

We could go into all the details about why Cameron's decision was absolutely right in those circumstances, but that left a bit of a legacy. Then I think the other key event was the December 2011 European Council. That, I think, came as a shock to Number 10 – not to all of us – and so that both made the parliamentary party more difficult to handle, and what David saw was that when he was able to come out of a European Council meeting and say, 'I have vetoed a treaty,' his opinion-poll rating shot up – and to a level significantly higher than they had been for some months and were to be for many months afterwards. That, I think, had quite an important subliminal message for him.

UKICE: It's interesting, isn't it, that every triumph turned into a constraint in that way, didn't it, because you have the veto, you have the Bloomberg speech, which went well, but all these things became millstones round David Cameron's neck after being, short term, seen as a success?

DL: I think one of the things I do feel is that there was not a recognition in the senior ranks of the Conservative Party, until very late in the day, that there were a hardcore of people who were hostile to British membership of the European Union on principled grounds about sovereignty and national autonomy, and that, however many buns you threw to them, they weren't going to be satisfied.

I think Cameron genuinely wanted to push Europe in more free market, more liberal direction. I think that he, although an instinctive sceptic – with a lowercase 'S', as William Hague always was on this – saw the practical benefits in terms of the greater leverage it gave UK diplomacy and the fact you could actually achieve more in the work.

You could direct, to a considerable extent, the nature of the European compromise that emerged – particularly on things like foreign policy, where we were strong. But I think that there was always an assumption, because David was interested in primarily domestic policy and changes to the Conservative Party, making it more socially liberal, that Europe was a bit like foxhunting: it was something that you really didn't want to talk about.

Most of the electorate weren't interested, but from time to time you had to throw a few chunks of meat off the sleigh to the ravening wolves who, from right of the party, were following you along behind. The trouble was that they were never satisfied and they would always come back for more.

The referendum

UK in a Changing Europe (UKICE): David, if we then move on to after the election and the majority in 2015 – could talk us through your perspective on the renegotiation, whether what David Cameron achieved in that was ever going to be sellable enough, given the environment.

David Lidington (DL): I think I vividly remember the 1922 Committee after – the victory committee after the election. David gave his speech, a rousing cheer. I was standing at the back of Committee Room 14 and I made to leave. Ed Llewellyn was standing at the back in the corner, and came out to me and said out of the corner of his mouth, 'We're actually going to have to do this for real now.'

At the start I think there was a very firm belief that we could get something that was sellable. There was a very great confidence within – if you want to characterise it at that stage as the Remain side of the Conservative Party – that we could win a referendum, and win it decisively.

The polls were still showing a very comfortable lead for Remain at that point, and even more so if people were asked the hypothetical question: 'If David Cameron comes back from European talks and recommends a deal, how will you vote then?' That saw a further lead for remaining. David was popular and trusted, had just won an election against expectations and so on.

I think what became clearer going into this was there were a number of problems. One was that I think David felt that it was – and I understand this – important from a negotiating point of view for him always to hold open the idea that, if the deal were not satisfactory, he would walk away and recommend leaving. Even people in his inner circle in Number 10 were, for a time, just not absolutely certain: 'Is he definitely going to come for Remain?' He was always very nervous about this being seen as just a Harold Wilson Mark Two, that it was going through the motions. He wanted it to mean something.

Secondly, there was an inherent tension between trying to get things that were headline-grabbing, easily understood by journalists and voters, and on the other hand getting changes that would make a significant difference but over time, to the way in which the EU operated and which, although not headline-grabbing, were actually going to make a bigger difference in the long run.

Certainly the view I took, and my people in the Foreign Office – with people like Denzil (Davidson), advising me – was that you'd definitely go for the second of those: anyone can put together a list of directives that we get a commitment to the amendment, or even repeal. That's all fine and dandy, but then another commission can come along in two years' time and decide that it's going to reintroduce them another way. They go the way of the social chapter.

We were thinking, 'Okay, but if the court then were to come up with an interpretation, how do you actually entrench any changes that we want to get?' Eventually, Number 10 was persuaded – David was persuaded – that you go for changes that are systemic, even if they don't lend themselves so easily to headlines. But then, of course, the really big item and the one that mattered politically at home, more than any other, was the issue that is called 'free movement of people', but it was also about access to benefits.

Of course, what people believed about access to benefits was a very exaggerated view of the reality but there were issues, particularly over things like child benefit being claimed for children who were resident in the home EU country of the worker in Britain; issues about tax credits and the in-work benefits without having paid anything into the system. That was a real issue, and that was the issue which, of course, became more dangerous for us as time went on.

David had staked out quite an ambitious position on this. My view was that free movement was seen as so fundamental to the treaties that it mattered so much to the Visegráds and other new member states, for whom this was the prime benefit of joining the EU and for which they had put up with a hell of a lot of economic sacrifice in the early years of accession and membership, but that there was no way we could get it.

I can remember vividly – still remember vividly – Merkel's address to Parliament in February 2013, I think it was, when she had majored on, on the

word of 'freedom' and the idea of freedom. If you think about Merkel, she's a woman who, for her first 35 years, was unable to travel freely outside East Germany. You could do so with a licence from the authorities, but not otherwise. I just felt – and I still believe this is true today – that she could not countenance a serious opt-out from the right of free movement. There was a big argument, a discussion internally in the Government about whether you can go for quotas on EU movement, of the type the Swiss tried to attempt later on; whether you could go for emergency brakes; or whether you should need to be satisfied for something less.

