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The renegotiation and the referendum

UK in a Changing Europe (UKICE): How influential, do you think, Open Europe was in shaping David Cameron's approach to the Bloomberg speech and the renegotiation?

Raoul Ruparel (RR): I think we were fairly influential. Our chairman at the time, Lord Leach, who sadly passed away, was quite close to Cameron, especially on EU issues, and so had quite a lot of say in some of the parts of the Bloomberg speech. Obviously, Mats Persson also had some input to the speech and then went to work for Cameron on the reform agenda.

That being said, before Mats got into Number 10 under Cameron, I think a lot of it was already set. The ambition was already set relatively low in terms of the type of reform Cameron was going to aim for.

So I think there was some influence. Certainly, I think Open Europe had an impact in trying to bridge that path between the Eurosceptics and those who wanted to see Brexit, and were in that camp from quite early on, and the wider

public feeling of concern over immigration and other aspects. Yes, there certainly was something there in terms of pushing the Cameron Government in the direction of reform. I don't think it's something that Open Europe necessarily created, I think they were looking for something in that space and we were there to fill it.

UKICE: Do you think a referendum was inevitable? If so, from when?

RR: I tend to take quite a long view of this. I think since Maastricht and the creation of the Euro the UK's position was increasingly difficult within the EU. It was always going to come to a head at some point. I don't think a referendum was necessarily inevitable at that point in time, but I think something was going to come out of that in terms of a clash of the different tracks that we were on.

I think once the promise of the referendum under Tony Blair on the Lisbon Treaty was in the public debate and the public psyche that was hard to put back in the box. Once that was out there, I think it became increasingly likely it was going to happen at some point. Especially when you make a promise and you don't deliver, it's obvious the other side is going to attack you for that and use it. That, then, made it even more of an issue.

Then, the issue around immigration and the lack of transitional controls. That decision, I think, certainly, combined with the referendum promise and what was going on had an impact as well. While we can debate the actual impacts of immigration in practical terms, I think it certainly had an impact in the public consciousness. The influx that we saw had an impact and meant people were looking around for an outlet for those concerns and MPs were looking for an answer to those concerns. I think that manifested itself in terms of the growing campaign for a referendum.

I tend to think even if Cameron hadn't made that promise, it was inevitable that a Conservative Prime Minister would have made it in the not-too-distant future. The party was very split on it in the early 2010s. I tend to think that it would've been hard for whoever came after Cameron not to make some kind of promise in that space, indeed they may well have had to do so to win the leadership of the party.

UKICE: Do you have a thesis on why David Cameron's ambitions for the renegotiation were modest, as you described?

RR: Obviously, the modest badge is my take on it and there are differing views. I do think he did actually achieve some substantial, interesting things in the renegotiation but I think as a package it was less than what people were expecting and what people might have hoped for. You can look at it different ways, but that's my sense of it.

In terms of why, it's a tricky one. In the end, I think it was mostly down to his confidence that he could sell whatever he got. Obviously, they were off the back of an election victory unexpectedly. I think they felt in a strong position. I think they felt that they could package up and sell whatever they needed to and that people would ultimately fall in line. I think they always thought they would be able to win the referendum no matter what.

I also don't think they wanted to take up so much time with this reform agenda. Ultimately, they wanted to deliver it quite quickly, get it done, and move on. They didn't want it hanging over everything. Obviously that, now, looks like a different decision in hindsight. But that was, I think, the sense at the time.

I do think there were some officials within the system and close to Cameron at the time who were the architects of a more technical renegotiation rather than a more political, wider one. I don't want to say they necessarily got to him, but that was a sort of view around the system and the party. I think it was the combination of politicians wanting to get this over quickly and move onto other things, I think those two coinciding is why we ended up with the sort of package we did.

UKICE: When we got to the referendum itself, did you or Open Europe play any kind of formal or informal role? Did you work with Number 10?

RR: Mats went there in summer 2015, so he was there for the last year. I was running Open Europe with Stephen Booth from 2015 to when I left to go to work for DD [David Davis] in DExEU [the Department for Exiting the EU]. We took a position of trying to be as neutral as possible and explain.

That was a result, frankly, of tensions within the organisation itself. We had

quite a mixed representation board of Leave and Remain, which I think was good for the organisation because it meant we could tap into both sides to an extent and try to give a balanced view. But it also meant the board couldn't really agree on whether we should campaign one way or the other. In the end, we ended up trying to be as neutral as possible and explain the issues.

I think, obviously, when the reform package came out, we said it wasn't sufficient on its own to warrant saying, 'Definitely we should remain, versus leave.' Again, trying to sit on the fence somewhat. But, also, because we had always been a bit in favour of a more comprehensive political reform in some ways.

I think that decision obviously put us, as an organisation, a bit more at odds with Number 10. They had hoped, given Mats' background, that Open Europe would eventually come in behind and support the package they'd got and say that was the reform we needed and that's enough to remain in. In that sense, we were not then in the run up to the referendum on particularly great terms with Number 10 and the Government of the time. We didn't, therefore, have any direct involvement in the referendum or what they were doing.

We tried to ask questions of both sides and tried to highlight some of the flaws. We talked a lot about the Leave campaign's inability to set out a vision of what it wanted the post-Brexit world to be. We wrote a lot of reports on the different options. I think we did one of, if not the first, economic modelling on the cost of Brexit and highlighted customs costs being some of the biggest, which was rarely if ever discussed at that point back in late 2015 and early 2016. There was quite a lot of stuff we were doing on both sides. Ultimately, we weren't trying to campaign one way or the other.

UKICE: Did anything surprise you in the referendum campaign?

RR: Not massively. I think the Turkey stuff was a bit surprising, obviously, in that that became an issue, but it ties into migration, which was always going to be a massive issue. I don't know if 'impressed' is the word, but the way that the Vote Leave campaign managed to run on such a vague platform in many ways, but also to fight off the instincts of the Brexiteer MPs to go for this Global Britain, free-trading Britain, which would not have won the referendum, was itself somewhat of a surprise. They managed to run it on a much smarter basis,

tapping into what we now call the –formally red wall – blue wall seats. That kind of campaigning approach.

That proved to be more effective than many people had expected and was able to tap into things much beyond Europe. I guess, in the end, a lot of it wasn't about issues to do with the EU so much as wider concerns and this manifestation of them.

