

**BRITISH-IRISH  
PARLIAMENTARY ASSEMBLY**

**Fifty-Third Plenary Session**

**27-29 November 2016, Cardiff, South Wales**

## **MEMBERSHIP OF THE BRITISH-IRISH PARLIAMENTARY ASSEMBLY**

### **STEERING COMMITTEE**

#### **Co-Chairs**

Mr Laurence ROBERTSON MP

Ms Kathleen FUNCHION TD

#### **Vice-Chairs**

Mr Declan BREATHNACH TD

Senator Frank FEIGHAN

Mr Andrew ROSINDELL MP

Ms Karin SMYTH MP

### **MEMBERS IN ATTENDANCE**

#### **Oireachtas Members**

Mr Declan BREATHNACH TD  
Ms Joan BURTON TD  
Mr Joe CAREY TD  
Senator Paul COGHLAN  
Mr Séan CROWE TD  
Senator Frank FEIGHAN  
Mr Peter FITZPATRICK TD  
Ms Kathleen FUNCHION TD  
Mr Pat the Cope GALLAGHER TD  
Senator Terry LEYDEN  
Mr Tony McLOUGHLIN TD  
Ms Margaret MURPHY O'MAHONY  
Senator Catherine NOONE  
Mr Fergus O'DOWD TD  
Mr Eamon SCANLON TD  
Mr Brendan SMITH TD  
Senator Diarmuid WILSON

#### **Westminster Members**

Lord BEW  
Viscount BRIDGEMAN  
Mr Andrew BRIDGEN MP  
Ms Deidre BROCK MP  
Miss Rosie COOPER MP  
Rt. Hon Baroness CORSTON  
Lord DUBS  
Mr Mark DURKAN MP  
Lord EMPEY  
Mr Paul FARRELLY MP  
Baroness HARRIS of Richmond  
Ms Helen JONES MP  
Mr Conor McGINN MP  
Mr Mark PRITCHARD MP  
Ms Karin SMYTH MP  
Mr Andrew ROSINDELL MP  
Lord SKELMERSDALE

**Welsh Assembly Members**

Ms Ann JONES AM

Mr Steffan LEWIS AM

**Tynwald Member**

Mr Tim CROOKALL MLC

**States of Jersey Member***Apologies sent from representative***States of Guernsey Member**

Deputy Al BROUARD

**Scottish Parliament Members**

Mr Willie COFFEY MSP

Ms Linda FABIANI MSP

Mr Ross GREER MSP

Mr John SCOTT MSP

**Northern Ireland Assembly Members**

Mr David FORD MLA

Mrs Brenda HALE MLA

Mr Barry McELDUFF MLA

Mr Colin McGRATH MLA

Mr Robin SWANN MLA

**OTHERS ATTENDING AS GUEST SPEAKERS**

Rt. Hon Carwyn Jones AM <i>First Minister of Wales</i>	Ms Ann Jones AM <i>Deputy Presiding Officer of the National Assembly for Wales</i>
Mr Robin Walker MP <i>Parliamentary Under-Secretary of State, Department for Exiting the European Union</i>	Dr. Brian Turner <i>University College Cork</i>
Rt. Hon James Brokenshire MP <i>Secretary of State for Northern Ireland</i>	Mr Tim Gardner <i>The Health Foundation</i>
His Excellency Mr Dan Mulhall <i>Ambassador, Embassy of Ireland, London</i>	
Rt. Hon Lord Whitty <i>Chair of the House of Lords EU Internal Mark Sub-Committee</i>	

## OFFICIALS

<p><b>Joint Clerks to the Assembly</b></p> <p>Dr Robin James, <i>British Co-Clerk</i></p> <p>Dr Laoise Moore-Durajczyk, <i>Irish Co-Clerk</i></p>	<p><b>Clerks of the Devolved Institutions</b></p> <p>Mr Steven Bell</p> <p>Ms Nicola Crawford</p> <p>Mr Al Davies &amp; Ms Cathryn Newman</p>
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### COMMITTEE CLERKS TO THE ASSEMBLY

<p><b>Committee A: Sovereign Matters</b></p> <p>Ms Marie-Claire Hughes</p> <p>Mr Ed Faulkner</p>	<p><b>Committee B: European Affairs</b></p> <p>Mr Ed Beale</p> <p>Ms Marie-Claire Hughes</p>
<p><b>Committee C: Economic</b></p> <p>Ms Kate Oliver</p> <p>Dr Anna Dickson</p>	<p><b>Committee D: Environmental and Social</b></p> <p>Mr Stuart Stoner</p> <p>Ms Kate Oliver</p>
<p><b>British and Irish Secretariats</b></p> <p>Mrs Veronica Carr (absent)</p> <p>Sir Michael Davies KCB</p> <p>Mrs Amanda Healy</p> <p>Miss Jessica O'Connor</p>	<p><b>Official Reporters</b></p> <p>Ms Claire Bennet</p> <p>Mr Hywel Evans</p> <p>Mr Dominic Gilmore</p> <p>Ms Jodi Govier</p> <p>Mr Rónan O'Reilly</p> <p>Mr Eugene Wolstenholme</p>

Monday 28 November 2016  
The Assembly met at 9.35 am.

## PLENARY BUSINESS

### PROGRAMME OF BUSINESS

#### **The Co-Chairperson (Ms Kathleen Funchion TD):**

You are all very welcome to our 53rd British-Irish Parliamentary Assembly (BIPA) plenary. I am very pleased to be here in Cardiff. I thank the British Members for hosting us today. I extend special thanks to the Welsh Members and officials for their hospitality.

I need to go into some administration and procedural issues before we get into our speakers and debates for today. I extend a special welcome to the honourable Joe Garcia MP, the Deputy Chief Minister of Gibraltar, and the delegation from the Government of Gibraltar this morning. *[Applause.]* I remind people to please turn off their mobile phones and any electronic devices. They interfere with the microphone equipment. People should turn their phones off or put them on airplane mode; it is not adequate to just have them on silent. When Members are invited to contribute, I ask them to state clearly their name and legislature for people who might not know everybody in the room. Finally, I remind Members that the proceedings of this body do not attract parliamentary privilege. *[Laughter.]*

We have some Associate Members that I need to go through to inform the Assembly. In accordance with rule 2(a), the following Associate Members have accepted the invitation of the Steering Committee to assume the powers and responsibilities of Members for the whole of this session: Viscount Bridgeman, Lord Empey, Mark Pritchard MP, Lord Kilclooney and Tim Crookall MLC. They are also very welcome this morning. We have received apologies from Baroness Blood, Oliver Colvile MP, Jeffrey Donaldson MP, Nigel Evans MP, Jack Lopresti MP, Lord Mawhinney, Nigel Mills MP, Mark Griffin MSP, Deputy John Le Fondré, Deputy Mattie McGrath, Deputy Kevin Boxer Moran, Senator Niall Ó Donnghaile and Senator Landy.

#### **The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Good morning, ladies and gentlemen. Members, you are aware that we are attending the 53rd plenary session of the British-Irish Parliamentary Assembly here in Cardiff. A warm welcome to you all. You will have received a copy of the proposed programme of business. Over the next day and a half, we have a strong panel of speakers who will consider various items of relevance to British-Irish relations, not least the exiting of the United Kingdom from the European Union.

First, we will hear from the First Minister of Wales, the Rt Hon Carwyn Jones AM. Following that, Robin Walker MP, the Parliamentary Under-Secretary of State for the Department for Exiting the European Union, will address the Assembly. That will be followed by a debate on the implications of Brexit for British-Irish relations. We will then

hear from the Secretary of State for Northern Ireland, the Rt Hon James Brokenshire MP. The Assembly will then break for lunch. At 2.30 pm, the Assembly will reconvene to continue its consideration of the implications of Brexit for British-Irish relations. We will hear from His Excellency Dan Mulhall, Ambassador of Ireland to the United Kingdom, and the Rt Hon Lord Whitty, the Chairman of the House of Lords EU Internal Market Sub-Committee. We expect today's session to conclude at around 5.00 pm. That will give Members the opportunity to freshen up ahead of travelling to this evening's reception at the National Assembly for Wales, which will be followed by dinner at Cardiff Castle.

On Tuesday morning, the Assembly will hear first from Ann Jones, the Deputy Presiding Officer of the National Assembly for Wales, on the Assembly's work on engaging children and young people. Following that, there will be a session examining the different health service funding and governance models in the BIPA jurisdictions. The Assembly will hear from Dr Brian Turner of University College Cork and Tim Gardner, a senior policy fellow at the Health Foundation. That will be followed by an update on the work of the BIPA Committees from the various Committee Chairmen. The Assembly will adjourn at 12.30 pm tomorrow lunchtime.

*Programme of Business agreed.*

## **ADDRESS BY THE FIRST MINISTER OF WALES**

### **The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks very much, Andrew. Members, as was stated, we are very honoured that the First Minister of Wales, Carwyn Jones, will give the Assembly's opening address. I now call on the First Minister to address the Assembly, please. *[Applause.]*

### **Mr Carwyn Jones AM (The First Minister of Wales):**

Thank you, Kathleen. Go raibh maith agat. Bore da, bawb. Mae'n bleser mawr i gael chi gyd yma yng Nghymru am y tro cyntaf, rwy'n credu. It is a great pleasure to have you all here. I think that this is the first time that BIPA has met in session here in our capital city. Céad míle fáilte go dtí an Bhreatain Bheag. I begin by expressing my appreciation to the Co-Chairs for their kind invitation to speak this morning. Following on from last week's British-Irish Council, it is good to have the opportunity to discuss and debate areas of common interest. I have a particular personal interest in the affairs of this body in the sense that I am a Welshman married to an Irishwoman from Belfast. I can say with a hand on my heart that the co-operation across the Irish Sea that so many of us wish to promote has happened in our household for the past 22 years. It is fantastic to see so many of you here in Cardiff today.

We know that we find ourselves at a hugely important moment not just for these islands but for the world. The UK begins soon, we think, the process of leaving the European Union. It is important for us to reflect on and discuss the challenges that lie ahead. I have been very clear about what I want to see for Wales. I want to see us as an outward-looking nation that is ready and willing to reach out to and cooperate with our partners across the globe.

Nowhere is this better evidenced than here in our capital city of Cardiff, a city founded on Wales's trading relationship with the rest of the world. The first £1 million cheque was written in this city. It was a cheque to buy coal on the part of the US Navy. It is one of the most diverse and open cities anywhere in the UK.

I imagine that the focus for the next two days will be the profound implications that EU withdrawal will have for British-Irish relations. We know that the result of the referendum will have major ramifications for our politics and our communities. It is important, therefore, to have the opportunity to engage and debate over the next few days. However, it is more important than ever that we show leadership, listen to concerns and help to heal the divides that have undoubtedly opened as a result of what has happened over the past few months. Whilst the referendum was not on the terms that I would have chosen, we all have to respect the decision that was taken. It is now my intention and priority to place the interests of Wales and its people at the centre of our strategy for dealing with negotiations on leaving the EU and our future relationship with Europe. I believe that it is up to us all, as elected representatives, to combat the demagoguery that we are seeing not just within these islands but across Europe and the world from those who offer what appear to be simple answers to complex questions. I always make the point that real leaders build bridges not walls; that is something that we should all bear in mind. We have to deal with the pressures of today without storing up problems for tomorrow.

It is fair to say that Wales faces significant challenges as well as opportunities as a result of the UK's exit from the EU. Unlike the UK as a whole, Wales is a net beneficiary of EU membership. Whilst a majority of people in Wales voted to leave, that does not mean that we, as a Government, can abdicate our responsibility regarding the implications of departure. Wales receives around £650 million of EU funding annually, in large part through the common agricultural policy and European structural funds. It is hugely important, of course, that devolution is respected in those areas. The replacement of Brussels with Whitehall is not an acceptable situation. We want to see devolution respected. Throughout the referendum campaign, promises were made that Wales would not lose out on a penny of European funding. We need to make sure that that happens. We know that the Treasury has pledged to extend the guarantee of funding for all projects agreed before we leave the EU, and that much is welcome, but uncertainty reigns from 2020 onwards. There is so much there for us to look at.