I think my view was that quotas, which the Home Office wanted, was for wider immigration control purposes a nonstarter, and was never going to fly. We had a very clear steer from Berlin in particular that that was just going to be rejected out of hand.

I was always a bit more hopeful about the emergency brake because although there were negative signals, I thought that was the furthest reach of what might be attainable. But what was happening, of course, if you think back, in 2015 the whole month of August was dominated in the news media by Calais, and Calais reported as an immigration crisis, not as an industrial dispute in France. So, the pictures, night after night, were about that, and you saw the polls between Leave and Remain starting to narrow.

Then Calais ebbed as a story in September. The Aegean refugee crisis erupted, and that dominated the headlines all the way through the remainder of 2015 and into early 2016. At the same time, I remember this causing David Cameron a lot of heartache. If you remember, we were at the end of Romania and Bulgaria's seven-year accession period.

We were going to have to remove all remaining controls, and there was no legal option. I think Number 10 tested the legal option and they got the external, as well as the internal, lawyers in and were given very clear advice: 'No, sorry, Prime Minister. There's nothing you can do about this at all.'

I know David was deeply, deeply worried that we would see a surge as any control was lifted on further Romanian and Bulgarian migration to the country and that we'd just get people roused up further. What is true is that, if you think back, you see these things in the polls but also, I can remember getting

this on doorsteps over the Eastleigh by-election. Door after door, I was greeted with a rather cantankerous pensioner brandishing a copy of *The Mail* or *The Express* and talking about immigration.

The worry about EU migration was partly about benefits, but it was also a subset of a much greater disquiet about levels of immigration, about all the issues to do with integration that we've seen. I remember conversations where it segued very quickly from, 'These Eastern Europeans,' to, 'And the mosques and the veils.'

Actually, I had to explain painstakingly to many, many European colleagues that the UK, in that respect, was different from practically every other EU member state because, for British people as a whole, free movement was part of immigration, whereas I think you talked to people in Germany or Spain – the number of Roma in Spain, it was about a million – it is just a different thing. Free movement of European citizens is something different from migration, so there was an important difference in that respect between the approach of British people and the views of others.

When it came to the immigration question, when we got into party conference in 2015 this was proving really, really tough to get progress on, and we were running into the buffers in the negotiations on the idea of just stopping people from claiming benefits on arrival, or perhaps until five years after they arrived, three years after they had arrived. This would have been interesting, because for some on the right of the party that would have been satisfactory.

For other policy reasons, we didn't want to switch the benefit system to greater reliance on a contributory principle at the start, because the whole point about tax credits was it was supposed to help school and college leavers, long-term unemployed, people with disabilities who didn't have that track record of NI contributions.

We did try again at that point to resurrect the emergency brake, having dropped that at the start. But by that stage, when it was reinserted into the debate, the discussions had drifted – in large part on UK initiative – from a debate about numbers and management of flows overall, to a debate about access to benefits. So, what you ended up with, ironically, was a discussion about emergency brake on access to benefits, which was just unsatisfactory.

UKICE: You said, ‘David Cameron was keeping open, potentially, the option of saying, ‘We should leave.’ Did Government at any time do an assessment of what leaving would look like? We had the ‘Balance of Competences Review’, but did he have a vision of what the alternative was at that point, and how difficult the process of leaving might be?

DL: In the Foreign Office and in the Treasury it’s true. You’d have to talk to George (Osborne) to have a clear insight into that. As you will recall, for the referendum we produced – the Government produced – a White Paper which set out the pros and cons of the main alternatives. We had Norway, we had Canada or Turkey, an FTA, and we had WTO all looked at there. That was based on stuff that the FCO in particular, and the Treasury too, had been doing for some while.

I was never in any doubt about this. I don’t think anybody had really thought through in detail the technical aspects of withdrawal and what the Article 50 process would mean, though there was certainly awareness on the part of those senior officials who worked most closely in Europe that in negotiating terms it would be difficult because this would not be an internal negotiation amongst member states. This would be a negotiation between the EU collectively and a third party. I think Ivan and others were – and have been – absolutely consistent, both under the Cameron Government and under the May Government, in what they’ve said and thought on that.

Of course, there was a very firm instruction that we were not to do any contingency planning for leaving, precisely because there would need to be a separate choice then about what leaving would look like. What was the destination going to be? Every one of those alternatives had a champion around the Cabinet table but nobody, until we were really into the campaign, thought that it was likely that there would be a vote to leave. Nobody wanted to confront that.

There were serious differences within the Conservative Party about what you do afterwards. What is the preference? Norway and Canada would both have had their champions then, but you also saw very plainly what the disadvantages of, say, Norway would be. I’ve never myself thought that it was going to be sustainable for any UK Prime Minister in the long term. It might be a temporary spot to park while you thought further.

No, 'Balance of Competence' is interesting because that was, of course, part of the coalition agreement. This is going back a bit, I suppose. This is the pre-Bloomberg stage, but the things that came out of the coalition agreement led first of all to the 'European Union Act 2011' and the referendum lock, which I think we all thought in Government would be sufficient to satisfy people.

It was a pretty powerful lock on any further treaty change because it had an influence – and we saw it even in the initial months – an influence on how the Commission and others thought: 'Look, if anything is going to have to go to a referendum in the UK if we change the treaties, then perhaps we should steer clear of that. Or we need to be more modest in our aspirations,' but the opponents weren't satisfied with that.