DExEU, October 2016 - June 2017

UK in a Changing Europe (UKICE): How did you get into working with David Davis at DExEU? What was the nature of the approach?

Raoul Ruparel (RR): There were some members of the Open Europe board who knew DD. He was looking around for a policy Spad, someone who knew the EU and knew the detail but obviously wasn't too much of a Remainer I guess. He was looking around for someone like that. I think a couple of people on the board recommended me to him, and his office got in touch. I went in to see James Chapman first. At the time, he was his Chief of Staff. I then had a chat with him.

After that, I went in for a second chat with DD. We had a good chat. I went in there quite pragmatic about the whole thing, as I think I usually am. I remember he talked quite a lot about financial services. That was a time where a lot of the City were very, very, big on, 'This is going to be an absolute disaster.' He, obviously, didn't buy into it. I had just finished writing a report for Open Europe on that. So we talked a lot about that and what some of the workarounds, etc. might be.

That's how I ended up there. I think, in the end, I was probably someone who had enough of a background on EU policy and the EU and Brexit but didn't openly campaign for Remain and wasn't seen as too much of a Remain advocate.

UKICE: How did you react to James Chapman once James left and became outspoken on Twitter?

RR: It was a strange episode. It was obvious from the start, when I was there,

that James wasn't really on board with all this stuff. Equally, he didn't feel his time in government was over. He went to work for George [Osborne] with the idea that George was going to be the next PM and he would go and be the next director of comms for Number 10. That was his aim. Obviously, that all fell apart. I think he then felt he still wanted to do more inside government.

He was, at the start, quite sanguine about it and was willing, like a lot of people, just to say, 'Look, it's happened, we need to try to make the best of it and get this done.' Clearly, that increasingly changed over time and he became more disillusioned.

It wasn't initially about the type of Brexit itself, but about the way the government was being run. A bit of disillusionment with Theresa [May] and her approach to taking or not taking decisions, the way Nick [Timothy] and Fi [Fiona Hill] were running things. Also DD and the way he ran things, as well, they didn't really work that well the two of them. It was something that built up over time. It wasn't particularly surprising that he left.

UKICE: How did you see the network of relationships: David Davis, Number 10, Olly Robbins as Permanent Secretary, and then the relationship between DExEU and Ivan Rogers in UKRep trying to be an influence? How were those relationships all working?

RR: Or not working, as the case may be. Yes, it was very strange. It took a bit of time for me to get to grips with it, never having worked in government before. It became clear, increasingly quickly, how dysfunctional the whole system was. I'll try to address those points in turn.

Starting off with DExEU itself. When I got in, I'd probably spent six or seven years working on the EU. I think there were maybe one or two officials in the whole department who had the same level of EU experience as I did or had worked on the issue for as long. The vast majority had never really done any EU work before. For the ones that had, it had been pretty limited. So there was a massive lack of specialism and expertise which, as you all know, is a wider issue around the civil service. It felt particularly acute in DExEU at the time.

I also felt, in many cases, DExEU had been thrown together so quickly that you ended up having a lot of departments moving people that they couldn't find

homes for in their department into DExEU. It sounds very harsh, but unfortunately that's how it felt to me.

There were lots of brilliant people there as well, but it had all been thrown together quickly, sourcing people from wherever they could.

So it wasn't a well-functioning department. Because it was new, it also didn't have the types of things that usually departments crunch through and have systems for. You know, basic stuff like parliamentary questions and ministers going into Parliament to answer urgent questions or any other questions. You have systems in place that usually crunch through these things quite quickly, and none of that was there. Every time you had to do something, it was just a nightmare.

Me and James Chapman ended up, in many cases, just writing stuff from scratch continuously. It was very labour intensive and it was quite hard work in terms of that at the start.

It was also clear, quite quickly, I'd say by December 2016, there were basically two departments. There was one working to DD and one working to Olly Robbins. The one working to DD was basically a bit of a shell. There were the parliamentary teams, the press teams, the much more ministerial support teams focused on DD. Then you had a whole other bunch of the content and policy teams basically working to Olly and getting ready for the negotiations.

This was because, obviously, Olly was doing the dual role of DExEU perm sec and Sherpa to the PM. A lot of the policy development was basically going through Olly in his role as Sherpa and going up to the PM and going through that way of discussion, with DD not having a lot of sight of it and not getting a lot of input. This is not a slight on Olly or DD, it wasn't really about personalities at that stage, it that the department was set up with this bizarre dual structure which was never really going to work.

Obviously, at that time, we were so preoccupied with Parliament and there was so much going on that DD had his hands quite full there anyway. He was always confident that his relationship with the PM and with Nick and Fi and others would mean his views would be heard and inputted. I was always concerned that this structure wouldn't work and would lead to splits with the

key people involved.

So it was clearly dysfunctional from the start and I think meant it was almost inevitable that Olly and DD were going to clash. So that was all bubbling under the surface from quite early on.

I think DD did have a good relationship with the PM at that time. That got, in the run up to the election, increasingly positive as you saw, by him de facto being the deputy in certain events and things during the election. His relationship with Nick and Fi was pretty good as well at least from what I saw. So he did have quite a lot of access to the PM and input, discussing strategy, but not enough of that was on the policy development and the direction we were heading.

Generally, my concern during this period was that we weren't exactly sure when we were going to trigger Article 50 but basically it was going to happen relatively soon. Nothing was being done at that time to properly prepare for the negotiation to come, really, not that I could see as such. Even what was being done wasn't sufficient, as we found out, in terms of developing policy and putting in place what needed to be put in place.

That was ultimately the thing with Nick and Fi. Yes, they had a lot of power and they ran things in quite a controlling way, as is now well documented. But their biggest failing was that they didn't actually do anything with that power, at least when it came to the biggest issue of the day in Brexit. The nine months up until the triggering of Article 50 was largely wasted in terms of actually preparing and getting ready. You can argue whether Article 50 was triggered too early or not. In the end, those nine months were quite a lot of time. You could get quite a lot of stuff done in that period, if you'd used it properly, but we didn't

UKICE: Were there clear substantive differences of approach emerging, even then, between David Davis and the Prime Minister or was it just that David Davis was a bit cut out of the loop?