*9.45 am*

With regard to negotiations on the UK's future relationship with the EU post-Brexit, we have been clear from the outset that we want that agreement to enable full and unfettered access to the EU single market for goods and services. That, above all other issues, is the most important issue. We have far too many exporters in Wales that will be deeply affected if we were to see tariffs introduced. In my constituency, I have the Ford engine plant. Every single engine that leaves that plant is exported—every single one. Anything that makes that plant more expensive when compared to its competitors is bad news for the Welsh economy. We must avoid any barriers to trade in the future. More than 600 firms across Wales export goods worth billions annually to the EU. Access to that market of 500 million people is critical, and it must be access on the same terms as now. We want to continue to be a strong

trading partner, of course, and we want to be a compelling location for inward investment. We have had the best inward investment figures for 30 years. Our unemployment rate is lower than England, Scotland and Northern Ireland, which is historically unprecedented. The challenge for us, as a Government, is to make sure that that continues to be the case.

We need to make sure that the uncertainty surrounding Brexit is dealt with as quickly as possible. Businesses are saying to me, "We need to know what is happening. We need to know what the future direction is going to be so that we can have the confidence to invest in the future". That clarity will be hugely important in the future, and that is a point that I have made to the UK Government. I know that the UK is looking for a bespoke deal, and I can understand why an off-the-shelf deal is not acceptable. However, we should recognise that negotiating the right long-term solution is in our interest in the UK and, indeed, that of our European neighbours. It will be a long and complex process that is going to take many years. Bluntly, I do not believe that it is possible to negotiate a full trading agreement within two years. Transitional arrangements will become ever more important to make sure that the UK does not fall off the edge of a cliff and World Trade Organization (WTO) rules apply, which, in fairness, nobody wants to see. Those transitional arrangements will be important for the future. That clarity is so important to make sure that businesses know on what terms they can invest, and it is hugely important that the voices of all the nations of the UK are heard as part of that discussion.

We have to be mindful of the fact that any agreement is dependent on agreement with 27 different countries, each with their own set of interests and concerns, and with a number of subnational assemblies that will have their own aims and agendas. Not all of those partners will be as pragmatic as we would perhaps want them to be, but we have to look at all options available to us to ensure future stability and prosperity. We know, of course, that the UK's departure from the EU will also have a profound effect on the UK's relationship with other European countries. We know, in particular, that it will have an effect on our relationship with Ireland, which I will come to in just a moment. My argument is that it is in our best interest to stick together and that, in doing so, we are stronger. Those of you who know the strapline of the Football Association of Wales will know that I have just pinched it.

A completely new and far more robust mechanism has to be implemented to replace the current intergovernmental arrangements. They are rapidly becoming inadequate for the transformed and unprecedented political and constitutional landscape that we now find ourselves in. The UK's departure from the EU has to be accompanied by a root-and-branch review and overhaul of governance arrangements between the nations of the UK to better prepare us for the new reality that we will face. I will give you one example: agriculture. There is no UK agriculture. Everything is in Brussels, devolved or, as far as England is concerned, run in Whitehall. There are some areas where it would make sense to have the same policy across GB — animal health is one of those areas — but that must be done through agreement and not by imposition. There needs to be a mechanism in place to enable the nations of UK to agree on a common approach to animal health where that is the right approach. It cannot be done in any other way other than by agreement between the different Governments.



The UK was one of the most centralised states in the developed world even though it is a multinational state made up of four distinct territories, each with a unique history, identity and culture. What it has done over the past 15 years is adapt. That is why it has managed to remain and remain in a position of strength. That adaptation must continue in future, recognising that we are a union of four nations working together for mutual benefit. We know that the one-size-fits-all approach does not work anymore. We need to make sure that there is more devolution of power not just to the four nations but at a more local level, which is something that is happening in England. We need to make sure that there is fresh constitutional thinking if the Union is to prosper in the future and to contain the new tensions that the Brexit vote is unearthing. If we do not take advantage of the opportunity now, and if we turn away and file it in the “too difficult” or “maybe later” categories, we risk the scenario of the four nations each drifting off alone and individually into an uncertain future. There needs to be the recognition of the special status of the devolved nations and also appropriate recognition for England, a nation that is often forgotten about in these considerations.

We need to balance, of course, accountability with fairness to ensure that nobody gets left behind. This sort of radical reform represents a massive challenge for us all but it is one that, I believe, we have to face. We know that there are challenges such as globalisation and the credit crunch of 2008, the effects of which are still with us. There have been changes in technology and a move to a more high-skilled economy, which has left many communities feeling isolated and shut out of prosperity. Even though our unemployment rate is low, I know that that masks too many people who are in jobs with zero-hours contracts or casual employment with no pension at the end of it. It is that dynamic that drove much of the Brexit vote and has driven so many of the protest votes that we have seen across the world over the past year. The challenge is to recognise that feeling and do something about it. For many people, globalisation has not proved to be a boon to their own job prospects and security. I have seen for myself the effect of deindustrialisation on the communities of south Wales. We saw so many traditional industries close down in the 1980s and 1990s, and many of those communities feel that the secure jobs that existed then have disappeared to be replaced with lower-paid and less secure jobs with no pension prospects at the end. We have to reach out to those voiceless people to reassure and convince them that their needs are important to us.

We need to recognise that there are many ways in which our nations are connected. What hurts one will hurt us all. That is why solutions that work for everyone are so important. The referendum also unmasked a less tolerant and less inclusive UK than that which we had told ourselves existed. We have to begin the process of healing our society so that those who have previously felt marginalised or silenced—those who lashed out against the political classes during the referendum—are reassured that we intend to create a society for the many and not just for the few. The discussions that you will be having here are hugely important in making sure that we recognise what people are saying to us and look for solutions.

For us in Wales, the referendum has opened up the issue of what this means for the relationship between Wales and Ireland. Nobody wants to see a hard border introduced; that much I understand. People tend to see it, of course, in terms of the border between Northern Ireland and the Republic, which is also of relevance to us in Wales. We have ferry ports that take most of the Irish Sea traffic, and we would not want to see border controls introduced at

those ferry ports. There were customs controls there at one time but there have never been border controls at those ports. Our great fear is that, if that were to happen, we would end up with tremendous congestion as people would find it much more difficult to get through the ports because of passport control. It is likely that that will happen just as we take over responsibility for those ports and, therefore, the blame for it. As you can see, I am not particularly keen that those two things happen at exactly the same time. *[Laughter.]*

There are issues for many of us. I am the only one in my family without dual nationality. The other three of them can choose their passports. They will be able to travel. They will have freedom of movement. My children wave their Irish passports at me now and say, “Look, Dad, we’ve got this and you haven’t”. There are issues not just at state level but for many of us personally as well. However, we know that, despite the political boundaries and the strong identities that we have, our economies are heavily intertwined. We cannot do anything that unravels that sense of belonging and unity because we know that that will affect everybody in a negative way. The implications of any kind of border are as dire for us as for Northern Ireland, given the fact that we have those ports. So, we do not want to see any additional barriers established between Wales and Ireland for goods or, indeed, people travelling between our countries. Ireland has consistently been one of Wales’s biggest export markets. It is one of the top-five investing countries in Wales, despite its size. Ireland is a hugely important trading and commercial partner for us in Wales. The key to prosperity is having thriving economies that are open for trade, where there are no unnecessary barriers. We know that there will be great challenges in delivering that as we see Brexit move forward.

We stand on the cusp of history. In 30 years’ time, people will look back on this period and examine what decisions and directions were taken. That will be easy for them but not so easy for those of us who are actually living in it. It is right to say that, as the British-Irish Council is hugely important for the development of relationships between the nations of these islands, so is this Assembly. By working together, we can develop ideas. We can strengthen the ties between us, whilst, of course, recognising the strong identities that we have. More than anything, of course, we can work together to make sure that the impact of Brexit is minimised and that a pathway to prosperity continues for us all. Those are the challenges that we face. We have to work together to prevent ourselves from repeating the mistakes of the past and to build a better future for everybody. We, in Wales, look forward to working with you all, as we always have done, to make sure that, as we go through this period of history, we reach a time when we still have tolerance and democracy and we move towards prosperity. That is the goal for all of us, and that is the goal that we want to work with you to deliver. Thanks very much for listening. I look forward to hearing your concerns and any questions that you might have. *[Applause.]*

**The Co-Chairperson (Ms Kathleen Funchion TD):**

A very sincere thank you to the Minister for his contribution. We do have some time—and I stress “some time”—for questions. I will take three contributions together.

**Mr Andrew Bridgen MP:**

I am the Member of Parliament for North West Leicestershire. It was a very good speech and very encouraging, but will you concede that access to the single market is not necessarily the same as membership of the single market? As far as negotiations go, we can offer the European Union tariff-free trade but we cannot make them accept it. One of the problems is that, as the first country to leave the European Union, we are effectively digging the escape tunnel. The worry of the EU is that there will be a lot of people wanting to follow us up that tunnel. These are the challenges that are going to face us.

I am an ardent Brexiteer. I led Brexit for the East Midlands, which voted 59% to 41% to leave. My seat of North West Leicestershire voted 61% to 39% to leave. We have a mandate to leave. I appreciate your thoughts about the way that people regard professional politicians. If we do not deliver Brexit for the people, we will have a backlash in our country that will take some reckoning with, and we will see the rise of some very dangerous political parties in the near future. That is my great fear.

**Mr Carwyn Jones AM (The First Minister of Wales):**

I agree with much of that. First, in theory, you do not have to be a member of the single market to have access to it. To me, membership of the single market has always implied membership of the EU. In weeks gone by, we have had the debate in our Assembly about what that means. For me, the important thing is not the terminology but the access. Having full and unfettered access to that market is, for me, the key. If we do not have that, what we have done to sell Wales as a gateway to the European market will go. The UK is too small to be of interest to many investors; they want access to that European market. What we must be careful of is that, as the tunnel is dug, it does not lead to a situation where that tunnel ends up at the edge of a cliff and going straight over the edge of it. That is the issue for me, and that is why it is important that we get this right.

*10.00 am*

I think that you are right that Brexit has to be delivered. There is no question of Brexit, in some way, not happening. You are right that that would give rise to something far nastier than even what we have seen so far. What is absolutely key, though, is that we do not take the view that Brexit means Brexit without looking at the terms of what that means. This is a divorce. I used to be a lawyer once. The divorce is the easy bit; the difficult bit is what happens with the money afterwards and who gets what. That is where we are at the moment. It is about negotiating the ancillary relief, as we used to call it when I was a lawyer; that is what is so crucial. These are uncertain times. I think that you are right to say that the EU will not want to make it easy for the UK. That means that we have to be much cleverer and much more diplomatic about what we are looking for. Simply trying to hammer the EU and saying, "Look, you must follow whatever we tell you", is not going to work. The UK needs to relearn some diplomacy to get to a position where there is a deal that is good for the UK and good for the EU. There is no question, however, of Brexit being revisited.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks, Minister. I will now take two contributions together from Mark Durkan and then Mark Pritchard.

**Mr Mark Durkan MP:**

Thank you, First Minister. You touched on the issue of the balance of competencies between devolved, non-devolved etc. In your engagement so far with Whitehall and from the meetings of the Joint Ministerial Council, the new forum etc, have you had any clarity on when, in the context of the great repeal Bill, the powers that return to the UK will actually be devolved? Will they be devolved on day 1, as statute says they should because they are defined as devolved competencies, or do you think that some or all of them may be held in some sort of holding pattern at Whitehall and Westminster before subsequent devolution? That could be a very sensitive issue in a number of those devolved areas.