The 'Balance of Competences Review' is slightly different. I devised that, very deliberately, as a means to fulfil the commitment but also that this would give a safe space for business and others to set out what they wanted and what both the upsides and downsides of membership were.

To be honest, I was always confident that business in particular was going to come out quite strongly, on balance, on staying in, and provide the evidence for that. The balance was much more sparse than I had expected it to be. I had expected many more representations from particular sectors of business about red tape and additional costs. I had expected to have much more from the Home Office and from local authorities about the burdens placed on their services by free movement, but it was getting blood out of stones just to try to balance it.

We had to go and look at John Redwood's speeches and at pamphlets that people had published, to try to ensure that the published papers were not so unbalanced, but it was simply because the people on the more hard-line sceptic side did not put forward evidence.

But I thought that it was likely to come out the way it did, which it did. This would give the Prime Minister the evidence that he needed to help fuel a Remain campaign when that came, and I think David did rather take fright when the first results appeared, and said, 'We can't. This is all saying, 'It's all fine and dandy.' I remember because we took the easy ones first, such as the Single Market and so on. We left things like fishing until later down the line.

‘We’ve got to bury this. We can’t make statement pushing it, because people will think I’m betraying them.’

The other thing that I think is interesting: the decision, which I think was inevitable, to suspend collective responsibility and which the 1975 campaign took, and also to divest yourself of the Government machine working for you for the campaign. That, when the Prime Minister decided as well that the party machine had to be neutral, really did leave the Government arm of ‘Remain’ with its hand tied behind its back.

I can remember the meeting. We had Tory MPs and chairmen in the country kicking off and saying, ‘We want to leave. We don’t want our association data being used or us having to, through our subscriptions, pay for ‘Remain’ propaganda,’ and so on. So David said, ‘the party will just have to be neutral when the regulated campaign comes in.’

I remember Jeremy Heywood was sitting opposite me in the committee room, and just the look of horror ... No – disbelief – on Jeremy’s face because I think the assumption certainly had been that, if you were going to do without the Government machine because you were suspending collective responsibility, then you would rely on the party machine and the organisation. Both were given up.

UKICE: Was there much consideration in the Cabinet of whether you needed to think about some of the rules around the referendum, whether it’s the franchise, the threshold and things like that?

DL: Not at length. The issue was discussed, but the Prime Minister, David, very quickly took the view – there wasn’t a long argument about this – very quickly took the view that there should be no thresholds and that the franchise should be that for a general election. This was on the grounds that to do anything other would leave himself open to a charge of betrayal and, ‘I risk more Conservatives flaking off as a result of that.’ Those were the reasons.

Yes, you could have done what was imposed on the Callaghan Government over Scotland and Wales with thresholds. You could have said that EU citizens on the register be allowed to vote, but you can imagine the furore that either would have produced.

Looking back, I think the stronger argument was for a threshold – particularly given the fact that, as we now see, two home nations voted one way, two voted the other way. It was not a long discussion, but don't forget that when the button was pressed for the referendum there was very, very little time available. We really did squeeze things to get that referendum held when it did.

At one stage it looked as if we were going to try to get a deal in the December European Council. It was even October at one stage. I remember I was asked to go and test whether, if a deal was done in October, we could have the referendum before Christmas. I was asked to test whether, if we got it in December, we could have it perhaps in February.

I went away and did that, but basically, for the reasons you will know with Electoral Commission rules and allowing time for returning officers to get the admin sorted out, the number of weeks set out in statute for regulated campaigns and so on, it just didn't work that way. So we worked on the minimum time that we could manage.

Then the other complicating factor, which is worth flinging in at this point, is that the Electoral Commission caught us on the hop because they suddenly came out in favour of 'Remain/Leave', rather than 'Yes/No'. Whether that would have made a difference at the end of the day, I don't know. I doubt, probably, but it did surprise everybody because it was completely contrary to the approach the Electoral Commission had taken in previous referendums and in the Private Members' Bills that we'd had, which had sought to have a referendum.

The First May Government

UKICE: A lot of very big decisions were made under Mrs May about the October 2016 conference speech and Lancaster House contained. Was there a sense of collective responsibility at all about those? Were you involved in those decisions, or was that a tightknit circle in Number 10?

DL: Yes, a tightknit circle in Number 10. No, Philip Hammond has said publicly, I think, what was the case: that the first he knew about it was when she got up and said it. There had been the sense, and Theresa had said internally, that there were two things. First, that she rejected the idea that you had to choose

between a Norway or a Canada option. Whereas, in the curtailed period between David Cameron resigning and Theresa May taking over Oliver Letwin and I had been asked to go and do some preparations for the new Prime Minister and how one would go about implementing the result. And both Oliver and I independently came up with the view that basically that is the broad choice: that you either go for alignment, but that means following the rules, or you go for a modest FTA-type relationship which gives you less privileged access to the Single Market.

Theresa wanted something in between. The idea, which in a sense Chequers embodied, was that you have a close alignment on goods and greater freedom on services, but the other thing she did come out internally quite strong on was that we couldn't be in the Single Market. I think that was driven by her memories of the Home Office and her reading, which I think was accurate, that free movement was the most important of the factors within the referendum.

UKICE: If in that period between the referendum and October, if we could have asked David Lidington, 'What did he think Brexit would look like?' what would you have said?

DL: I would have said, 'Canada triple plus,' probably. I might have said, 'Go to Norway as a holding position,' but I've never thought that any British Prime Minister could deal with an EEA relationship in the long term.