RR: I don't think it had yet got onto the big policy issues, although they were starting to rear their heads. We were pretty far behind the curve, to be honest, on where we should've been in terms of developing our future relationship

type policy. They were still looking at lots of different options at that stage. It was fairly clear from early on what DD would want to see in terms of a more standard FTA style approach. The PM hadn't taken any decisions and hadn't really said anything to DD about what she wanted to see yet, so that wasn't the dividing line.

The fights were much more around stuff like the sequencing of negotiations, which was obviously a big difference. Then things like the implementation period, DD was hostile to that from the start. It took a lot of work to bring him round, to get him on board with that and how it would work. Ultimately, the calling of the election was the thing that really changed it for him because his big concern was he did not want the implementation period to run into the next election. Once she called the election, and did that, he could live with it. So that was the big turning point on that front.

Those were much more the battles, rather than around the Chequers versus an FTA-style approach, which came later.

UKICE: You've talked a bit about the lack of EU expertise sitting in DExEU. DExEU also has UKREP reporting into it. They do have EU expertise. Were relations good or bad between DExEU and UKREP in the period that leads up to the resignation of Ivan Rogers in January 2017?

RR: They weren't great. I don't think the structure had been worked out. Without wanting to land it all at Ivan's door, my sense was that he was obviously struggling with the result post-referendum. From what I could see from my post in DExEU, I don't think he put in place measures to reorganise UKRep to look towards its new role and what it would have to do. There were also difficulties about where it fitted in, under DExEU or the FCO. So that wasn't really working. I didn't get the sense that much expertise had been pulled in from UKRep or utilised as well as it should have been at that stage.

I also think Ivan has a way of operating. My personal feeling was, 'He's a brilliant guy. He knows more about the EU than, probably, almost anyone else in the civil service at that time.'

But if you were on emails with him, he would often just come back with problems rather than offering any solutions or ideas on the way forward. It's

not that he shouldn't point out problems, he was entirely right to do that, I think the lack of offering any solutions or options or ways forward alongside that was the real issue. I think that is what really started to grate with some in Number 10 and some of the politicians, that he was becoming more of a roadblock than making headway. That obviously leads to you being cut out of the loop more if you're doing that.

So that was my sense on how it was going, though of course I can't claim to have seen the whole picture and know everything that was going on. To me, it didn't seem to really be working. I don't know how Ivan perceived it from where he was. I do feel that there was a shift, significantly, in the role and influence of UKRep after Ivan left and Tim Barrow came in.

Tim, I think, was able to reorganise it slightly, get it more situated for its new role, move on a bit from the past, and therefore was much more involved in the discussions. It [UKRep] still played a role more of "this is intelligence gathering, this is what the EU are saying, this is what member states are saying," rather than necessarily being a driver of policy development. It was certainly much more involved and much more part of the process once Tim took over.

UKICE: You came in just after the party conference speech in October 2016. I wonder if you might talk us through the route from the party conference speech through to Lancaster House and then on to triggering Article 50. Was DExEU happily involved in all of that?

RR: Obviously I wasn't there pre-party conference so I didn't really see the process around the speech. I think DD would've been sighted on it. I think he was broadly happy with the date of triggering Article 50, as he wanted to get on with it. The biggest thing he had was the whole court case and fighting the Miller case. He was very against that, to be fair to him.

UKICE: He was against fighting it?

RR: Yes. He was basically saying, 'They want to bring this case. Let's just bash a one-line bill through the House saying we have the power to trigger Article 50, we'll get it through.' In the end he was right about that. That would've been a much less painful way to go through that. It also would've

bound more people in the party into backing Brexit from the get-go. That was his biggest fight with the PM or discussion with the PM, around Article 50 and the triggering of it.

I think he was less concerned about the exact date. I think he wanted it to happen relatively quickly. The bigger issue that then raised its head was whether you do it before or after calling an election. As I said, he was quite an advocate of having an election at that time.

We were having a ministerial meeting in his room, this was when he first floated it, 'You can just call the election and then trigger Article 50 afterwards.' I remember responding, 'That's a risky idea because who knows what's going to come out. Look, okay, we're 20 points ahead in the polls but if something goes wrong then you're eating into your limited time etc.' Though I will admit that in the end I came round to calling the election being necessary, not least because it seemed the only way to get the implementation period agreed.

In the end, though, once you've decided to go for the election, you have to assume it's going to go well – otherwise don't have it – and then make a decision on Article 50 off that basis. I think the PM and DD were basically aligned on a lot of that stuff.

More broadly, the issues at that time stemmed from just feeling cut out of the loop, not being sighted on some of the decisions, and then around how the negotiations were going to work, the implementation period, and that kind of discussion.

UKICE: Did you find the activities of the European Research Group [ERG] to be a help or a hindrance in this period?

RR: I think, at this stage, he [David Davis] was on very good terms. Even Number 10 was on pretty good terms with the ERG during this stage actually. It wasn't really until Chequers that that switched. To be fair, the ERG were relatively supportive at this point. Yes, they made noises and murmurings but they were pretty supportive, certainly before the election. After that, there were misgivings. Definitely in this period from October 2016 up to the election, I think the ERG were seen as being broadly helpful and pushing in a direction that the

government wanted them to push it.

UKICE: What difference do you think that the appointment of Philip Rycroft to DExEU made, if any, to the functioning of the department and the system?

RR: Philip came in, first, as Second Perm Sec, which helped a little bit, but it didn't solve the fundamental problem. The bits of the department reporting to DD started to work better, and it kept getting better with Philip's help. But the fundamental divide of the department was still there.

It all came to a head. I can't remember the exact dates now, and we may be skipping ahead a bit. I'd been discussing this point with DD for a long time and advising that the Department wasn't really functioning. Eventually, he started pushing the PM on it. It was clear it wasn't working so, in the end, Olly was, at DD's request, moved just to do the Sherpa role.

Obviously, there was a lot of briefing around the time that this was a blow to DD. But, actually, it was at his instigation which, to be honest, is a bit counterintuitive because all that happened, and we did warn him of this a bit, was the policy development all followed Olly and left DExEU as a bit of a shell. The department functioned a lot better, was a lot more singular, had better clarity of focus with Philip's appointment as Perm Sec and with this much clearer reporting structure into DD.