**Mr Carwyn Jones AM (The First Minister of Wales):**

It is hugely sensitive. People did not vote to replace what they saw —

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Sorry, Minister. I am going to take Mr Pritchard's question. There are a number of contributions, and we will not get through them all otherwise.

**Mr Carwyn Jones AM (The First Minister of Wales):**

Sure. No problem at all.

**Mr Mark Pritchard MP:**

Bore da, First Minister. It is nice to be back in Wales. I grew up in the Afan Valley for six years. You referred to the European Economic Area (EEA). Obviously, a lot of focus is on article 50 and the Supreme Court judgement that we expect around January. There is also the ongoing article 50 process in Scotland. I just wondered whether there is any legal mechanism that you have considered and discarded or have considered and are about to implement? Secondly, do you feel that article 127 of the European Economic Area Agreement will also be challenged legally, thereby holding up the process for an even longer period?

**Mr Carwyn Jones AM (The First Minister of Wales):**

On the competencies, our view has always been very clear that, where something leaves Brussels for a devolved area, it should go straight past Westminster and end up in the devolved Administrations. That is the view that all the Administrations take. There may be a different view on how that would operate; we do not know how because people in Whitehall do not say these things. There may well be good grounds for there to be a common but agreed policy in some areas. It would not be acceptable for the UK Government to impose a policy that suits agriculture, for example, in one part of the UK but not others without any

kind of agreement. It is a long-established principle that powers are devolved to, for example, the National Assembly for Wales where they are agreed by the UK Parliament. The same principle has to go the other way: powers cannot be removed from the devolved Assemblies without their agreement. That would be a direct interference with the right of those Assemblies and would go against our referendum result in 2011, when the people of Wales voted overwhelmingly, by 2:1, for the powers that we have to be extended and for us to have primary powers in those areas. It would strip back the result of that referendum, which was even more conclusive than the Brexit result. What that would mean for the devolved Administrations will have to be considered very carefully.

The issue of article 127 and EEA membership has arisen today. We have not considered in any great detail what that would mean. I can tell you, however, where we stand on article 50. Our view on article 50 is that, if the Supreme Court takes the view that the UK Parliament must have a vote on this issue, there will be consequences for us. Because our constitution, our founding legislation, includes references to European legislation, a great repeal Bill would impinge on our own legislation and, therefore, require the consent of Wales, Scotland and Northern Ireland. That is one conclusion that the Supreme Court might come to.

From our perspective, given the vote that we had in Wales, it would clearly be difficult for us to try to prevent the Brexit process moving forward. We have to respect how people voted in Wales. The situation is different in Scotland and Northern Ireland. It is a matter for the Governments there to deal with that according to their own circumstances, but we wait to see. In some ways, the case in the Supreme Court that will begin a week today is the most important constitutional law case that has been heard anywhere on these islands since the execution of Charles I. Hopefully, it will be without the same result. Clearly, it is a hugely important case that will govern how the UK Government can exercise royal prerogative in the future. To me, it is not an attempt to stop a process that will happen from occurring; it is a question of understanding what is the legal mechanism for ensuring that not just this but similar issues in the future are dealt with.

We do not know what is in the great repeal Bill apart from that it will not repeal anything. I think that that is a sensible approach. It will entrench in the laws of the different nations existing EU law, and I think that that is a perfectly sensible approach to give us all an opportunity to decide what we want to keep and what we want to discard. Beyond that, we do not know much more. I think that the thrust and principle of it is sensible, but we will wait to see what the detail is.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

We will take Deputy Brendan Smith and then Mr John Scott.

**Mr Brendan Smith TD:**

I thank the First Minister for his upbeat assessment in regard to Irish-Welsh relations in particular. You stated in your introductory remarks that access to the single market could be on the same terms as now. Surely that is not realistic on the basis that you have obligations

and responsibilities as a member of the European Union and you will not have the benefits without having those obligations and responsibilities.

**Mr Carwyn Jones AM (The First Minister of Wales):**

If you are asking me particularly about freedom of movement —

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Sorry —

**Mr Carwyn Jones AM (The First Minister of Wales):**

Sorry, I am doing it again. *[Laughter.]*

**The Co-Chairperson (Ms Kathleen Funchion TD):**

I feel like I am being very difficult, but we will not get through all of the speakers otherwise. We will take Mr John Scott as well.

**Mr John Scott MSP:**

I am an MSP for the Ayr constituency. You mentioned in your opening address your concerns about the continuation of agricultural support. How do you see that developing beyond 2020? It is vitally important to Wales, Scotland and the peripheral areas of these British Isles.

**Mr Carwyn Jones AM (The First Minister of Wales):**

It is a difficult one, Brendan; we know that. There are examples in the EEA of where there is not full market access but access to the European market; that much is true. As I said, I do not think that this can be negotiated within two years. This is too complex for there to be an outcome within two years, and those transitional arrangements will be important. We do not know where this will lead. Nobody has ever tried to do this before, but we have to start from that principle. If that means compromising on the issue of freedom of movement in some way, then yes, because you cannot have complete control over migration and full access to the single market at the same time; I recognise that. It has already been conceded that, in reality, you cannot have control over migration if you have an open border with the EU, which is what we all want to see on the island of Ireland. Yes, the common travel area is there but, for the first time, there will be different immigration policies on both sides of that border. That will take a huge amount of working through until we get to a position that we all want to get to. So, actually, the UK will not control its own borders anyway. That was never going to happen and, on that basis, we have to be realistic about how freedom of movement would work balanced against the overriding principle, which is access to the single market.

There is merit in the different Governments discussing what agriculture might look like post-2020, whether there is common ground and whether there is a need to have an agreed framework and an agreed set of rules that we will all play to in the future. I stress absolutely strongly that that has to be done through agreement and not imposition, because the needs of our farming industry are very different to those of England, or Scotland for that matter. We all have our different priorities. Most of our farmers, by far, are in upland areas. Any kind of system that over-benefits lowland farmers is bad for them. I was Rural Affairs Minister for six years, and I remember being asked by a Department for Environment, Food and Rural Affairs (DEFRA) official, “Why do you support hill farmers? All they do is keep lawnmowers with wool on them on the hills”. I am not sure that that attitude has necessarily changed. Whilst I advocate sensible negotiations between the nations of Europe, I also advocate sensible discussions between the nations of the UK. There are many things on which we can agree, I believe. However, as I say, what is absolutely crucial is that it is done by agreement and not by imposition with the UK Government saying, “This is the way that it is going to apply across the UK and, whatever your view is, tough”. That is not the UK of the future.

**Mr Pat Gallagher TD:**

Minister, thank you for your remarks. I take the opportunity, in case I do not get it again, to thank our Welsh colleagues for the arrangements and their hospitality.

You have to picture where I come from: Donegal. We are locked in by the Atlantic on one side and Northern Ireland on the other. Of all the counties in Ireland that would suffer, I think that we would suffer greatest. Let me follow through on my colleague Brendan Smith's question to you. He comes from a border county as well. I hope that you are right, but it is difficult to conceive how the EU will agree to free access for the UK's goods and, with that, its services and its people. Therefore, I can only assume this, and perhaps you will confirm it to me: is the thinking that you will join the European Free Trade Association (EFTA) or the EEA? With that, of course, it follows that you cannot dine à la carte. You will have to ensure that there is movement of its people. You have to make a major contribution to the European Budget. You will have no other input when it comes to legislation. It is the *acquis communautaire*, and you will have to accept everything that goes with it, as does Norway, Iceland, Liechtenstein or, if we go to the EEA, Switzerland. I hope that that will happen, but I doubt very much that Europe will agree to it. You also referred to the 600 companies in Wales that are exporting. Of course, it is in their interest to have access to the free market.

I go back to Donegal, where I come from. In my political life, I became a member of the Parliament in 1981, and I have been in the European Parliament for many years. The major significant change in that time was, of course, the peace process; but, secondly, the Single European Act, which removed the economic border. It does not matter how optimistic one is; no one can say there will not be a border. Whether it is a hard border or a soft one, there will be a border. We will have a back-up of trucks in Lifford, Monaghan or Dundalk waiting to export. Possibly, it will drive many of the exports out through Rosslare directly into France. It is cheaper to go through Northern Ireland and the UK, but it is going to be a great inconvenience for exporters to have to do that. I wonder whether the thinking is that you

should join EFTA. For us, in Donegal, it is nothing short of an absolute disaster. Uncertainty has been created since the referendum announcement was made earlier in the year. It has had an effect on the conversion rates from euro to sterling and vice versa. We have seen it already. Of course, it will suit David Ford, Mark Durkan and others that people are going into Northern Ireland. However, I do not think that the representatives of Northern Ireland want to see that at the expense of the border counties even though John Taylor, who is not here, said that it will be great because it will suck all the money out of the Republic into Northern Ireland. I do not think that that is what anybody here is about. We are here to work in harmony. Perhaps you might respond to those few questions, First Minister.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Colleagues, we are running really short of time. We have another speaker and a debate on Brexit. Four people want to speak, and I will let them all come in. I encourage you all to be very brief, and we will then allow the First Minister to respond. I am trying to be fair to everyone, including our speakers who have travelled to be with us.

**Mr Barry McElduff MLA:**

No problem. I want to say diolch to the First Minister for his respect towards languages in the course of his address. Go raibh maith agat, diolch, and thank you. My constituency of West Tyrone voted by 67% to remain. The North of Ireland voted by a majority of 56% to remain. Given the unique circumstances on the island of Ireland, does the First Minister acknowledge the case for designated special status within the EU for the island of Ireland?

*10.15 am*

**The Lord Empey:**

The First Minister talked about the repatriation of powers, some coming to Whitehall and others destined for the devolved institutions. Does the First Minister concede that in agriculture, for instance, there is no capacity in either Whitehall or the devolved regions to make agricultural policy because it has been a European competency for so long? That applies to other areas as well. Could the First Minister indicate whether his Assembly has started to find people who have policymaking capacity? If the power is devolved, we have to have people there who can make policy to deliver.

**Mr Willie Coffey MSP:**

First Minister, you mentioned that we are a Union of four nations. Mr McElduff mentioned that both Scotland and Northern Ireland voted to remain. How do you see the wishes of those two nations being reflected in the negotiations to come? When it becomes clear that the UK cannot have membership of, or access to, the single market without the corresponding commitment to the free movement of people, will you continue to press for the wishes of your country of Wales?

**Senator Frank Feighan:**



We have an economic, cultural and geographical link to the UK. So far, the EU has shown little sympathy towards the UK. You have said that we must work together, and there are some great groups. The British-Irish Parliamentary Assembly is a great group and, on the island of Ireland, we have the North/South Ministerial Council. How can we create more links? As I speak, there are, on average, 26 different groups and meetings in Europe where you have UK officials and Republic of Ireland officials. We have been great allies, but that will cease when the UK leaves Europe. What can we do to replace that huge cooperation behind the scenes? If it is not replaced, we will be in a much more difficult situation.

**Mr Carwyn Jones AM (First Minister of Wales):**

I will take Pat's question first. I know Donegal well. He and I have met before. The issues for Donegal, as for all the border counties, are difficult. What do you do if customs posts are reinstated along the border? There is a crossing point just past Letterkenny. It is the same in Lifford. Even greater is the question of what happens between Dundalk and Newry because, when there were customs posts there before, there was no motorway. There is now. So, do you have customs checks on the motorway past the Carrickdale, or is there some other way of doing this? We know that having a border control there would make it even worse and create even more of a problem. The problem that we have at the moment is that no one wants to see a hard border. No one advocates that. However, I have not yet heard anybody come up with a way of avoiding it. I am not saying that there is not one, but how do you not have a hard border when there are different customs regulations either side? Well, that has happened before. How do you avoid a hard border when there are different immigration rules on either side? The reality is that, if you want into the UK, you can come in without any problem as long as you come into the Republic of Ireland. There is no border control. The idea that the UK would control its own border just is not true. It never has. All these things will have to be thought through very carefully, coming from the position that nobody wants to see those controls re-imposed.