I'd experienced too many cases, particularly on financial services, where it was a British minister at the table on behalf of the big member state, saying, 'Sorry, this is part of our core interests', and working behind the scenes to get others onside which meant we came out with something that was either what we wanted or what at least we could live with.

I've known George Osborne – more than once – single-handedly turn round things at ECOFIN on financial services regulation when they appeared to be going in a direction that would have harmed our financial services sector.

My view has consistently been that, once the UK ceased to be at the table, it was likely the EU would move in a more protectionist and inevitably in a self-interested direction for 27 rather than 28. Therefore, our interests would at some stage run up against the sort of regulation-by-fax that Norway and

Iceland put up with.

I just couldn't see that being acceptable politically, particularly if you started to get some measure that was imposed on the City of London. So, I felt that, despite all the downsides, that some sort of Canada triple plus was there. The ideal was, yes, that you'd get close alignment on goods and greater freedom on services, or you'd sacrifice something on services in terms of market access.

Where I differ from the current Government position is that I would strongly support the idea of a strategic partnership with the EU on security, foreign defence policies. I think it's disappointing that they haven't gone in that direction. I think it will happen someday because it's obviously in everybody's interest to do it.

UKICE: Would you have delayed triggering Article 50 longer than the Prime Minister did?

DL: It's easy to say with hindsight. I would say, 'Yes,' but at the time, I don't know. At the time, I didn't kick up a huge fuss about it. I think there was a sense you had to be seen to be acting on what people had voted for, but I do think, with hindsight, that it should have been and would have benefitted from being delayed.

I think the reality was that in Theresa's first Government – in 2016, 2017 – the way it worked was the team in Number 10 was very small. I'm not telling you anything you don't know; small and tightly knit. I was not on the Europe Strategy Committee that was in charge of the negotiations as I was Leader of the House at the time. I didn't go on to that until I became Chancellor of (the) Duchy (of Lancaster) in the beginning of 2018.

That committee had been finely balanced between Leave and Remain, as an act of deliberate policy. You'd need to talk to people who were there to get a full picture of it, but yes, I get the impression it was stalemating a lot. Actually, at the end of the day, it was designed to be balanced so that Number 10 could take the decision.

UKICE: What did you think about the parliamentary handling of triggering

Article 50, because obviously we had the Prime Minister trying to use the prerogative, being knocked back by the Supreme Court and then having to go to Parliament? Did you think the Government got it right first time; it was a shame that the courts pushed you back into Parliament?

DL: If you asked me – asked me at any time – I would have said, ‘It’s obviously a prerogative power for government. We’ve had a referendum.’ Article 50 was a technical decision that the government would take, having said it was going to give effect to the result of the referendum. The treaty is clear that it is the member state that triggers it. The parties to the members to the European treaties are the heads of state; therefore, by extension, the governments of the member states.

I think the Miller case trod new constitutional ground there, but it was an interesting one because it was not an argument which I am aware had ever been tested in the courts before. If I’m summarising Gina Miller’s case correctly, it’s that the European treaties and the experience of membership had conferred certain statutory rights upon people, and that it was not lawful for Government to remove those by an act of prerogative power, and that Government, on the contrary, needed statutory authority to do that since its positive rights were at stake.

UKICE: The election itself, were you involved in that at all or were you as stunned as everyone else?

DL: No, it came completely out of the blue, the 2017 election. I did know that a number of Cabinet colleagues – Philip Hammond, David Davis, so people on both wings of the European argument; Gavin Williamson as Chief Whip – had been urging her to call a general election for some time. She’d always resisted it.

Since I’d been going out on the media saying that ‘There’s absolutely no way that she’s going to do this,’ I was really quite flummoxed when suddenly this was announced, The line, obviously, ‘The country is coming together, but Westminster are stopping this,’ I thought was a bit flimsy. Come on. The election was called, I think, for two reasons, although I was not consulted about it or anything. One was simply: Look, there is no better time to get your own mandate. Every Prime Minister likes to feel they have got a mandate of their

own. That is not a dishonourable feeling. Otherwise, you're always vulnerable to the charge that nobody actually elected you or endorsed your programme in an election.

But secondly, as far as Europe was concerned, David had achieved a huge victory in 2015, but it was still a very narrow majority. It was around 15 in total? Memories went back – actually, not that many in the Cabinet, but going back to Maastricht and going back to how difficult John Major had found it – there was that feeling: 'God, if there's a chance to get a bigger majority so we can actually decide what we want to do as a Government, and then we have a majority to do that for a full five years,' and that certainly had an influence.

I think the other thing – but I don't know how critical a factor – was that, of course, you look at the Article 50 timetable and the two-year deadline in that. So, if you're starting Article 50 in 2017, then 2019 you're leaving. You have to have a general election in the spring of 2020. So actually is that going to be the worst time for you electorally because there will inevitably be some turbulence as a result of exit? That may have played a part, but I think it was an ancillary element rather than the main motive.

Look any Prime Minister, if you're 20 points ahead in the polls, you must be sorely tempted – and especially if you have not got that mandate of your own.

I was one of the few venerable enough to remember Ted Heath in February '74. Of course, I supported her when she called it. You don't do anything else in those circumstances. It's a very lonely decision for a Prime Minister to take, but I did have Heath in '74 very much in my mind.

The Second May Government

UKICE: The Prime Minister went on a bit of a journey thereafter, from Lancaster House to Chequers. What made her more willing to compromise?