The side-effect was Olly had moved. He had the Europe Unit set up [in the Cabinet Office], and that was where a lot of the policy development strategy went into. The practical effect was DD was still out of the loop, if not more so. Something needed to happen because the situation wasn't sustainable the way it was, having a dual department, but the resolution I don't think really solved the fundamental problem. That's why it persisted.

From the General Election to Chequers

UK in a Changing Europe (UKICE): Did the Prime Minister change tack privately in any way after the election? Are you surprised she ploughed on with her broad strategy, or did she have no option?

RR: It was very strange. At first, I thought she would go. Obviously, she didn't.

That was a bit surprising. Obviously DD, at the time, was mooted as one of the challengers. He made a very clear decision to support her and not to run or make any challenge or try to remove her, as did a few other senior Cabinet ministers. Once that had happened, it was clear she was going to stick around at least for the near future.

We, literally one week after the election result, were going into our first negotiating round in Brussels. To be honest, we'd been off on the election campaign. I hadn't been able to see a lot of papers during that period, DD had been getting occasional briefings from Olly. We came out of that and it was sort of like, 'What are we going to do on the first week?'

It became clear, very quickly, that a lot of the structure and format of the negotiations had been agreed already. Obviously, this whole debate about sequencing had been settled while the election was going on without DD really being involved in it. I would presume the PM, at the time, had signed it off.

It was clear that, going into the negotiations, there were things we were going to discuss and things we weren't going to discuss. That was already agreed between Sabine [Weyand] and Olly. Michel [Barnier] and DD were there just to make some remarks and have an introductory chat and get the ball rolling, but it wasn't going to be any kind of debate about what was up for discussion.

Obviously, politically at that time, we'd just lost, or not won, the election. We had no majority. We were not in any kind of position to have a fight, or showdown, with the EU. We were not even in any kind of position to have this debate internally. There was definitely a feeling that a lot of decisions had been taken and things agreed that were supposedly up in the air but had been agreed while we were away at the election essentially. That further worsened the atmosphere.

Going into it, it was all just a bit of a shambles to be honest, trying to get ready for the first round of negotiations. In the end, there wasn't a lot of substance there. We still didn't have a particularly clear policy on anything. It was just a lot of making the same remarks, not saying an awful lot, and starting to think about exactly how this was all going to work. It was basically straight into the deep end without having a whole lot of preparation, at least from my perspective.

UKICE: Was it your expectation that she would change tack?

RR: It was clear something had to change but it wasn't obvious what: the fundamental tension of being caught between the two sides of the party, and in Parliament more broadly. Fundamentally, from that point, it was clear that getting anything through Parliament was going to be difficult. There was probably a slight Remain, or at least soft Brexit, majority in Parliament so we were going to be pulled that way. If she tacked that way immediately, she would've been removed.

On the one hand, yes, it seems obvious that she should've taken a slightly different approach and tried to build coalitions and be a bit more consensual from that point on. Equally, I'm not sure she could have fundamentally changed her approach one way or the other, because she probably would've been removed immediately. That is, again, the fundamental tension with all of this. That persisted for a long time and it's why it took so long to get any kind of clarity on the approach. There was a bit of a paralysis of fear that, whichever way you move, you're going to get taken down.

UKICE: If you're looking at the substance of the Withdrawal Agreement, did you have views on the different key dossiers: the financial settlement, the citizens' rights, and then the emergence of the Irish/Northern Irish border as a big issue? I wondered how clear you were, going in, that those were going to be issues, whether you were surprised by how those negotiations went on those subjects?

RR: I think, going in, we knew those were broadly the big issues that were going to have to be tackled. There was a lot of debate around how to handle Northern Ireland. Actually, we [the UK side] were pushing for it to be a particular strand, an additional, formal strand of the negotiations, which it wasn't at the outset if you remember. That didn't quite happen, it was put in a separate bucket.

Ironically, we were the ones pushing it. There was a view that the hardest bit of the Withdrawal Agreement was going to be the financial settlement and everything else would fall into place. That view persisted and was all the advice that the officials were putting in until, I'd say, the October Council in 2017.

It was in the run up to that Council where Northern Ireland suddenly started to flare up and become an issue. The financial settlement was actually making good progress. To be fair, the Treasury team did a good job on that. This suddenly flared up as an issue and took a lot of people by surprise by how quickly it went from being the sense that, 'Okay, we'll work this out between us and the Irish. Broadly, we'll be on the same page and we'll manage to figure it out.'

How much of that had to do with the change in Irish Taoiseach, I think there was an element of it. Enda Kenny did, obviously, make a lot of soundings off about this. But behind closed doors, his approach was very different to [Leo] Varadkar's. It felt like the two sides were a lot more on the same page under Kenny.

I've always struggled to fully understand what he [Varadkar] wanted to achieve. The only way I can make sense of his strategy is to say he, basically, assumed that at some point the UK Parliament was going to keep us in the customs union and/or Single Market. Therefore, he was playing as hard ball as possible to try to make that happen or until that happened. That was what he wanted as an outcome for Ireland. Otherwise, I think his strategy is quite counter-intuitive and counter-productive. In the end, where we've ended up is not particularly good for Ireland. For all the talk of the Irish playing a diplomatic blinder over Brexit – don't get me wrong they often did well, and much better than us for the most part – but in the end the outcome we've got now is economically terrible for Ireland. Yes they managed to secure their aims when it came to no hard border between Northern Ireland and the Republic, but they entirely failed to secure any of their other aims. In the end, if they'd been willing to offer the type of consent mechanism in the Protocol to Theresa as they offered to Boris, which I'm sure we'll discuss in more detail, they might have got a much closer economic relationship between the UK and the EU.

Getting back to the question, it was one of those issues. Everyone says, looking back now, it was so obvious it was going to be such a big issue. But that wasn't how either side saw it for quite a long time. It was only then, from October to December [2017], when that was the big issue. Trying to get the Joint Report done, it massively flared up and we realised that was going to be the crux of the whole process almost.

UKICE: How concerned were you when you saw that formula in the joint report, the language in there which suggested maintaining alignment and things like that? Quite a lot of people in the EU think the UK was trying to use this as a Trojan horse to get the future relationship through the backdoor, the same way as other people think that the Irish were using it to keep the UK from actually doing a proper Brexit.