You are right about the currency rates. Newry is doing very well because of the exchange rate. The border towns in the North always did benefit when the exchange rate was in favour of the euro. However, at the moment, there are many questions that cannot be answered. No one wants a hard border, but how do you avoid a hard border being introduced when the UK Government have gone so hard on immigration? If there are no immigration controls on the border, what does that mean? These are issues that will have to be resolved. There are no easy answers to those questions at the moment. We need to try to find a way of avoiding a hard border both on the island and between Wales and Ireland.

On West Tyrone, that is a matter for the Northern Ireland Administration to pursue whether there can be some kind of special status and how that would work. It is the same for Scotland. It is probably easier when it is on a different landmass than the same landmass, as GB for example. These are issues that I know will be pursued. On language, my wife speaks both Irish and Welsh. I speak Irish very badly as you can probably tell—it is Donegal Irish—but I had to get it in. Again, this is something that will need to be pursued by the political parties in Northern Ireland.

On policy capacity, we started doing this in June. As soon as we knew the referendum result, one of the first things that we did was look at agriculture and fisheries. Fisheries is another area where no one knows what the access arrangements will be. We will all control our own fisheries. Does that mean that we will be saying that, if you want to fish in Welsh waters, you have to be registered in Wales? I am not saying that is what we will do, but these are the questions that have to be asked now. When it was European, it did not matter. Now, of course, everything has been broken down and there has to be agreement again between the UK Governments as to what fisheries access will look like, and then between the UK and the Republic of Ireland on access to EU waters around the Republic. We are confident that we will have the policy capacity in place. We have spent a lot of time in the past working with the Commission and influencing the Commission's view on agricultural policy, so we are happy that we will get to that position.

On the negotiations, what is important is that whatever deal is on the table is voted on and accepted by all four Parliaments. I do not think that it will work unless there is broad agreement on the final deal. For example, why would we simply accept a deal on farming and fisheries that we had no role in negotiating and are not able to approve but that will affect us directly? These are the things that the UK will have to wrestle with in its internal structure for the future. For me, any deal has to be accepted by all four Parliaments in order for it to be effective.

Finally, how does the UK engage in diplomacy? The last thing that the UK can do is simply say, "This is what we are going to do, and you are going to have to fall into line with us". It does not work that way. The UK used to be a country where diplomacy was regarded as one of its strengths, but it has not been that way for a long time. It will have to relearn that and how to engage with 27 different member states and some of the regional assemblies, in Belgium for example, in order to get the support that it needs. That work needs to start now. There needs to be a charm offensive and not a threat as far as others are concerned. There also needs to be realism. I kept being told during the referendum campaign that German car manufacturers will want to see the most open market access possible. That is probably true, but the German car manufacturers do not have a vote. BMW know that they will still sell cars even with a 10% tariff on top because of their brand, but that does not work for commodity car producers and they get hit harder. For me, it is about making sure that there is realism, pragmatism and goodwill around the table.

One of my criticisms of the Commission is that it has not done enough to work with those people who did not want the UK to leave. It has not done enough to make sure that the hard-line position that it is taking at the moment will not be reflected in the longer term. I understand that, from the EU's perspective, it cannot be too easy for the UK to leave, but these hard-line positions have to change if we are going to get to a settlement that is acceptable, can be agreed by everybody and, more than anything else, does not disrupt the economies of either the UK or the EU. Pragmatism and cooperation has to be the way forward rather than taking entrenched positions. The start of negotiation is different, but entrenched positions should not be taken as the negotiation develops.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

I thank the First Minister for being with us, for his contribution and for bearing with us for all the questions. Thanks very much. *[Applause.]*

**ADDRESS BY THE PARLIAMENTARY UNDER-SECRETARY OF STATE,  
DEPARTMENT FOR EXITING THE EUROPEAN UNION**

*10.25 am*

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you very much. Ladies and gentlemen, I am now delighted to be able to welcome our next speaker for the following session, the Parliamentary Under-Secretary of State at the Department for Exiting the European, Robin Walker, MP.

Without further ado, I invite the Minister to come forward and address the Assembly on issues that I know will be of considerable interest to all Members of the Assembly from the United Kingdom, Ireland and, particularly, the Crown Dependencies.

**Parliamentary Under-Secretary of State, Department for Exiting the European Union (Mr Robin Walker MP):**

Thank you very much, Andrew. May I say it is very good to be back with the British-Irish Parliamentary Association? It is a pleasure to follow Carwyn Jones, the First Minister. I echo some of his comments. He described Wales as an outward-looking global nation and that is exactly what we want the UK to continue to be. He talked about the importance of some of the Treasury funding guarantees on structural funding and agriculture, and I welcome his welcome for those guarantees.

He also talked about working together to meet the challenges of the process. It is important to recognise that there are opportunities and there are challenges, but it is very important that we work together across the United Kingdom with all the devolved Administrations. I echo his comments about the importance of working together on this process.

I am delighted to be here at the 53rd plenary session of the British-Irish Parliamentary Assembly, which as we all know was formed to promote co-operation between political representatives in Britain and Ireland for the benefit of the people we represent. I know how valuable this Assembly is, as I have myself been a Member of it, including of the Economic Committee, before I became a Minister. I joined BIPA when I was Parliamentary Private Secretary to the Minister of State in Northern Ireland, at the recommendation of my predecessor in that role, who is now the Chief Whip of the UK Government.

I attended meetings at Kilmainham, where we talked about the shared history of these two countries and the way in which they had been able to come together in commemoration of the sacrifices in the great war, and at Cheltenham, where we discussed the upcoming referendum and where one of the Co-Chairs made a significant contribution to that debate.

BIPA mirrors the British-Irish Council, which I had the pleasure of addressing here in Cardiff on Friday. We had a productive meeting, with acknowledgment from all sides of the progress being made in involving, through the Joint Ministerial Committee, the devolved Administrations and the Crown Dependencies. Both institutions play an important role in fostering a common understanding between the people of these islands, including, of course, the Crown Dependencies.

The context this year is different from previous years, following the outcome of the UK's referendum on the European Union—a decision we must respect. While our future relationship with the EU after Britain leaves is still to be determined, the Secretary of State, David Davis, and I have both said we will not be turning our backs on Europe. We want the strongest possible economic links with our European neighbours, and especially with Ireland. We must be more active, more outward-facing and more energetic on the world stage than ever before.

Today, I want to do two things. I would like to stress the UK Government's commitment to engaging all those around these tables in making our EU exit successful, and to update you on the work that my Department—a new Department of State—is currently undertaking. First, I would like to underline that we are committed to working with the Irish Government and all political parties in Northern Ireland to maintain peace, stability and prosperity in Northern Ireland. We place huge value on maintaining the UK's unique arrangements with Ireland and on the friendly, co-operative relationship we have built up over recent years. That is something BIPA really brought home to me as a Back Bencher. When I gave evidence to the House of Lords European Union Committee on Britain's relationship with Ireland and the Northern Irish aspects of EU exit, I was at pains to point out the important role the Assembly plays in fostering those improved relationships and in demonstrating good will.

To that end, I also welcome the extensive ministerial and official-level engagement that has already taken place, and encourage UK and Irish officials to continue to work closely on areas of joint interest. We are fully engaging with the Irish Government. David Davis and I visited Dublin in September for our first overseas visit. It is no accident that our first bilateral visit to an EU member state was to Dublin. While there, we held meetings with the Tánaiste, Frances Fitzgerald; Foreign Minister Charles Flanagan; and Europe Minister Dara Murphy. We also attended the British Irish Chamber of Commerce annual dinner, at which Taoiseach Enda Kenny was the guest of honour. The warmth of the relationships between British and Irish businesses demonstrated there was compelling, as was the fact that that institution, celebrating the connections in business between our two countries, is so young. It was only relaunched after the Queen's state visit but has already fostered such strong relationships. I held a roundtable consultation in Dublin with Ibec, the business representative group, to get businesses' views about upcoming challenges and opportunities presented by our exit from the EU. We have kept in touch since, meeting in London only last week.

It will be especially important to preserve the common travel area, as we have already heard. It is important to note that it dates back to 1922 and predates the European Union. Nobody wants to return to the borders of the past. We want to find a way through which will work and deliver a practical solution for everybody, as part of the work we are doing to ensure we make a success of the United Kingdom leaving the European Union, and to come out of this with a deal that is in the best interests of the whole United Kingdom. As Carwyn confirms, this is an issue not only between Northern Ireland and the Republic but also for Wales and other parts of the United Kingdom.

We are fully engaging with the Scottish Government, the Welsh Government and the Northern Ireland Executive to ensure a UK-wide approach to our negotiations. The Prime

Minister met the First Ministers of Scotland and Wales and the First Minister and Deputy First Minister of Northern Ireland in July, and again in October, at the Joint Ministerial Committee. The Secretary of State and I have already visited Northern Ireland for meetings with political leaders, businesses and civil society. I personally enjoyed meeting the Northern Ireland Executive's Infrastructure Minister, the universities in Belfast, the third sector, and farming and agribusinesses with cross-border interests. Ministers from my Department have also conducted a number of meetings and visits in Wales and Scotland, and there are many more to come. We have established a Joint Ministerial Committee EU negotiations forum, which met for the first time earlier this month. The forum will meet on a monthly basis and will seek to agree a UK-wide approach to our negotiations on exiting the EU.

With the Crown Dependencies, we have agreed to meet regularly at ministerial level, and I was delighted to chair meetings with the Chief Ministers both in London earlier this month and at the British-Irish Council on Friday. I was pleased to hear each of the Crown Dependencies welcome the level of engagement they have had from the UK Government at the British Irish-Council last week. It has also been positive—I know we have a number of representatives from Gibraltar in the room—to be involved in a large amount of direct engagement with the Government of Gibraltar, and to welcome the opportunity to speak at the Gibraltar Day reception in London last month.

My Department's officials are focusing on developing and co-ordinating analysis to underpin our negotiating position, both in terms of our withdrawal and the future relationship we want with the EU. Supported by officials across Government, we are carrying out a programme of sectoral and regulatory analysis that will identify the key factors for British businesses and the labour force that will affect our negotiations. We are looking in detail at more than 50 sectors and cross-cutting regulatory issues. We are building a detailed understanding of how withdrawing from the EU will affect our domestic policies to seize the opportunities and ensure a smooth process of exit. We want to work together closely with all our partners in an orderly fashion to establish a mutually advantageous agreement for the future and the best possible relationship with the European Union as a whole, and to help us strengthen our relationships with our European partners bilaterally.

We understand why there is keen interest in our plans for triggering article 50. Negotiations to come are a huge and complex task. The legal, political, economic and diplomatic aspects will need to be carefully considered, but we will act with care and rigour. We will prepare comprehensively before triggering article 50 so that we can ensure that once negotiations begin, they do so on the best possible basis, leading to the best outcome for the United Kingdom and for our future relationship with the EU. We hold fast to a vision of the UK that is respected abroad, tolerant at home, engaged in the world and works with international partners to advance to prosperity and security of our nations for generations to come.

The UK-Ireland relationship is crucial to that. One of the reasons why I, as someone who campaigned on the remain side in the referendum, was so keen to take on this role was to ensure that the process of leaving the European Union does not damage or weaken that valuable relationship. There will be challenges, as we have heard today. I fully understand the scope of those challenges but I have been enormously encouraged by the strong interest from

all parties concerned in overcoming them. The First Minister, Arlene Foster, last week described the triangle, between Belfast, London and Dublin, working together to ensure that we overcome the challenges. I can assure this Assembly that, as we progress and prepare the UK to leave the European Union, the peace process and the excellent relations between the UK and Ireland will be at the forefront of our thinking.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

I thank the Minister for his contribution. I now open the floor to comments and questions. I will start with Conor McGinn.