DL: There were a number of things. I think, first of all, having tested this in lengthy talks with Juncker, with Tusk, with Merkel, with Macron, she did come to the view that, 'Okay, this is not going to work,' or, 'We can only go so far. They are going to insist on not doing this until we have accepted that.' Then she would make a move.

The big argument between her and David Davis in terms of negotiating – David, and others who supported him – would have been, ‘Look, you’ve got to walk away from the table. You’ve got to have a row, throw your toys out of the pram, be much tougher at the start, because that’s a part of it.’ Theresa took the view: ‘You’ve got to stay in the room. You don’t gain anything, in the way that the EU works and thinks, by just storming out, because that’s not how they operate. Just you keep on going and going.’

I always said, actually, she and Merkel – May and Merkel – actually have a lot more in common in terms of their approach to the practical side of politics than most people realise. That was an element there.

She was very frustrated at the fact that the EU was adamant on sequencing and getting the withdrawal agreement, or the outlines of that, sorted before you could talk about anything further. I think Olly (Robbins) definitely did have an impact. There was a senior official there whom she trusted but who also could have those speculative conversations with the EU negotiators and with the sherpas in European capitals and say, ‘Look, what if we moved that? Would if you move on t’other?’ and so could come back and give her a sense of where landing ground might be.

I think also what became increasingly important to her as time went on was Northern Ireland and the question of the Irish border. She was absolutely clear in her mind that, particularly having talked to some of the nationalist-leaning – moderate nationalist-leaning – community groups in Northern Ireland, that to do anything that led to difficulties at the north-south border, or risks of border posts, or cameras or whatever, would not only risk a serious increase in civil disorder in Northern Ireland, but would weaken the union, possibly fatally.

UKICE: Why did it take so long for Northern Ireland to become an issue? It’s curious, isn’t it? Even in the agreement with the DUP, this wasn’t raised. I mean it wasn’t an issue until it became the issue.

DL: Partly, don’t forget that after the 2017 election there were no voices – other than Sylvia (Hermon) – from Northern Ireland, except the DUP. The SDLP and the UUP were both wiped out. I do sometimes wonder whether, you know, you’d had Mark Durkan, Margaret Ritchie, Alasdair McDonnell – in the Commons, that actually that recognition would have come earlier.

I think also there was a sense – and powerfully felt by the Leave supporters in Cabinet and which you see in the present Government as well – that actually this is all a fake issue got up by the EU side and by Dublin, that all they needed is mutual recognition. Then that graduated into the alternative arrangement saga. I think that it also reflects the fact that, sadly, relatively few Westminster politicians are interested in Northern Ireland. That reflects – let's be blunt about it – their constituents' thinking, as well. Even fewer actually go to Newry, or to Derry, or to Enniskillen and actually talk to people on the ground there.

UKICE: Obviously, at this time you haven't got the Northern Ireland Executive running, so there's no official voice for Northern Ireland, and you have the 'Confidence and Supply Arrangement' with the DUP. Do you think that affected the government's handling of Northern Ireland through the Brexit talks?

DL: You had to be aware the whole time of the fact that your ability to govern was dependent upon the DUP. Certainly I can remember, when I was working on Conservative backbenchers to try to persuade them to support the government's approach as we came up towards the meaningful votes, people saying to me, 'Look, I might be able to swallow this with great reluctance, but I don't see how we can continue to govern if we accept this, and the DUP is adamantly against it and says that they'll tear up confidence and supply agreement otherwise.'

To that extent it had an impact, but I think that actually, if you look at the second May Government, actually it's not a charge that you can make of Theresa May that she was prepared to simply kowtow to the DUP. Actually, she put her premiership on the line to do what she felt was right for Northern Ireland in a way that the DUP resisted.

We spent a hell of a long time and effort trying to persuade the DUP. From what they've been saying in the last week, it suggests they might have come to realise that they looked a gift horse in the mouth.

We knew that actually they were divided in the Westminster delegation about what to do. We think Emma Little-Pengelly and some of the others would have accepted what we wanted, but some of the others took a more hard-line position. Then they wouldn't move unless all of them were willing to move, so

we were where we were with them, but no, I don't think it's a great mystery. We always tried, in how we handled this in government, to keep the work on the (Brexit) talks and the Northern Ireland Secretary's responsibility to be impartial between the different parties ring-fenced from what was going on with the confidence and supply agreement.

I used to chair an informal thing. It wasn't a formal Cabinet committee but we'd meet sometimes weekly, sometimes every couple of weeks, and we'd get the Northern Ireland Secretary, the Chief Whip, the Leaders of the two Houses, Gavin Barwell, Olly (Robbins) or one of his team, the Treasury came, and the Financial Secretary came, and the FCO came. You used the official level and so we'd just talk about all aspects of Ireland and Northern Ireland policy, and just try to make sure we were coordinated but also we knew what was happening in another part of the field.

UKICE: One of your other responsibilities as First Secretary of State or as Chancellor of the Duchy of Lancaster was to manage relations with the devolveds, which were getting more and more fractious. At the start, Theresa May had promised full involvement when she went to see Nicola Sturgeon and Carwyn Jones, but how did you see that? Was it just too affected by the politics to really work?