RR: There were discussions within the UK system about that, though I wouldn't overstate them. Originally, there was a view that might work in our favour. I think those views were, quite quickly, dispelled, particularly once we got to the October Council and beyond, that this could be some kind of Trojan horse.

The joint report was basically the turning point in many ways, that and the election. Once that had been agreed, it was very hard to see the way out that you could get something through the UK Parliament under that government. I think it was particularly the wording around no physical infrastructure or related checks and controls anywhere between Northern Ireland and the Republic. I think that was the biggest commitment that meant, 'Okay. Well, if that's the case, then there is really not a lot you can do other than stay in the Single Market and customs union in some form.' I think there was a lot of wording in there that gave the game away a bit.

To be fair, I don't think enough of us spoke up at the time internally. We were under a huge amount of pressure. There was a view, internally, that if you don't get this over the line there's a very good chance the government collapses. I think that there were a lot of concerns. When the first draft of it came back it was clear, from the unionist perspective, it was unacceptable. It took a lot of work with the DUP [Democratic Unionist Party] to get it into a place where they were at least not going to walk out of the confidence and supply arrangement on the back of it, if not support it.

I think, even then, not enough of us spoke up as vocally as we should have to say, 'You do realise how much this is limiting our choices in what we can do here.'

UKICE: David Davis seemed to try to row back, the Sunday after the joint report was published, in that interview with Andrew Marr. Had he not realised

the significance of what he'd signed up to, or was that a deliberate attempt to reposition?

RR: There's a lot made of him saying, 'It's not a legally binding document.' That's a statement of fact, it wasn't. I don't think he was trying to, necessarily, belittle it. I think that is just true. You're right, generally, there was a bit of repositioning, though I think on both sides.

To be fair though, it was clear that, at the time, both sides had very different interpretations of what the joint report actually meant. If you look back at what Theresa had said about it in the Houses of Parliament around December time, if you look at how it manifested itself, it's very different from that. The interpretations of it were very different between the two sides. As with lots of these things, there was a deliberate fudge and both sides knew they had different interpretations. That's partly why we didn't speak out as much as we should have.

The real problem came when the UK didn't put any legal text out to set out its interpretation. By leaving the EU, unchallenged, to put out its legal text on how to implement the protocol, that's what really did for us. Once that was done, and once that was entrenched, we were then fighting just to change bits of their text and get them back into a more reasonable position. Actually, we could've put out our own text during that period and then it could've been more about reconciling the two. It would still have been incredibly difficult but at least it would've been clear what our position was. I think that, tied in with the joint report, was a fundamental error.

UKICE: Why didn't the UK put out a text?

RR: To this day, I don't know. I honestly don't know why we didn't. There were lots of people internally saying we should. I know myself and Denzil [Davidson] were pushing for it. I honestly don't know why we didn't. I think we could've pulled a text together. I don't know the answer to that still.

UKICE: At the same time that you're doing this stuff, you've got the opening stages of the parliamentary battles over the withdrawal bill. In particular, the meaningful vote manoeuvres. Were you taken aback by the extent of the parliamentary battle, in particular the emergence of Conservative ex-

Remainers as an organising force within Parliament?

RR: I don't think I was necessarily surprised by it. Pretty quickly after the election it was clear that was going to happen. In the end, like with the ERG, you had to face down both sides at some point. I think that there were ways that things could've been constructed to make it higher risk for them what they were trying to do. In the end, there wasn't the willingness to do this in Number 10 at the time. Again, partly, because it may well have led to the collapse of the Government, so you can understand it.

I remember, specifically, around the drafting of the meaningful amendment, myself, Nikki da Costa, and DD had a draft which would've turned it into a confidence vote. If you're voting down the agreement, you would've voted down the Government. That would've put a whole other spin on it. That was vetoed by Number 10 at the time.

I think raising the stakes like that would've been the way to try to deal with this because, in the end, they may well have collapsed the Government but at least you're making clear the consequences of their vote rather than going through what we went through, which was continuously voting stuff down and then being in complete paralysis.

UKICE: There were two big speeches made at this period, the Florence one in particular. Was this all done in-house by Number 10? Did DExEU get a systematic input into these set-piece statements of principle?

RR: Not massively. It was all drafted by the Europe Unit at the time, and Number 10. There were still officials in DExEU who worked on it, but it didn't go through DD. Obviously, we did then get to feed in towards the end and make comments on it.

If you remember the first Chequers meetings, the one where actually DD won out. That was originally where the wording was moving towards a commitment to align. DD was able to water it down, with support of other people in Cabinet, so that it wasn't such an upfront commitment to align and was much more about managing divergence where it came in.

Basically, the point being there were a number of these battles. On that one,

DD won. It was the first time the Cabinet had agreed on something. Unfortunately, what they agreed on was undeliverable at that time, as it proved with other stuff they agreed on. Although, looking at how some elements of the future relationship might function now, especially on the level playing field, the aspects of how potential divergence is dealt with are not a million miles away from the sort of things we were discussing back then.

It wasn't as if we were massively part of the drafting process, although in that editing process a lot of the wording was drafted by myself and Olly and DD and the PM and Gavin [Barwell] in terms of working through how to manage that. It was an iterative process towards the end of it, but the bulk of it was worked up by Number 10 and the Europe Unit.

UKICE: At the time DExEU, having seen the lead on the withdrawal negotiations go to the Europe Unit, had then recruited a lot of staff working on the future relationship. Did DExEU, at that stage, really think that it was going to be the key department shaping the future relationship if the major policy areas are being drafted, largely, out of Europe Unit rather than just confining themselves to the issues of the withdrawal negotiations?

RR: Ultimately, I think it depends who you talk to in DExEU. There were obviously different views around. DD remained confident that he would win out in the end, throughout this I think, or that he would resign. That was his view, 'I either win or I'm gone.' So he was taking that approach. This was when the department was working up a lot of the FTA [free trade agreement] stuff. We did this exercise, back then, working up, 'Let's pull out the best bits of every other FTA the EU has done and see what it looks like.' So we were already doing it back then, which is kind of what they've just done now.

So the department was spinning its wheels to do a lot of this work developing policy to DD on the future relationship. I think there was a view, from the officials, that, okay, from their perspective, 'Yes, the Europe Unit is doing this bit. When it comes to the future, they can't do all of it.' These officials will get the chance to be in the room and negotiate the future. Quite a lot of them are now, to be fair to them, just not in DExEU.