**Conor McGinn MP:**

Thank you, Chair. And thank you, Minister, for addressing us this morning. Minister, I have no doubt that the intentions are good, as you have shown in the example you have set by making the British-Irish relationship one of your priorities. But I am still none the wiser about how any of the good intentions will be realised or what the plan is. The common travel area is one example. Almost a year ago, I asked the then Secretary of State for Northern Ireland in the House of Commons how the common travel area would be affected if the UK left the EU. She said the same thing that you did. She said that it has existed since 1922. Well, forgive me if I say bluntly that this is something of a red herring. There have been nine iterations of the common travel area since 1922.

The common travel area existed when Ireland and the UK were outside the European Union together and when they were inside the European Union together. It has never had to deal with a scenario where one of us is outside and one of us is inside. The challenge that that poses cannot be accepted by saying, “We will work it out.” We need to see some plan about how you envisage that.

On bilateral relationships, in this context we think of the relationship between Britain and Ireland but, of course, there are increasing layers of bilateral relationships. The First Minister of Scotland is in Dublin tomorrow. The Welsh Finance Minister meets the Northern Ireland and Scottish Finance Ministers. One new dynamic to that is, of course, devolution to some English regions. In my own region of Merseyside, we will have an elected mayor next year. It will be the same in Manchester. They already have one in Bristol and in other English regions. How will they be involved in the negotiations around leaving the European Union? How do you envisage that mechanism working in the way that you do for the devolved Administrations in Scotland, Wales and Northern Ireland?

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you. We are going to take three in one go, and then the Minister will respond.

**Senator Paul Coghlan:**

Thank you. I think we all agree that, whatever happens, we must preserve the excellent relations we have—of which this body is an example. We understand that you are going through a court process at the moment, and we are aware of your High Court decision, which was unanimous, including your Lord Chief Justice. The Supreme Court are going to hear

matters now further and will have to give a ruling at some time in the new year. If it upholds the High Court decision that, in Britain, Parliament is sovereign—we have always believed that—how do you see the Lords and the Commons having to be involved in the matter? The Royal Prerogative is presumably not going to be utilised. How will that temper or change matters?

We also understand, of course, that there can be no negotiations whatsoever until article 50 is invoked. No one wants this uncertainty and volatility. As has been said—and, I think, agreed—it would take over two years to negotiate the divorce, so to speak, so we are going to have to continue with all of this. I suppose what I am asking is, if the Supreme Court upholds the High Court decision, is it possible that we could postpone this matter indefinitely? I am not going to suggest—because it might upset you—that, in the light of all of the new information, you rerun the referendum, on the basis that referendums in Britain are recommendatory anyway have no constitutional standing. How do you see that, in the light of that decision, if it happens?

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Okay, nice try. I will call Robin Swann, and then we'll move to the Minister.

**Robin Swann MLA:**

Thank you, Chair. Following the previous speaker, I do not think we will rerun the referendum until we get the right decision, in the way the Irish did. The Welsh First Minister referred to the UK needing to relearn diplomacy, both on an international level and with the devolved institutions. How does the Minister respond to that?

**Mr Robin Walker MP:**

Thank you very much. First of all, thank you for your kind words, Conor. I certainly think this is a crucial relationship, and we need to get it right. In terms of the common travel area, you are absolutely right—of course it is not as simple as saying, “It’s been in place since 1922, and that’s it”. It has been through many iterations. It was written into European treaty as part of the treaty of Amsterdam, for which my boss, David Davis, was the UK’s negotiating Minister. Making sure we maintain it is a challenge that we need to meet.

The positive, when going in to meet that challenge, is the complete unanimity on the issue that we see from the Republic of Ireland, which is an EU member state and will continue to be throughout, the UK Government and all sides of the Northern Irish Executive. That gives me confidence that, although it is not necessarily dead easy or something we can afford to say is a done deal, it is something that we can absolutely engage at all levels to ensure that EU institutions understand how important it is. I think the UK Government have been absolutely clear that it is something we are determined to maintain.

We are determined to maintain those aspects of UK law that predate our membership of the EU, and which give Irish citizens equal rights in the UK in terms of elections and other issues. Indeed, I have many constituents who enjoy those rights. Notwithstanding that absolutely there are challenges, which I acknowledge, the fact that there is complete unanimity across the three crucial Governments and, increasingly, an understanding that we



hear reported back to us in terms of what the EU institutions are saying, gives me confidence that we can address the issues of the common travel area. It is absolutely crucial that we do.

On the increasing layers, you are absolutely right that there are increasing layers of devolution and of different people exercising different powers within these islands. The maintenance of the common travel area, and the opportunities there will be for different regions of the UK and Ireland to engage with each other, and for different devolved organisations within each of the devolved areas with the UK to engage with each other, is only a positive thing. There can be learning and sharing of best practice through that, and that is certainly something that we should encourage. I see big opportunities in that space.

Just as BIPA gives fantastic opportunities for engagement between British politicians, politicians in the devolved Administrations, Irish politicians and politicians in the Crown Dependencies, we need to keep exploring new organisations for sharing best practice and ideas. There are some interesting opportunities there.

Tempting though it is to comment on matters in the courts, you will appreciate that we cannot say very much about a subject that is still subject to litigation. It is clear in the terms of the High Court ruling, which of course the Government are appealing, that it would require an Act of Parliament to exercise article 50 if the High Court ruling were upheld. Therefore, you are right in saying that both the Lords and the Commons would be involved in that process.

*10.45 am*

I come back to the point made by my colleague, Andrew Bridgen. It would not be acceptable to the British people, and I do not think it would not be politically or legally acceptable, for the outcome of the referendum to be ignored or overturned. The Government have been very clear that there is not going to be a second referendum. We are going to see this process through, and the Prime Minister has been clear that she is confident that, whatever the outcome in the courts, article 50 will be exercised by the end of March 2017.

It is important to recognise the point, which you made very well, that most of our European counterparties do not want us to delay this process further. They do not want the uncertainty of an indefinite delay, or of this process hanging over them for a long time. Indeed, there are two main audiences from whom we have had pressure to get on with the process: the UK domestic audience—the people who voted leave and want to see that respected—and some of our EU counterparts, who are asking why we do not exercise article 50 even sooner.

I recognise that the Government of Ireland were helpful in going out and explaining to people that it is important to work through the details before we go through that process. Exercising article 50 in March next year is a compromise that allows us to prepare properly, and it also respects the outcome of the referendum. The Government are certainly going to stick to that position.

Robin, an excellent question on diplomacy. Of course we will need diplomacy through the process. We will need the best possible bilateral relations we can get, but we also need to keep a focus on exploring mutual interest. There is huge mutual interest between the UK and

the Republic of Ireland in making this work. There is huge mutual interest between all parts of the United Kingdom in making this process a success.

Again, one of the things that the article 50 process will allow us to do, which we are currently somewhat restricted in doing, is getting out, talking and engaging around the whole of Europe to establish areas of common interest and to ensure we show our respect for both individual member states and the EU institutions. We are absolutely determined to make this process a success for both the United Kingdom and the EU. Unfortunately, as long as people in other member states get their cue from what the British press says, rather than what the British Government say, that will be tougher to communicate. It will be much easier to communicate that once we can sit down at the table, get negotiating and see the whites of people's eyes. That is another reason why getting on and exercising article 50 will allow the process of diplomacy to get under way.

## IMPLICATIONS OF BREXIT FOR BRITISH-IRISH RELATIONS

11.08 am

### **The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

I apologise to some of you who may not have got in during the previous session but we move now to a debate about Brexit. On behalf of the Steering Committee, I shall read the Motion that we have fortunately unanimously agreed after quite a bit of debate. We have come up with a form of words that we hope will be acceptable to the Assembly. The Motion reads:

“That the Assembly, in the context of the United Kingdom’s decision to leave the European Union and Ireland’s continuing commitment to remain in the European Union, and having respect to the diversity of views within these islands, across the UK and across the UK on Brexit, draws attention to the many positive achievements in British-Irish relations, including the common travel area, the absence of a hard border and the gains of the peace process, and expresses the desire that these achievements will be safeguarded for the United Kingdom, Ireland and the Crown dependencies, whatever the future relationship may be between the United Kingdom and the European Union”.

I now hand over to Kathleen, our Co-Chair, to conduct the rest of this session.

### **The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks very much, Andrew. This is an open debate on the Motion and Brexit in general. I shall open it up to the floor for contributions. I ask people again to be brief; there are obviously a lot of people here and it is important that everybody gets to have their say on this topic, so if people are brief it gives everyone an opportunity to give their opinion. I shall open it up to the floor for debate. Barry.

### **Mr Barry McElduff MLA:**

Does everybody have three or four minutes, typically?

### **The Co-Chairperson (Ms Kathleen Funchion TD):**

If we are running over time, I will indicate.

### **Mr Barry McElduff MLA:**

As a member of BIPA, I tried to table a different Motion, which had at its heart “respect remain” and made specific reference to the North of Ireland and Scotland. It is my understanding that any individual Member of BIPA can do that—you go about looking for signatures. I made, if not a maximalist effort, a fairly minimalist one and secured 11 signatures. I thought the standing orders might then allow the Motion to be tabled. I think if you get five signatures from three jurisdictions, it “may” find its way on to the Order Paper and if you get 15 it “shall”. Somewhere between “may” and “shall” mine fell.

The replacement Motion from the Steering Committee is nice; it is motherhood and apple pie. It is very pleasant and it certainly takes the sting out of any debate. We can all agree to agree and it is wonderful, but this is big stuff and this is a very negative development—that is the

emphasis I want to place. I want to restate, as I did to the Welsh First Minister, that in the North of Ireland the majority of people, 56%, voted to remain. Then we can talk about how our individual constituencies voted. As I said, in my case, in West Tyrone more than two-thirds voted to remain. I noticed that the British Minister had great concern for the express will of the people of Gibraltar but does not appear to have great respect or regard for the express will of the people of Scotland or Northern Ireland.

Anything that the Minister said in the previous session convinced me that the British Government are clueless about many aspects of this. For example, what type of new border do they want to impose in Ireland? What character should that take? It is all very well to stick to the mantra “Brexit means Brexit” but nobody on the British Government side of things seems capable of explaining what that means. From our point of view in the island of Ireland—I think it was Pat the Cope Gallagher who used the word “disaster”. It is certainly a disaster for Donegal, for the entire North of Ireland and the island of Ireland. We should not be talking about borders at all. We are patting each on the back about wonderful political relations and in the midst of it will be the imposition of a new border. Will it be a hard border, a soft border or a digital border? As far as I am concerned, there should be no borders in the island of Ireland in 2016, moving into 2017.

We need to explore alternatives to Brexit which, in the case of Ireland would guarantee a designated special status within the European Union. I suggest that the Irish Government has a particularly important role to play in the negotiations to act on behalf of all the people of Ireland, North and South. Obviously, in relation to the Good Friday agreement there is a legal duty on the part of the Irish Government to safeguard any advances.

I shall not make a lengthy speech. I feel very bad, as do the people in my community and those in our constituency—the people throughout the North, the majority of whom voted to remain—that we are apparently to be dragged out of the European Union against our will. I want to record that protest here today. Thank you.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Senator Leyden.

*11.15 am*

**Senator Terry Leyden:**

Thank you very much, Co-Chair. First, I say thank you for the hospitality extended to us here in Wales and wish Wales well in the future. The signing of the Good Friday agreement on 10 April 1998 was a particularly significant decision. It has worked very well for the island of Ireland—indeed, for both the UK and Ireland. Britain’s decision to leave the European Union is certainly a blow and we take no pride in the situation, which has caused major concern in the Republic of Ireland.

That being the case, however, we look at the situation now. The Good Friday agreement’s establishment of the British-Irish Council was very wise. This Assembly will continue and it is vital that it does so post-Brexit. This Assembly brings us together from these islands, so it

is very important that we ensure that in whatever style it will be in future, and whatever change is made, the fact is that we meet twice a year in plenary and all the committees. That is absolutely vital and I put that marker down. It is a forum for the Members of all the Parliaments in the region to come and discuss things. It is very useful and there is a very good atmosphere in that regard.