DL: It's very difficult for me to say what happened in the early years. Clearly, and when I came in as CDL (Chancellor of the Duchy of Lancaster) in January 2018, we were in a situation where that relationship was pretty dire. Now, look, some of this is because the SNP has a single strategic objective, which is Scottish independence. Everything else is a tactic, so to some extent the SNP has a vested interest in wanting there to be grievances that can accumulate and be displayed at various intervals. In Wales you had a Welsh Government that was Labour and no friend of a Conservative minority administration in London, and nothing in Northern Ireland.

But then I think the other thing, just a thing to flag, of course, is that the general election in 2017 just took out a whole chunk of the year, so there were no meetings then. Then the new Government had to find its feet, so I can see how things slipped, but I was a bit horrified when I came in and I found that the JMC(EN) Committee (Joint Ministerial Committee – European Negotiations) had not met for 10 months, something like that.

We did make a big effort there. I think we got relations onto a more even keel, and we got those sessions taking place monthly, on the whole. Slightly later on, I started a practice of making myself available for half an hour to see the Scottish and ministers on my own, without any officials from any side there, so they could come and talk. Or we could go and have a private conversation about things that were worrying them. Or if they wanted to come and say, 'Your Cabinet colleague in this department is screwing things up completely,' they could come and do that to me without us having to have a set-to in the formal meeting. I could try and solve something then. Some things, sometimes, were just misunderstanding and bad communications.

Secondly, we did make, I think, very good progress on the practical work, on the frameworks and (on the) 124 issues of competence that are coming back from Brussels which intersect with devolved competence. We came down to about two that were really an issue, of which I think the real difficult one is still going to be state aid, where there's a clash over who has competence. That, I think, will end up in the Supreme Court, probably. So, we did that work. Which is all, in a sense, boring, unsung, but it really matters to businesses and it really matters to there being a UK single market.

To some extent, the problems in relationships with the devolveds reflect the fact there's the difficulty of having a devolved system where you have different administrations – not just with different party politics but, in the case of Scotland, with a profoundly different constitutional view of the objectives that you're working towards. That does make it very, very hard. But also, I think there is a reluctance in Westminster and Whitehall still to actually embrace what devolution means. There are certain areas of policy that are devolved and you have to live with that. You have to work with them and you have to consult if you're trying to put a UK-wide policy together. But equally, in Scotland in particular – to some extent in Wales, too – there's a sense, almost, that the devolveds are the legitimate governments and the only legitimate governments.

Part of my narrative was always that Scotland has two elected governments and they operate at different levels of different competencies there. Too few of my Cabinet colleagues were willing to go up to Scotland and just go around, and visit things, and make speeches. I used to get the Scottish media complain to me about it. (Laughter) I think we improved things, but it was prickly and

difficult, but it was always going to be sensitive because of the fact that you had two nations voting Leave, and two voting 'Remain'

UKICE: If we can turn back to Parliament, and Parliament in the second May Government, could Parliament have been handled better, or were the numbers just wrong from the start?

DL: It was always going to be difficult. It would never have been easy. I think we're deluding ourselves if we think otherwise. And you can never run the counterfactual in reality. There's a passage, I think, in 'Prince Caspian' where Aslan says to Lucy, 'No-one is told what would have been.' But there was a time, I think, particularly in the aftermath of the 2017 election, when it might – might – have been possible, even the autumn of 2017, to reach out seriously to the opposition parties and actually see if there was a formula that would work.

If you look back even at 2018, the Labour Party was focused on the Norway approach rather than a second referendum. I can remember in the autumn of 2018, as late as that, there was a mood amongst those who later became very fixed on second referendum as the only way forward, at that point to have said, 'If you're prepared to accept Single Market and customs union, you could do it.' I think that that might have been done. I think that might have worked in terms of getting a majority for a bill.

The problems with that were several. The first was that, of course, in the immediate aftermath of 2017, Theresa May's own leadership and premiership was looking very wobbly. People were saying, 'How on earth has this happened?' There was that initial stumble over her response to the election result. There were people going round at the Tory dining clubs and in corridors, muttering: 'We need to get somebody else in; there needs to be a coup.'

Then you had Grenfell happening about a fortnight after that election. That made things still more difficult. You were relying on the DUP. That was a complicating factor. Also you were dealing with a leader of the opposition who was the opposite of consensual and with whom Conservatives of all stripes were much more nervous of dealing than they might have been with a Blair or a Starmer.

You also had the fact that for Theresa this would have been a massive shift

from her previous position. She'd have had to confront in her own mind, as well as with her party colleagues, the question about, 'What does this mean for our policies on free movement?' That is seen as an integral part of accepting the Single Market: 'Actually, is there a way – a way through that?'

Don't forget she believed – and believes – that this is a very serious matter. More than once you'd hear her say, 'Look. Look at the polls. Everywhere outside the M25, people are taking a much less liberal view than they tend to be in London.' She does regard this as an important political issue that has cut-through and which politicians at Westminster too often neglected. So it's not just a matter of political tactics. It's a question about her beliefs. But, of course, it would have meant a massive row in the party at the time. I think there might have been a point in 2017 or in 2018 when trying to work cross-party could just have worked. We came within shouting distance of it, even in 2019, in those cross-party talks.

UKICE: But in 2019 there had already been the leadership challenge. If she'd moved that soon in 2017 to talk to opposition parties, you have to wonder whether her position in the parliamentary party would have been untenable?

DL: It may have been. You just don't know whether that would have been the case, but it might. It might have been a thing that troubled her. Yes, you just cannot tell. On the other hand, if you look in terms of political tactics, after the 2017 election when the Labour Party had its tail up, would people in the Conservative Party have been prepared to take the risk that, if you depose the leader, that actually could lead to a second general election? The risk of a Corbyn government at that stage. I just don't know how people would have thought then.