That was the sense and I guess that was a promise that they were made, a lot of them, to stay on. Saying, 'Look, stay on and work here. You'll work up the

next phase and you'll then get to do it.' How many believed that? I don't know, it's hard to say, but that was the kind of sense around the place. 'We'll be working on this while they do the withdrawal stuff.'

Obviously, the tension is the Europe Unit is then writing all these papers about the future relationship. This is how you get onto the two tracks, ahead of Chequers, of basically DD and DExEU writing one white paper and the Europe Unit writing another one.

UKICE: Was there a sense that a resignation was a possible outcome of this process in the run up to Chequers?

RR: I warned Number 10, I think, four weeks before he did that he was very likely going to resign. I don't think they should've been surprised. He almost resigned once before, this was around the Northern Ireland stuff. If you remember, there was the Temporary Customs Arrangement, the TCA, which is the original name.

There was this showdown at a Cabinet committee meeting when the idea of the backstop was first originally floated. We stay in a temporary customs union with the EU. I had negotiated, with DD, the PM, and Gavin, a set of constraints that said, 'Okay, DD will sign this off as long as there is a time limit and/or a unilateral exit clause.' Those were the terms under which the Cabinet committee agreed it and those were the terms under which the Temporary Customs Arrangement and the backstop were originally allowed.

Yet, as soon as that was signed off by the Cabinet committee, those requirements were never included in the actual text or the wording that was published. There was just this less firm commitment around bringing it to an end after a year or so.

DD and others didn't push hard enough on that in terms of, 'You know, this was basically what the Cabinet committee signed off. This is going to be a big issue if we don't get the stuff in, because the party won't agree to it.' That was ultimately the view. Again, I think there was a lot of truth in that. He came very close to resigning then but, in the end, didn't because he felt he had won some concessions. Which to be fair he had, they just didn't hold in the end.

Once I got wind of what they were doing with Chequers, about a month before it was actually published, I said to them, 'He's not going to wear this. He's going to go. It's obvious.' I didn't think there was any real doubt that was going to happen. Even on the day, going into Chequers, he still felt he might win her round. That was just his attitude. Fair enough, I think you have to be a bit like that to be a senior Cabinet minister.

UKICE: He didn't signal his discontent as firmly as he, perhaps, might have done at Chequers itself, did he? Why was that?

RR: When we got into Chequers, at the first meeting, you have the build-up throughout the day of a series of different meetings before you have the big showdown. In the first meeting, something came up which you would have expected the Brexiteers to object to (I can't even remember what it was now, it wasn't major but just an indicator). Boris, and a number of other people, didn't push back against it. DD was the only one that spoke out against it. The rest, including Boris, had basically already decided they were going to accept the broader Chequers approach.

From that first meeting of the day, his position was, 'Well I'm done, this day is finished. We've lost.' He basically knew, within the first half an hour, that he wasn't going to win out. Therefore, I think he didn't go as hard as he could have or was just taking the view, 'What's the point? Everyone else has rolled over and they've picked others off.' He still went in pretty hard in the main Cabinet meeting during that day, but there weren't many others who went in hard.

UKICE: The phrase that we associate with David Davis' vision of the future relationship, that was thrown back at him quite a lot in Parliament, was that the future relationship would deliver the exact same benefits of trade as we have now. Arguably what Theresa May was trying to serve up at Chequers, through the common rulebook and facilitated customs arrangement, was an attempt to deliver that for goods, if not for services.

Did David Davis ever have a vision to underpin his view that you would have a future relationship that delivered the exact same benefits, or was that just a phrase that became a complete albatross to be thrown back at him all the time?

RR: I think it was just a bit of an off-the-cuff, slip of the tongue, remark which came back to haunt him a bit, to be honest. I think what he meant more was his view is that, overall, in the end we will be in as good a position economically as a country in the long run.

Again, that was from my conversations with him and working with him, I think that was his broad view. In the end everything, the freedom in terms of trade agreements, in terms of regulation changes, being more nimble, etc. would deliver, in time, economic benefits that would mean that we wouldn't be worse off outside the EU. I think that was, basically, his view. I think that's what he was trying to voice but, in the end, said it badly and, obviously, it was something that then was thrown back at him continuously.

Advising the Prime Minister

UK in a Changing Europe (UKICE): After Chequers and David Davis resigning, you move in to Number 10. With Chequers as policy, did you think Chequers could be sold to the parliamentary party and, indeed, to the EU27?

Raoul Ruparel (RR): It was a strange time and process. Basically, DD resigned on the Sunday night. Gavin had told me before that I had a job in Number 10 if I wanted it, which was great of him and the PM and which made what was ultimately a very stressful time a bit easier for me. So I kind of knew I was sticking around if I wanted to. Then it was figuring out where I was going to fit.

Not long after that, I went back down to Chequers with the Chief Whip, Julian Smith, and Gavin to speak to the PM about Chequers and how it might be improved or changed to sell it a bit more to the Eurosceptic side of the party. A bunch of ideas in terms of the packaging, a review clause, a termination clause, things like that, highlighting that it can change over time and move towards a more distant relationship, stuff like that, whether or not it was necessarily feasible, ways to package it.

My view was always, 'This is very unlikely to get through the parliamentary party.' I was also almost certain the EU would never agree to it. I was of the view, 'I'll go in there and I'll work on this, but something is going to come after this because this isn't going to work. Let's think about what that's going

to be and how we're going to manage that.'

I was happy to give it a go but I was never confident it was going to work. It was pretty clear to me, particularly, that the EU would never accept the customs piece on both commercial grounds but also they wouldn't accept it without full oversight of the ECJ [the European Court of Justice] unless you're basically in a customs union. That's the only way it can work. Not that I think they were necessarily right to say that, I think in the end a closer economic relationship would have been good for both sides, but just that the inflexibility and approach was fairly predictable.

So that was where I was on that. I didn't think it was necessarily going to work but I felt an opportunity to work in Number 10 and to continue to work on trying to deliver something was something I wanted to do. Even DD said to me I should stay in Number 10 if I can.