The whole question of the border—of 499 kilometres—is vital. As vice-chairman of the Joint Committee on European Union Affairs in the Oireachtas, we are inviting the other 27 countries to come to Ireland to see the border between north and south. It is absolutely unmanageable. It is impossible to envisage a hard border because it would require the co-operation of both North and South and that, frankly, will not be forthcoming. The European Union had better know this before it starts negotiating. There is no point making an agreement to bring about a hard border when it will not be workable and not in the interests of Northern Ireland and the Irish Republic to work that border. Let us put that as a marker from the start. The trade between Britain and Ireland is worth £1.2 billion a week; an enormous amount of trade goes on between both countries. Ireland is the UK's fifth biggest customer and the UK is our biggest customer. We share all that. But that has been said and we now have to work things out. The Irish Government and all parties in Ireland are totally supportive of the United Kingdom and we will do our utmost, in every way possible, to influence the best possible outcome, whatever that may be. That is set. Every party and every Member of the Irish Parliament is with you in this regard; there is solidarity.

Finally, I was interested when the First Minister of Wales mentioned the passport situation. That is something I should like to have examined: the continuity of the right of the Irish people to have dual passports—not dual citizenship but dual passports, which would give certain rights to the Irish people, and British people who are entitled to an Irish passport after Brexit. That is something to investigate and examine in detail: what are the rights? I am recommending to Irish people in England: why not have an English passport but retain your Irish passport? Have two passports; it certainly will not do you any harm and I do not think it is a sign of any disloyalty, but of friendship between both countries, and it is in the best interests of our people.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks, Senator Leyden. Senator Frank Feighan.

**Senator Frank Feighan:**

Thank you, Co-Chair. I raise just one slight issue and do not want to go over what other people are saying. About three years ago there was a European judgment that Irish people living in the UK would be entitled to claim a free fuel allowance worth, I think, €300 a year. I know tens of thousands of Irish people and many others have claimed that. I just wonder what the status of that payment will be in three or four years' time. Will it be continued? Will people living in Ireland still be able to claim it? I know it is too early but I have met a few people who have worked all their lives in the United Kingdom and are proud to have done so,

and were well treated all their lives. They got this payment of maybe £200 or £300 and are now concerned that, with Brexit, it will be discontinued.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks, Senator Feighan. Mark Durkan.

**Mr Mark Durkan MP:**

Thank you, Co-Chair. Like Barry McElduff, I regret that the Motion has been given a soft landing in the form in which it appears in front of us. It would be better if we had a more honest and more pointed debate around some of the issues. A lot of superficial assurances are coming from the British Government—in a sense, from both Governments—for instance, that there is a united will to avoid a hard border in circumstances where a hard border may be relatively easy to avoid but that will not stop all sorts of creeping borderism that will affect and infect so many aspects of public policy life, business activity and even personal business. Those sorts of assurances around the hard border might be easy at a political level but they do not mean anything to people who know the realities of life in border areas. Some of those assurances are coming from people such as the new Immigration Minister, who is a very good and committed man, but remember that in his previous post he brought in borderism for HGVs—the HGV levy for trucks going from Pat the Cope’s constituency across the border into Fermanagh, Tyrone or Derry. So elements of borderism are already there and technology is being used to police that levy. When someone says that they are committed to not doing anything about the border but they have already done something that has brought the border back into aspects of economic life in the past couple of years, we cannot just take those assurances at face value.

More importantly, we have to do more than just, as the Motion says, express “the desire that these achievements will be safeguarded”. This body should have more than a desire that the achievements of the Good Friday agreement are safeguarded. This body should be quite clear about the requirement to safeguard those. That goes to a pretty fundamental level. For instance, any new UK-EU treaty will need to make specific reference to the provisions of Annex A of the Good Friday agreement in respect of the possibility of a future border poll and Northern Ireland becoming part of a united Ireland. That will have to be explicitly in any new treaty because Annex A of the Good Friday agreement, which comes at the start—unlike most agreements where an annexe comes at the end; Annex A comes at the very start of the Good Friday agreement—provides that decisions on Irish unity are for the people of Ireland, north and south, without external impediment. If it is not in any new UK-EU treaty and any future move to a poll ends up being bedevilled by the sort of arguments that arose in the Scottish referendum—that is, Northern Ireland would be coming from outside the EU so there would have to be negotiation for this territory coming in or it might affect the South’s terms of membership—that would amount to an external impediment in terms of the free exercise of that choice.

It is a pretty fundamental issue. Saying that the West German precedent takes care of it is not enough because West Germany was covered by a different EU treaty. West Germany also

happened in a context where the assumption was that the West German constitution had always said that the basic law applied to the whole of Germany. It was, in effect, West Germany's territorial claim over East Germany that the EU had always recognised. Therefore what was de jure was going to be de facto. Of course, the territorial claim in the Irish constitution changed as part of the Good Friday agreement, so, again, if we end up in a situation where the German precedent does not apply because the Good Friday agreement changed the parallel position with Germany, we would be in danger of absolutely confounding the core foundations of the Good Friday agreement. People do not realise that unless those precepts are carefully reflected, just whistling about protecting against a hard border does not do that.

I make one final point. At another political level there is the question of Strand 2. The Good Friday agreement was a careful balance of institutions across the three relationships. When we look at the remits of the implementation bodies and areas of co-operation between north and south, EU funding and translating EU standards and requirements into compatible implementation has been a large part of the work of those north-south bodies. Absent common EU funding and absent common EU requirements, there will be very thin fillings in the Strand 2 sandwich, so the agreement starts to become unbalanced from that point of view as well. So I just hope people recognise that, particularly but not only from a democratic Irish nationalist perspective, there are serious issues at stake that do not seem to be getting acknowledged in London. And perhaps Dublin, at times, is being more soft-voiced in reflecting them than it needs to be at this stage.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks very much, Mark. Colleagues, does anybody else want to speak? Deputy Gallagher.

**Mr Pat the Cope Gallagher TD:**

Thank you Co-Chair. I shall say just a few brief words. Looking at the Motion for debate and following Mark's contribution, the second but last line contains the words, "the desire that these achievements will be safeguarded". It is my maybe simplistic view that they must be safeguarded at all costs. I may have an opportunity, subject to the Co-Chairs, to question the Secretary of State for Northern Ireland, so I shall leave some of my questions about EFTA until then. But allow me to magnify my contribution from when the First Minister was here. I met him outside and complimented him on his honesty. He was totally honest. I think he is the first person I have heard say, "This is going to be a most difficult one". I know it is not fair to ask anybody here; I am just expressing the view. Can someone even tell me what the difference is between a hard border and a soft border? There is a double whammy for us. If you leave Donegal and go through Northern Ireland and you want to go to Dublin—going through our own territory—it will be a major issue. Furthermore, if you leave Donegal and go through Bridgend to Derry, Lifford to Strabane, Newry to Dundalk or Mongahan to Armagh, you are in Northern Ireland. The next border then is possibly Harwich to the Hook of Holland or down into France or other European countries to which there are sailings. Then we are caught again. Is there someone there who will say, "Ah, that truck came from the European Union. Wave it on" if it came from Donegal or any part of the 26 counties. It will not be as

simple as that. For anyone to suggest that there are simple ways—there are no simple ways out of this. I applaud those who are here and have indicated, despite the decision having been taken, that they will be very supportive. The common travel area could be an absolute disaster, but I would hope to see it resolved in my lifetime, whether that is long or short. But to say that you can go from Fishguard in Wales to wherever and there will be no back-up—of course there will be a back-up. I just wonder who the genius is—I am sure there are many in the UK and Ireland—who will come up with the formula that will give a soft border. Northern Ireland's Secretary of State is also a member of the UK Cabinet, so I hope he can address these questions. If I do not get a chance, perhaps someone might ask whether membership of EFTA, without dining a la carte, is an option. Thank you.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thank you, Deputy Gallagher. Lord Bew.

**Lord Bew:**

Thank you, Co-Chair. I should first like to respond to something that was said in the previous session by Andrew Bridgen. It is an important point. I understand how many of those from the island of Ireland, myself included, contemplate, as Pat the Cope said, the enormous difficulties along the border with considerable concern. There is a major factor here. Institute for Government polling shows that, in the last few months, support for the political system in the UK, which is said to have been falling, has risen by 8%. To suddenly turn around in such a context and say that a referendum result does not mean what it appears to mean would be a disastrous provocation to English public opinion, which is at this point showing an improvement—an upgrading—in its acceptance of the political system.

Mark Durkan's point are very serious, however. His point about the consent principle is more important than the secondary point about Strand 2, if I may say so. What he says about the consent principle in the agreement, and how we will in some way have to look at protecting it, is entirely valid. Mark will concede, however, that we cannot be too literal about the interpretation of the agreement. One of its aspects, which he played a brilliant role in designing—the election of the First Minister and Deputy First Minister—has gone. We have to live with it. Everybody widely accepts that it has gone. I think it is a bad idea and the Mark Durkan original way of doing it was much better. We have all had to live with the fact that a deal between Sinn Fein and the DUP means that a very important chunk of the Good Friday agreement, with symbolic and practical significance, has gone without a referendum. It would be a mistake to fetishistically say that every line must be preserved, and that the European Union is in the agreement and therefore we have a problem because that cannot be preserved any more. The thing is to keep to the main thrust and principles of the agreement. Consent is part of that and Mark's first point is very valid.

*11.30 am*

There was no golden age, however, even before the United Kingdom's decision. For example, let us not forget that there are two currencies on the island of Ireland. Following the Good Friday agreement, the framework document was launched about the harmonisation of



financial services in the island of Ireland as part of the Strand 2 project. That cannot happen when you have two currencies on the island of Ireland. So let us be clear: the impact of the European Union on the island of Ireland is not totally unifying, either. It is a complicated and difficult position. I think he was absolutely right to say that we must look again at how the consent principle is protected and defined. On his argument that Strand 2 is being in some way diluted, a whole number of factors already play a role in how Strand 2 works and that may be slightly less of a problem.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks, Lord Bew. David Ford.

**Mr David Ford MLA:**

Thanks very much, Chair. I should start by declaring an interest as I think I am the only person here who is individually a litigant, formerly in the Northern Ireland High Court and now heading to the Supreme Court, over this issue. Briefly, I agree with what Paul Bew said about the change in the constitutional arrangements for electing the First Minister and the Deputy First Minister. As one who once pretended to be a unionist for 22 minutes to get Mark a job, I think that at least showed a degree of working together that is currently not shown by the way the parties separately nominate the FM and DFM. It is an example of the undoing of the Good Friday agreement that is not to anybody's benefit.

However, I disagree slightly with Paul. While he makes an absolutely valid point about confidence in politics and referendum results being represented, there is a real question over what 51.8% of the population of the UK—or of those who voted—thought they were voting for. It seems to me that there were massively different views within that, which are highlighted by the specific votes in Scotland and Northern Ireland. Since that time, we have had the Assembly considering the issue and coming within two votes of formally approving the concept of a special status for Northern Ireland. I shall not labour that out of deference to unionists at the moment, but there is a real issue there. The Assembly did, however, specifically support a proposal from my party about the need to retain single market status, which seems in line with what we are talking about.

We talk about hard borders and soft borders, as Pat has just referred to. Carwyn Jones highlighted that the infrastructure is not as it was. How on earth you would put customs posts on the A1-M1 join at Jonesborough, I cannot imagine. Yet it would create huge issues if we did not. It is fairly well established that there are people on both sides of the border capable of making a living from any kind of smuggling enterprise if there is a differential in duties between both sides. We sometimes confuse the common travel area issue with the customs issue. While the common travel area has been common in slightly different guises, we have always been in step with regard to EU membership. We now potentially face going out of step on EU membership and attempting to maintain the common travel area.