UKICE: You mentioned the negotiations with the Labour Party in 2019. I suppose the obvious question there is, is there anything you could have offered them that they would have accepted?

DL: I think my view was it came to a point where they were not willing to make the move. There were two issues on which the talks broke down – of course, remember it was Corbyn who pulled the plug on them.

One was customs, where we went a hell of a long way. Whether we could

actually have got it through our Cabinet is another matter, but we were, in effect, prepared to say, 'Have a customs union in all but name until the next general election, but what we have to have is then free rein for either party, if it wins, to take forward the model that it prefers.' So basically we try to freeze this as an issue until the general election, which means continuing with a customs union, although we wouldn't call it that.

They really wanted to rub our noses in it more by having something that was actually called a customs union and so on, but actually the critical issue was a second referendum, where we offered them a guaranteed debate and vote on a second referendum at both committee and report of the bill. Keir in particular – but John McDonnell backed him – rejected this and said that 'No, for us to accept you need to have the second referendum in the bill when it's introduced. Then, if people want to remove that, then let that be the test.'

I think what had happened was this: within the Labour Party there had been a very steady, very powerful shift amongst both MPs and Labour members towards the second referendum. I remember Peter Kyle saying to me that he had no fears about his Hove Momentum people now, because they were all passionately in favour of a second referendum. He had championed that, but Peter and others had been in to see Theresa at Number 10. She'd listened to what they had proposed in terms of a People's Vote.

But I think the other thing that was happening at the same time as that shift in the Labour Party, the votes on the options were showing that it would actually be very difficult to craft a positive majority for a second referendum in the House of Commons. I think the indicative votes are a subset of attempts to reach cross-party. That was a mechanism to see if there was a cross-party consensus but I think, if indicative votes had been tried earlier, perhaps there was a way of reaching that consensus.

I think Theresa's genuine worry about that was the precedent that when this had been tried with House of Lords reform, for example, it had just ended up in a complete mess, with a majority against everything.

Actually, that was the experience of the first set of indicative votes, but again, had it been started earlier, perhaps one would have worked out a way, through progressive elimination of options, that you could have got something that was

at least seen as *faute de mieux* by most MPs.

UKICE: Even without the gift of hindsight, it seems clear that, if Theresa May failed, her replacement wouldn't have been a Dominic Grieve.

DL: I said that in terms, at various times, to Keir Starmer, John McDonnell, Ian Blackford, Ed Davey, Jo Swinson, Uncle Tom Cobley and all. Gavin Barwell was saying the same to people. They were in – they should have been in – no doubt about that.

UKICE: I just wondered if you had any thoughts about how the civil service served the Government under Theresa May. Did they present you with the options? Were they across the stuff? Were they foot-dragging?

DL: No, I've never sensed foot-dragging. I think that is a calumny. I think they've done their best to serve the Government. I think there was intense frustration in the civil service at the politicians being unable to come up with a clear decision about the way forward. I think that that was the thing, plus having then to try to work in tandem for 'Deal' and 'No Deal' contingency planning, but people have been, in the civil service, working incredibly hard.

I know Jeremy (Heywood) and Mark (Sedwill) in their times have both been very concerned about the impact on the health and well-being of civil servants, that actually there was a price to be paid in terms of people's welfare and sanity because of what was being expected of them. Those who were working in Olly (Robbins)' team, some of the others who were expected to turn around option papers overnight after a Cabinet meeting or after a European Council meeting and so on, they just were worked to the bone.

So, no, I think the idea that there is some devious civil service plot to drop all this is absolute nonsense. In my experience, if officials are clear – and sometimes that does need a bit of repetition by the minister that something is seen by that minister as a priority – they will get on and do it. But if ministers are not clear about what it is that is a priority and needs to be done, then you can't be surprised if the machine stutters a bit.

UKICE: If the indicative vote in favour of a customs union had gained a majority was it conceivable that the Government could have pushed ahead

with that and tried to negotiate it? I mean would the party have tolerated that?

DL: I think it's interesting. I think a lot would have hinged on how Conservative votes turned out in that. I think that – and it's difficult because, unless you know the numbers and the names, it's difficult to be certain, particularly when you're looking with hindsight – for Northern Ireland reasons, Theresa was so concerned about what could happen in the event of anything to interrupt the seamless border that she would have been tempted to go ahead. I think she'd have looked seriously at going ahead without, but I think it was always the fear that, you can't survive as Prime Minister if you've lost the majority in your party. I think that was the problem.

The other thing is, if we'd got the bill to Parliament, if Parliament had inserted a second referendum or even if the Government had embraced a second referendum, would that have provided a way forward? I'm with Gavin Barwell on this and I think there was a possible route out there, but there were plenty of moderate Conservatives who adopt a Ken Clarke view that they loathe referendums.

The experience of 2016, just the sourness of that campaign had made people more resistant to the idea of having another one, but it seemed to me that that was possibly the only way in which to get it forward, take it forward. But again, if you'd had to do that with only a third of the Conservative MPs, perhaps, then it's hard to see how the May premiership could have survived that.

There was no trust and there were all sorts of conversations from time to time, so the option was explored. There were some senior people in Labour who said, 'Look, if you will go for a second referendum, then we will...' The question was, 'What are the options? What are the options to be in the second referendum?' You're into this two, three options issue there.