So I went down to see the PM at Chequers with Julian and Gavin. We agreed that I would go and join the Europe Unit rather than in Number 10. I would go to the negotiations with Olly to be more of a political input. That was agreed with the PM, but then after the fact it unravelled somewhat. So, instead, I moved into Number 10 and ended up working with Denzil and others just on Europe stuff from there.

UKICE: When you were working with Gavin Barwell and Julian Smith to think about, 'How can we make this deal a bit more palatable?' Did Theresa May recognise the shortcomings of her deal or was she convinced she could sell it and sell it to Europe?

RR: It's hard to tell. She doesn't give a lot away, she's quite hard to read. I think she couldn't see any other way through and she couldn't, particularly, see any other way to try to bridge Northern Ireland.

I think there was always this view, this was made a lot when we were discussing it with DD and the debates ahead of Chequers, 'This will solve the Northern Ireland problem, having this future relationship.' Yes, it might in theory. In practice, that's not going to be written down in full in the political declaration and it's not going to be legally binding and you're still going to need some kind of backstop. So the practical problem of what's going to

happen with Northern Ireland is still going to be an issue.

I think that wasn't fully appreciated around the time of Chequers. There was a lot of focus on, 'This will solve the Northern Irish issues.' I think there was some hope that, you know, good will from the EU and showing we're trying to have a future relationship will mean we can then be less worried about the backstop. There may have been some truth in that, but not enough in the end.

I think, to be fair to her, she was in an impossible position. She had to try to find a way to bridge the Cabinet and the party. This was what she felt was the best thing on offer, probably. There wasn't a lot else out there, to be fair. So she went for it. I'm not sure she fully appreciated what the resistance on the EU side would be. I think she hoped that this would be seen as more of a positive step, rather than the way it was received. Of course, you can't entirely separate the EU reaction from the fact that it wasn't well received by the party which would have immediately stoked their concerns that it wouldn't get through Parliament no matter what they said.

UKICE: We had the deal done in November and then started to get the parliamentary process of getting the meaningful votes. Did you anticipate the problems in getting this through Parliament?

RR: Yes. My view was always, actually, getting a deal of some form landed with the EU was not going to be the hard part. It's getting one landed we can get through Parliament.

Yes, it was pretty apparent to all of us. There was so much argument about the backstop and everything because that was ultimately what zeros in on the manifestation of trying to get it through Parliament.

UKICE: In retrospect, was there anything that the Prime Minister didn't do that she could've done to get the deal through?

RR: I'm not sure. I think we should've gone bigger on the democratic consent process. To be fair, that is one thing that this Government did better. At the time, the protocol wasn't all Northern Ireland specific, but I still think there may have been something that could've been done around democratic consent on the backstop, which would've, I think, potentially helped shift things. Whether

that would've been enough ... again, it's not obvious it would've been enough for the DUP, so you still would've had the same problem. It might have got us closer, and that might have opened the door for a few more Labour people. That's the only thing I can really think of that we didn't necessarily try.

You know, ultimately, in the end we did the indicative votes and all of that. We tried lots of different things. I'm not sure there was ever going to be a way through.

UKICE: Was this issue of consent something you talked about, or are you just talking about having seen what the Johnson government negotiated? Was that ever something that was discussed?

RR: Yes, we talked about it. All the stuff that was in the Johnson deal was knocking around for a long time, none of it was new. We had looked at it. I don't think we had necessarily pushed it as hard as we should have, but it's certainly something that we looked at and had been thought about. In the end, the focus came much more on trying to get a time limit or exit clause. Maybe that was the wrong way to package it or the wrong approach.

Yes, it was certainly something that had been looked at and which the officials had thought about. Ultimately, the people who wrote it, the officials that wrote it, for Boris were the same ones who thought about it for Theresa. It's the same team. It's not as if they just hadn't thought of it before.

UKICE: Were you offering assurances to the DUP to alleviate their concerns, to try to get them on board?

RR: Yes. We offered them a lot. Basically, what we had offered them ahead of probably the final meaningful vote, I think they were pretty close actually. It wasn't until the day of that Arlene [Foster] came out and said no.

We'd offered them full alignment for the entire UK as long as the backstop lasted plus an NI say, via the UK, over any new laws involving the backstop, plus unfettered access to the UK, plus an economic package. Not to mention of course a UK wide customs union. So you basically would've, in the backstop, been in the same position you are, de facto, today (in the transition period) almost, at least for the parts covered by the protocol.

That's what they were offered, and they turned it down. Look at where they are now, to be frank I think that was a strategic error on their part. That was a very good package on the table for them and for Northern Ireland. I think a lot of Northern Irish businesses were very keen on it. They weren't willing to stick their necks out. Whether the DUP coming on board would've been enough, then, to get the ERG on board with that package is another question, but it would've put the ERG in a much more difficult position. I think we did offer the DUP a lot.

There was lots of other stuff going on, on the side as well, in terms of other Northern Irish issues that we were working with them on. There was a lot going on. They were in a very good position at that time, I would say.

UKICE: Did you think there was a deal to be done with Labour, or was that just going through the motions?

RR: I was always pretty sceptical of it, to be honest. I didn't see what the incentives were for Labour to do a deal. I think it was clear from the start of those meetings that they weren't really serious and they were never going to do a deal. But, all that said, I think it was worth trying. You have to try everything.

One thing I didn't like about a lot of this period was you're paralysed and you're not doing anything. If the Government is going to fall it's going to fall, ultimately go down trying things and trying to get something done rather than just waiting for it to happen. At least with that period, while I think it was obviously risky and ultimately led to her downfall, I think it was worth a go because what else was there? I think it was worth trying but, yes, I think it was clear at the start that Labour weren't particularly serious about discussions.

It was also clear, actually, just how far away, in terms of understanding, they were on the issues. I remember, I think, in the meetings they were questioning, 'Why haven't you got confirmation, in the political declaration, that we'll remain a member of all the EU agencies?' We said, 'That's our position, that's what we want as well, under Chequers. But the EU is not going to give it to us.' They just didn't comprehend why that was the case, and they thought it was a Tory plot to keep us out of the agencies. You know, just sort of, 'No, this is actually what we've been negotiating on.'

So, spending a lot of time trying to walk them through why that hadn't happened and getting Olly and others to explain it to them, and what had happened in the negotiating room, took a lot of time and effort. So there was a lot of bringing them up to speed as well, on the realities of the negotiations and what was not possible to negotiate, at least in the political declaration and the Withdrawal Agreement. It was worth a try, but I was never particularly hopeful around it.