To add to Pat's point, I remember travelling from County Tyrone to Dublin. When you left the UK at Aghnacloy, after passing through Monaghan, you re-entered the UK on the still

so-called concession road through Culloville. The complications of how that would apply if the concession road becomes not two miles through Culloville but across GB are hard to imagine. It seems to me that the UK Government are trying to walk a tightrope between those who voted for significant immigration restrictions and those with business interests who wish to maintain the concept of free trade with the EU at whatever level it is. They have yet to show us any convincing view that they understand how to square that circle.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks. Lord Empey.

**Lord Empey:**

Thank you, Chair. I should like to reflect on the points that Mark has just made, which are very deep-seated and significant. As Lord Bew also mentioned, both the British and Irish Governments, unilaterally and without any consent or consultation, changed the Belfast agreement. We have been talking about 56% of the people of Northern Ireland voting to remain. I would point out that 72% of them voted for the Belfast agreement, yet the partnership that was at the very core of that agreement was swept aside without even the parties to it being consulted. A very negative precedent has been established and that is of great concern.

I want to reflect on what Mark said about the consent issues, which, again, were at the core of the agreement. Who is to say that yet another unilateral decision could not be taken and something swept aside if it happened to suit people on the day? Those changes were made behind people's backs and it fills me with no confidence whatever.

With regard to the referendum itself, David made the point that we could second-guess what was in people's minds to our hearts' content, but it would not change or achieve anything. I would also make the point that while the majority in Northern Ireland voted to remain, part of that majority accepts the outcome. Therefore it is not as though that 56% is one homogenous unit. It is not. People put a case, lost the vote and now accept the result. It is a mix, like all of these things. We can speculate to our hearts' content but no plan ever survives contact with the enemy. When you sit down to negotiate with 27 other countries, of which the Republic will be one, there will be different objectives. Anybody who can predict how that will go will be at the bookie's at this moment, laying bets. We can second-guess all this but the role of this Assembly should be to feed in ideas, to monitor and to be a place where people can express their views without let or hindrance. However, the decision of the two Governments unilaterally to change the agreement without any consent or consultation has set a very negative precedent.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks, Lord Empey. Members, does anybody else wish to contribute to this session? If they could indicate that they do now, I am trying to gauge for reasons of time. Deputy Crowe.

**Mr Séan Crowe TD:**

On consent, I suppose what Brexit has brought in is more uncertainty. The last thing the peace process needs is more uncertainty, doubt and fear but I think that is what Brexit has brought about. People are afraid of the possible changes that are coming. People are also angered by the fact that there was clearly a vote to remain in the EU and that result would appear no longer to be valid. It is the greater will of the people of London, Wales and everywhere else that is causing difficulty.

There were questions to the First Minister this morning about legislative change. We know that there will be huge legislative change. Should the various Assemblies be consulted and have to give their approval? It is my view that they should; that is what consent is all about. People made a decision, we brought about these structures and people living in those Assembly areas—those jurisdictions—should have a say in that. That is a huge difficulty that we will face.

It is almost as though the British Government are hoping that the Supreme Court will make the decision for them. Again, on that High Court decision, as an outsider looking in, I was a bit surprised by the attacks on the judges who came to that conclusion. I do not think it would happen in Ireland and if it did, I imagine politicians would rally behind those judges, but that is a matter for yourselves. I was just a bit surprised by it.

Another decision will be made on that but it is important that the various Assemblies have a say. Clearly there will be changes that impact on the Welsh Assembly, the Scottish Parliament and the Northern Ireland Assembly. All those changes need to be taken into account. We have a huge body of legislation that needs to be changed. We need to look at how that will be. There will be the great repeal and the cherry-picking. Regardless of the cherry-picking—agreeing with this part of EU legislation and disagreeing with that—all those decisions cannot be made in Westminster. They will also have to be made by the various Assemblies and that is the big elephant in the room in any discussion of Brexit.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks, Deputy Crowe. Ross Greer.

**Mr Ross Greer MSP:**

Thanks. Going back to Barry's earlier point, I understand the desire to achieve consensus before these debates but it takes something out of the debate when we are presented with a Motion that, while achieving consensus, takes out a lot of the more substantive points of the debate.

Moving on, one point that was not quite covered in our discussions with the Minister was the immense frustration that a lot of the devolved Administrations and Assemblies have felt with the Joint Ministerial Council and the structures in the UK for intergovernmental relations. We could be faced with a situation whereby, before we next meet as an Assembly, the UK Supreme Court has decided that the consent of these devolved Assemblies and Parliaments is required. In that situation, I find it inconceivable that the Scottish Parliament would consent

to the terms of Brexit that we seem to be heading towards. The phrase “constitutional crisis” is overused at the moment but that would legitimately be called a constitutional crisis. The UK voted to leave the European Union but I do not see how those of us who are Members of the Scottish Parliament could be expected to vote to give consent to something to which no local authority in Scotland gave consent. The people who elected us overwhelmingly voted against Brexit but we are stuck in this situation.

The issue seems to be that the UK Government want to treat the devolved Administrations as stakeholders to consult before they go away again to negotiate. If the devolved Administrations are not involved intimately in the negotiations, I do not see how consent will be achieved across the UK. A few months from now, we could be faced with devolved Assemblies and Parliaments refusing to give consent to the deal that the UK Government have come up with. From there, I am not quite sure where we go.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks, Ross. Karin Smyth.

**Ms Karin Smyth MP:**

Thank you, Chair. I am a Labour Member new to this Assembly and a very strong remainer. My constituency is a 53%:47% split and I very much respect the will of the British people in the referendum; we need to make it work. Notwithstanding the First Minister’s very well made points about the need for a fresh constitutional settlement within the United Kingdom, my very strong view is that the expertise, as we have heard, particularly on the border, is in this room and in many other similar rooms across the UK and Ireland. The expertise is not in Brussels. It really is incumbent on the expertise in this room and other similar rooms to produce the solutions on this issue. When this debate is held in Brussels and across the other member states, their knowledge of and concern for the border will not be as acute. I am very much looking forward to working with colleagues of different views in the next few years to create that solution.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks, Karin. Conor McGinn.

**Mr Conor McGinn MP:**

Thanks, Chair. Without wishing to send Barry McElduff over the edge, I feel it falls to me to speak for England, or at least for my constituents.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Sorry, Conor—would you mind turning on your mike?

**Mr Conor McGinn MP:**

I absolutely get the point about the feelings of disenchantment and discontent, given that the people of Northern Ireland voted by a majority to remain, as did people in Scotland. We need to be careful, though, that we do not replace one democratic deficit with another. In St Helens, 58% of people voted to leave the European Union. I, like Karin Smyth and the vast majority of my party colleagues, campaigned tirelessly for a remain vote and we did not win.

*11.45 am*

My worry is that if we elevate the status of some parts of the UK over others, it feeds into the wider concern of people in places such as St Helens—I suspect my colleagues here from the north-west will share this concern—that politicians do not listen and the people’s will and the view they expressed on wanting to leave the EU have not been respected. That has longer-term and quite catastrophic consequences for the UK as a whole, particularly for those communities that already feel left behind or that they do not have a stake and do not matter. We have very manifestly and clearly seen the consequence of that in the recent US election, where communities become polarised—both away from each other and from their stake in something wider.

I suspect that, even though they have an Irish Member of Parliament who is quite prominent on these issues, the vast majority of my constituents did not take Ireland into account at all when they decided how to vote in the EU referendum. Their primary concerns were around immigration, the loss of sovereignty and a general sense of disenfranchisement from the political process. So while I absolutely accept these acute and critical challenges around the hard border on the island of Ireland and the democratically expressed will of the people of Scotland, I also feel obliged to say that my constituents made their views on this matter clear and their voice also needs to be heard in all this.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks, Conor. Mr John Scott.

**Mr John Scott MSP:**

We need to remember what his body is for and not lose sight of that. We need to respect the Good Friday agreement and maintain it and all that goes with it. I do not want to see this body hijacked in any way for other political reasons. Of course, I agree utterly with what Lord Empey said: this must be a forum for the free and proper expression of views and for others to listen to. But we must not lose sight of the overall benefit that BIPA has delivered over the years or put that at risk.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Anybody else?

**Mr Andrew Bridgen MP:**

To follow Conor McGinn's very good points about accepting across the UK the democratic decision of a vote of the whole UK, we talk about the democratically expressed views of the Scottish people. I seem to remember that a couple of years ago we had a referendum in Scotland on independence. I went to Scotland to campaign for Better Together and I am pleased that the Scottish people democratically expressed their opinion that they wanted to stay part of the UK. Had Scotland voted to leave, that would have affected my constituents in North West Leicestershire and the whole of the UK, but we did not have a vote down there. It really behoves the Scots to accept that the EU referendum was a vote of the whole United Kingdom and accept the result, just as we would have had to accept the result of the independence vote if it had come.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks very much. Would anyone else like to contribute?

**Ms Helen Jones MP:**

Thank you, Co-Chair. I want to support what Conor said: we have to take account of the different nations of the UK and how they voted. We also have to take account of the different regions of England and how they voted. I come from a constituency where most of the population is of Irish descent, like Conor's, but I doubt they were thinking about Ireland when they voted. However, if we ignore that, we face, as someone said earlier, the rise of seriously damaging populist, nationalist movements, as in other areas, including America and France. It is time for all of us as politicians to think seriously about how we negotiate our way through these difficulties. If we do not, we could see the rise of people who are, frankly, fascists, and that is not in the interests of any of us or any of the people we represent. Now, it will be difficult to accommodate the differing views, both in Ireland and the UK; it will take some hard negotiations. I wish we were hearing more from our own Government about how they propose to do this. But it is something we must do and we have to do it without the grandstanding, because the stakes are far too high if we get this wrong. I do not think we can overemphasise that.

I hope this Assembly will go forward on the basis of consent. I know that one of the Motions that was put forward was one that I, as someone who campaigned strongly to remain, could not accept because it constituted a way of telling the UK Government how to deal with their internal affairs, which it is not for this Assembly to do. People may have views on that, which they can properly express in public, but it is not for us to do that. We have to grasp the seriousness of the situation that faces us. There are different views in different parts of the UK and Ireland, but also a strong undercurrent of distrust in all politicians and political systems. We are going to have to face and deal with that in the years ahead by consent, through discussion among ourselves and by groping our way forward; otherwise we risk a meltdown that will be very serious for both our countries.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks. Willie Coffey.

**Mr Willie Coffey MSP:**

Thanks very much, Chair. I wonder if I could just comment on some of the offerings made by my colleagues Conor McGinn and Andrew Bridgen. It is unfair and dangerous, I think, to compare Scotland's constitutional position with that of St Albans or any other constituency in the United Kingdom. That is where the danger lies. Scotland is an equal partner in the union—so we think—and to ignore the democratically expressed views of the Scottish people, or the people of Northern Ireland, in this matter is pretty dangerous.

I asked the First Minister of Wales what his views on that were. He said quite clearly in his response that all four Parliaments and Assemblies should agree to the negotiated deal. I asked the Minister, Mr Walker, but he did not answer my question and I had to ask him outside in the lobby. He said the opposite—that there would be no veto. That is where the difficulty arises. How does the UK give respect to its component parts and the legislatures that are there to give effect to the wishes of their people? How can the Government do that and how do they propose to enshrine that in the negotiations? Frankly, I do not see a willingness on the part of the UK Government to do that. The people of Scotland and Northern Ireland are entirely within their rights to continue to press that claim and speak up. People in Scotland and Northern Ireland gave a clear mandate to us to negotiate a better solution than appears to be being offered by the UK.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks. Just to reassure Members, this is not the only time that we will discuss Brexit; obviously, it is one of the key topics and we have a number of speakers who will continue the discussion with questions and answers. The Motion will be moved possibly later today; that is how the format of the Motion works.