I think Theresa would not have accepted the idea of going for another in/out referendum, just asking people if they'd thought again. I think she'd have only contemplated a referendum – and she didn't and doesn't like referendums – she'd have only contemplated it had the idea been there of her deal put to the people, so you actually say that you're appealing over the heads of Parliament to the people.

I thought that the only way you could manage this would be you had to have two questions on the ballot paper for such a referendum. You'd probably have to have 'Leave/Remain', and then you would follow, if it's 'Leave', with the deal or without the deal/WTO. So that seemed to be the way in which you would do it, but there were talks with some senior Labour people who said, 'Look, we have enough people in the Labour Party. If you do this, we'll ensure that a minority Conservative Government can survive in office for, perhaps, a year, 18 months afterwards, before we go back to politics as normal.' Again, how could that have been relied on? We will never know. But it was possible.

There were some very senior people in the Labour Party who were talking to us in those terms. But also that then raised the question: if you're relying on a large number of Labour Members of Parliament to get this through – you're basically relying on the moderate, pro-referendum wing of the Labour Party – and to sustain you in office, are you meaningfully a Conservative government if you've lost two-thirds of Conservative MPs in doing that? Those were the really difficult things. In fairness, Theresa May has been absolutely consistent, all the way through her premiership, in saying she didn't like referendums. She was emotionally, viscerally very sceptical about another referendum of any kind.

The Johnson Government

UK in a Changing Europe (UKICE): I just wondered if you could talk us through how you saw those events unravelling when Johnson took over and came in. In particular, what maybe surprised you about the course of events there?

David Lidington (DL): I wasn't surprised by how he went about it at the start. I think that – and in fairness to the Prime Minister – he has been absolutely consistent in saying that he wants a free trade agreement. He's always seen Canada as the model around which you devise it. It's become a rather etiolated version of Canada in recent months, but he said that at the Cabinet table and so there has been consistency there.

I think that I was not surprised at a lot of tub-thumping at the start. That's obviously inevitable and in line with the David Davis approach to negotiations. I think Boris Johnson is a believer in the power of leaders to effect changes and

make deals. Would he, in the absence of Dominic Grieve, would he have crashed at the end of the year, or not?

My own view – and I, before the vote on the bill, I went in to see him on my own for about half an hour, just to sound him out on: ‘Do you really want to leave with no deal?’ – was that he did persuade me that he was serious about a deal. He said to me, in terms, that he had looked in detail at the projections for the consequences of a ‘No Deal’ outcome at the end of 2019. I think his phrase was something like, ‘No one in their right mind would choose to go there.’ He said, ‘I do want a deal. I just want the chance to get to the European Council to do that,’ and, of course, in his mind it’s only with the hard deadline that you will get a shift to make it possible for a difficult compromise to be agreed.

But what I’d not expected was his shift on Northern Ireland. I thought if he was going to compromise, it would be more on some of the economic trading questions. I had not expected what happened on Northern Ireland, given what he had said earlier in the year. But what was clear is that, when he saw (Leo) Varadkar on the Wirral, the body language looked good. Clearly, there was some sort of chemistry there, and it’s that shift on Northern Ireland that made this possible.

I have said publicly, and I don’t retreat from my view, that for Northern Ireland the Theresa May deal is better than the Boris Johnson deal – but it’s now down to the extent to which you can limit the friction that there inevitably will be between GB and NI in terms of trade. But there was a moment in December/January when the Unionist opinion was pretty fired up. There were some serious worries about UDA and UVF reorganising.

UKICE: Were you surprised by the alacrity with which Boris Johnson reshaped the Conservative Party inside Parliament?

DL: Yes, you were thinking day by day at the time. I think they were foolish to make it a confidence matter, but I think that they should have been more generous and quicker about bringing people back on board.

I think what people like Philip Hammond and Greg Clark found very hard was – and I have nothing but sympathy for them on this – is that in Philip’s case, he

said it's the first time he voted against the Conservative Party official line in his parliamentary career, and then the same disciplinary actions being taken against him by people who had been serial rebels on European issues for many years. I think that did stick in the gullet.

Did that reshape the Conservative Party? I think that to get a measured view you really will need to wait a few years and just see what happens because, however desperate the efforts to claim that Brexit has not been done, something of significance did happen on 31st January. At some stage, even the most diehard leavers will have to say, 'It has been done.' Then there will still be other negotiations that will have to take place with the European Union on various issues over the years. Other issues will come to the fore.

The Johnson description of himself as a kind of 'Brexit Hezza', I think, is a pretty good, pithy summary of how he views his approach to politics. Actually, when it comes to industrial policy for example, or fiscal policy – I think he's not going to necessarily ally himself with the conventional right of the Conservative Party.

UKICE: There may be trouble ahead for the Prime Minister there.

DL: God, yes, but that goes with the job. A majority of 80 is a good cushion. Though, if he asked me for advice, I think I'd say, 'You don't have to use up the political capital all at once,' But inevitably there will be ructions and scars, and there will be people who are keeping their heads down at the moment but who haven't gone away, whose views are still there.

Also, I think what most people, whatever view they took of the referendum, are wanting is still to see a successful outcome. In a way, the differences will be over what sort of outcome of the European talks is regarded as successful. Even Brexit, frankly, it is a pretty secondary issue in the minds of most voters just at the moment. It's been a tertiary issue in the minds of other European governments, bar Dublin, for some time now.