I was in favour of a sort of indicative votes process because, as it showed, there was no majority for anything. I would've gone through that process and then come back to our deal and said, 'This is it, there's no majority for anything else so you either vote for this or that's it.' That, I thought, was the only way to ever get it done and, in reality, that sort of process in a roundabout way was the closest we ever got. Even that wasn't enough, so it wasn't obvious what the way through was.

Then you're left with the choice to have an election or a second referendum, basically.

UKICE: During this period, there were talks about no deal, with Parliament making moves to stop no deal. Did you ever think Theresa May might go for no deal?

RR: There were a couple of times, in meetings, when I thought it wasn't impossible. In the end, for reasons around the union and Northern Ireland position and also the Scottish issue and reasons of security, I didn't think she would've gone for it. There were a couple of times when I think she came close to saying, 'The EU are putting us in an impossible position.' In the end it was, as you say, a bit of a moot point because Parliament would never have allowed it.

The Johnson Brexit deal

UK in a Changing Europe (UKICE): Equally, did you ever think that Boris Johnson would go for no deal? Was he more likely to than Theresa May?

Raoul Ruparel (RR): I think he was definitely more likely to than Theresa. I don't think he necessarily wanted to. The biggest difference between him and

Theresa would've been that the people around Theresa, the Cabinet, her advisors, would've talked against going for no deal. Whereas, with Boris, it probably would've been different. So there would've been fewer voices in his ear against going for no deal. Again, it was sort of zero risk in some ways for him, almost, because he could talk it up and get the benefit of saying he wanted to go for no deal but knowing Parliament would stop it. From his perspective, it was easy to make that kind of empty threat pre election.

UKICE: Were you surprised that he ended up where he did on Northern Ireland with the protocol?

RR: Not massively. Obviously, I wrote my piece ahead of it being agreed so I saw it, I sort of felt it was coming. I didn't think there were any other ways through that, to be honest. It's not obvious what you could've done, other than that kind of approach given the red lines and positions of the two sides. It's not particularly surprising.

I also think those of us who were involved in it know the ERG commitment to the DUP was always pretty hollow. I remember having a meeting with the DUP during the leadership contest, we were talking to them and said it basically came to, 'You know Boris is going to sell you out,' if it means a more distant relationship for the rest of the UK. They said, 'Yes, we know but we'll take it as it comes.' They knew who they were getting into bed with as well. It's all a bit bizarre. I think they thought they could exert the kind of pressure they did, over Boris, over Theresa. I think they thought the ERG were their proper friends. In the end, their biggest miscalculation was their confidence that their position would be vindicated at an election and they would maintain the power broking position they had.

I think, for those of us who know and worked with a lot of the ERG, we knew that the Northern Irish issue was ultimately a stalking horse because they didn't want to get stuck in a customs union. Fine, you don't want that. Much of it was a cover for the large majority of them. None of that was all that surprising. There are not many other ways it could've gone on Northern Ireland. There are only a limited number of outs or ways you can square that circle.

UKICE: When you saw David Frost being appointed chief negotiator, did you

ever think, 'Actually Theresa May would have been much better off with me as her chief negotiator, someone who is politically savvier, more across the Conservative Party?'

RR: I always thought there should've been more political input into the negotiations. I think it was just too detached from the politics and the party. It's not any one person's fault. I think it was a collective failure across a number of people, different Cabinet ministers and different people. There was too much detachment.

I do think that there was also a bit too much front running in some of the negotiations, you know, floating ideas before they'd been properly, fully, politically vetted. I think that also was a challenge when you're trying to retrofit political agreement to things. I don't think it's always the easiest way to do it. Sometimes it works and sometimes it's necessary but it's not always easy, especially when you're managing a pretty divided party and Cabinet.

I generally think there should've been a lot more political input to negotiations. I never had an issue with Frost being lead negotiator. There aren't a huge amount of candidates out there for it, to be honest. I think he's done a decent job. I was always, as I wrote for the IfG [Institute for Government] paper published just after I left Government, much more concerned about the system and stuff set out beneath him and supporting him and how that was all going to be done.

I think it's also about the way it's run. As we've discussed, it was run, at times, very insularly and not with a lot of input and discussion. That also has ramifications as well, linked to the politics of it.

UKICE: You were a participant in, perhaps, the most tumultuous peacetime period of British politics. If we were to say to you, what are your key takeaways, what are your lessons, what are your thoughts on whether things have been changed for good or whether this was a blip?

RR: In the end, you look back at it and think, 'What did we achieve in those three years?' It's hard to say what was achieved. It was just a lot of venting and frustration and wheel spinning, but maybe that needed to happen. Post-referendum, I think it was inevitable. You know, a close referendum, such a

divided country, divided parties, divided government, what can you do? That needed to be worked through. Eventually, we've sort of worked through it. It's still there but at least we have a government with a clear majority that can deliver some stuff.

It's hard to say it was a particularly fruitful period or delivered much. Equally, I tend to think it was quite necessary and almost unavoidable in some ways. The early decisions are the big ones that I think could've been done differently. The decision about when to hold the election and how to hold it and how that would run was obviously a massive one. I think the decision around the Joint Report and what it said, and then not to follow up with a legal text, was a big one.

For me, those two are the points on which a lot of this turned. If those had been done differently things might have been different. If you don't change those, I don't see what else you could've done differently that would really have made much of a difference to the outcome.

In terms of my personal lessons out of it. Controlling the process, controlling the outcome was one of my biggest lessons with all of this. I saw a massive disconnect between politicians, who focus a lot more on the high-level strategy and the politics of things but don't worry about the process. If you're not monitoring the process and controlling that, it gets out of hand and you lose control of the outcome. I think we saw that both in terms of domestic, the way things went and the concerns about the negotiations and the strategy there and the splits between DD, Olly, the PM, and others.

Also, we saw it in the negotiations in terms of how the EU controlled the first phase, controlled the structure, controlled a lot of it, put its ideas first, got on the front foot. We were always on the back foot and on the run. That, for me at a number of levels, is one of the big takeaways. It's something the civil service, to be fair, does very well usually, in terms of controlling the process. That's one that I've always felt, since I left government.