I thank everyone for their contributions. There is a wide range of views but everyone was respectful of each other, which is important. I thank everyone for that and I shall now hand over to our Co-Chair, Andrew Rosindell.

## **ADDRESS BY THE SECRETARY OF STATE FOR NORTHERN IRELAND**

### **The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

We now move on to our next session. I am very pleased to say that we have the Secretary of State for Northern Ireland who will address this Assembly this morning, that is, the Rt Hon James Brokenshire, Secretary of State for Northern Ireland. I ask you to give him a very warm welcome to our Assembly today.

### **The Secretary of State for Northern Ireland (Rt Hon James Brokenshire MP):**

Andrew, thank you very much for those words of introduction. I am extremely grateful for the opportunity to update the British-Irish Parliamentary Assembly today and particularly to thank your Co-Chairs for their kind invitation to be with you today.

In a few moments, I would like to set out some of the key priorities for the UK Government in Northern Ireland, including the challenges and opportunities presented by the decision to leave the European Union. Before that, however, as this is my first speech to you as Secretary of State, I would like to pay tribute to the work that BIPA has done since you were established in 1990. You have played a major role in bringing together parliamentarians from throughout these islands and, in so doing, made a significant contribution to the strength of the UK-Ireland relationship today. So, thank you for the work that you have done and will continue to do as all of us strive to build a brighter, more secure future for the people we represent.

Just over a week ago, we marked the first anniversary of the Fresh Start Agreement and I am in no doubt that, as a result of that agreement and the earlier Stormont House Agreement, politics in Northern Ireland look more stable and more settled than for some time. Issues that this time last year threatened the very existence of devolution itself have been largely resolved. The Executive's finances have been placed on a more sustainable footing and legislation to implement welfare reform, helping people off benefits and into work while providing a fairer deal for taxpayers, has been passed through the UK Parliament. The first tranche of £500 million worth of investment for shared and integrated education has been released. Reform of the Civil Service has gone ahead, while the number of Government Departments has been reduced. The Commission on Flags and Identity has been established. Earlier this year Parliament passed the Northern Ireland (Stormont Agreement and Implementation Plan) Act. The Act places new financial obligations on the Executive to help ensure that the Executive has the money to fund its programmes. It includes changes to the devolution settlement to allow for more discussion on the shape of the programme for Government before the Executive is formed.

On tackling paramilitarism, it included tough new declarations for Assembly Members and Executive Ministers to work together on their shared objective of ridding Northern Ireland of all forms of paramilitary activity and groups. It also puts in place the legislative framework



for the new independent reporting commission on paramilitary groups and ending paramilitary activity. In September, the Irish Minister for Foreign Affairs and Trade, Deputy Charlie Flanagan, and I signed the treaty to establish the commission and we hope to see it up and running early in the new year.

New measures were agreed to enhance law enforcement aimed at tackling cross-Border organised crime linked to paramilitarism and a joint agency task force was established to take this forward in December last year. In the same month, a three-person panel was appointed by the Executive with the task of recommending a strategy to disband paramilitary groups. Its report was published in June and the Executive has now published an action plan based on it. For our part, the UK Government has pledged £25 million to support this vital work and we are engaging intensively with the Executive on the detail to take it forward.

All of this amounts to a substantial body of progress in implementing the Fresh Start and Stormont House agreements and is a solid platform as we seek to build a Northern Ireland that works for everyone, but I also recognise that there is much more work still to be done.

*12 noon*

On paramilitary activity, the proof of the pudding will be the impact that all the measures we put in place have on the ground in communities that still suffer and are held back by criminals who use the cloak of paramilitary activity to line their own pockets. I am conscious too that fine sounding words and ringing declarations on their own are not going to see this problem go away. We need to look at how we prevent young people in particular being drawn to paramilitary gangs in the first place.

We need to see how we can help communities stand up to paramilitaries and the control and intimidation that they exert and we need to ensure that the criminal justice system deals with offenders more quickly and puts them behind bars for longer. This is something on which, working with the justice Minister and the Executive, progress for me is a key priority. There was never any justification for these groups in the first place and there is none today. All of us need to work together, united and with single-handed determination, to help put them out of business for good.

Our efforts to tackle paramilitarism take place alongside those to deal with the continuing threat from dissident republican terrorists. The threat level from these groups remains at severe in Northern Ireland, meaning an attack is highly likely, and substantial in Great Britain, meaning an attack is probable. Support for these groups remains limited. They are rejected by the overwhelming majority of people who back the peace process and the benefits it has brought to Northern Ireland, yet they retain lethal intent and capability, as we sadly saw earlier this year with the murder of prison officer, Adrian Ismay. It is primarily brave police and prison officers, people who are committed to serving the whole community, who continue to be their main targets.

So far this year, there have been four national security attacks, compared to 40 in 2010. As always, I pay tribute to the great work of the PSNI, MI5 and An Garda Síochána in disrupting the activities of these terrorists. While the figures for the numbers of attacks look

encouraging, they do not give anything like the full picture when it comes to the determination of these groups to cause harm, or the underlying level of threat that they pose. The need for vigilance, therefore, remains absolutely vital and that is why the Government has committed £160 million of additional security funding for the PSNI over the current spending review period. We will always give the fullest possible backing to the security forces and there will be no let-up in our efforts to ensure that terrorism never succeeds.

The other area where I am determined to make progress is in addressing the legacy of Northern Ireland's past. The current mechanisms for dealing with legacy issues are simply not delivering for victims and survivors of the Troubles, the people, we should never forget, who suffered most. These mechanisms are slow and cumbersome, placing strains on the PSNI budget and also the coronial system, with the prospect that they could literally go on for decades. They are also overwhelmingly focused disproportionately on the activities of soldiers and police officers. That, in turn, is fuelling what my predecessor rightly called a pernicious counter narrative of the Troubles that seeks to place the State at the heart of nearly every atrocity.

This Government remains committed to implementing the Stormont House Agreement, including the new legacy bodies. These bodies will be under legal obligations to act in ways that are balanced, transparent, and accountable and, crucially, proportionate, ending the one-sided and unfair focus that currently exists on the State. They will be time limited, allowing us to draw a line under the past and move forward as a society. I will continue to engage with victims' groups, political parties and the Executive to build the necessary political consensus to get the Stormont House legacy institutions up and running. I want to move to a public phase in order to seek wider views and build public confidence. I believe that, with determination, it is possible to find a way through, see these bodies established and hopefully provide those better outcomes for victims and survivors of the Troubles that we all want and have a duty to try to provide.

Of course, as was reflected in the previous session, part of which I sat in for, the issue dominating all our agendas is the United Kingdom's democratic decision to leave the European Union. The people of the United Kingdom as a whole voted to leave the European Union and the United Kingdom as a whole will leave. Article 50 will be triggered according to the timetable we have set out and our negotiation with the EU will begin.

In the next session of Parliament we will introduce a great repeal Bill to remove the European Communities Act from the Statute Book on the day we leave, as well as building the EU body of law, the *acquis*, into UK law. We will then seek a solution that provides the best outcome for the United Kingdom and the EU, an agreement that reflects the kind of mature, co-operative relationship that close friends and allies enjoy. We want a strong EU for the UK's continued prosperity but I also recognise there are unique challenges facing Northern Ireland and indeed the island of Ireland as a whole.

Let me briefly set out some of the themes that will guide our approach. Firstly, we will take no risks with Northern Ireland's hard won political stability. That means being faithful to the Belfast Agreement and its successors. I reject very strongly any suggestion that the decision

to leave the EU will somehow weaken or imperil the political settlement in Northern Ireland or the peace and stability that we now have.

Secondly, we will stand by our commitment to work closely with each of the devolved Administrations, including the Northern Ireland Executive, as we formulate our negotiating position. Within two weeks of becoming Prime Minister, Theresa May visited Stormont, while a number of senior Cabinet Ministers have visited Northern Ireland. In October, the Prime Minister chaired a meeting of the Joint Ministerial Committee with the heads of each of the devolved Administrations and the three territorial Secretaries of State, with a further meeting planned for the new year. Earlier this month, I attended the first meeting of the Joint Ministerial Committee on EU negotiations under the chairmanship of David Davis.

Thirdly, we want to give UK businesses, including those from within Northern Ireland, the maximum freedom to trade with and operate in the Single Market and to let European businesses do the same here. In early September, I established my own business advisory group to ensure that the voice of Northern Ireland business is heard loud and clear. Already we have had a number of extremely constructive meetings across different sectors, including construction, manufacturing, financial services, agrifoods, retail, energy and the creative industries. As we trigger Article 50, I want to keep that group going as a vital link between business and the UK Government. I am also establishing new round tables with the community and voluntary sector, recognising the huge contribution it makes as we ensure that we are listening and reaching out across the whole community.

Fourthly, we want to provide certainty, where we can, to groups and organisations that rely heavily on EU funding. The Chancellor has already announced that the Treasury will guarantee direct payments to farmers on the same basis as they are currently paid under the Common Agricultural Policy until 2020. He has also guaranteed funding for structural and investment fund projects signed before the UK leaves the EU, even where projects continue after we leave. In addition, we will guarantee the payments of any awards won by UK organisations which bid directly to the EU for competitive funding, including infrastructure support, even when specific projects continue beyond the UK's departure from the EU. These assurances from the UK Government are intended to give confidence that funding applications should continue as normal and provide more certainty following the country's decision to leave the European Union.

Fifthly, we are determined to maintain and strengthen the bonds between Northern Ireland and the rest of the United Kingdom and indeed between the United Kingdom and the Republic of Ireland. We have had many meetings with Irish Government Ministers over recent months and we are considering carefully how we will ensure that what is a unique relationship between the United Kingdom and the Republic of Ireland is maintained and strengthened in the months and years ahead.

Finally, the open Border between Northern Ireland and Ireland, along with the Common Travel Area, have served us all well, as many of you in this room will know, dating back to the 1920s. Both the UK and Irish Governments, along with the Northern Ireland Executive, are determined to maintain these arrangements.

Some will ask: “Well, what about the position of the European Union?” Of course, we have the negotiation that lies ahead. I would just reflect on the fact that the EU has invested very heavily, both in terms of politics and financially, in the political process. I think that there is a clear recognition of the significance of a number of these specific issues – the Border very much included – in terms of the consideration of the issues ahead. We will certainly continue to underline that clear message as we approach and continue the negotiations.

Chairman, I am in no doubt that the United Kingdom will make a success of leaving the EU for a number of reasons. We are the same outward looking, globally minded, flexible and dynamic country that we have always been. I am confident that we will go out into the world securing trade deals, winning contracts, generating wealth and creating jobs. In addition, as a result of the difficult decisions we have taken in recent years, the fundamentals of the UK economy are sound. The deficit is down by nearly two thirds and we have record levels of employment. This year, the IMF says that the UK is the fastest growing economy in the G7, with growth higher than expected in the three months after the result of the EU referendum.

In Northern Ireland too, I am pleased to say that the economy grew by an encouraging 1.6% last year. There are 60,000 more people in work than in 2010, while unemployment is down 2,000 over the year to stand at 5.6%, the lowest since the start of the great recession in 2008. The economy is, therefore, well placed to deal with the challenges and take advantage of the opportunities that lie ahead as we make a success of Brexit.

So, yes, I do remain optimistic about what the United Kingdom, including Northern Ireland within the UK, can achieve outside the European Union. Of course, it will not be all plain sailing, to use the Prime Minister’s words, but if we continue to approach it in a calm, thoughtful and measured way, under the strong and clear leadership of the Prime Minister, then I am confident that we can achieve our objectives and secure a positive new future for the UK outside the European Union, but one that also continues to strengthen the bonds between the United Kingdom and the Republic of Ireland and, equally, the UK continuing to play a strong a role with our European partners, recognising the need for that to be maintained on so many different levels and wanting to see the European Union succeeding into the future too. Thank you very much, Mr. Chairman.

*12.15 pm*

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you, Secretary of State, for your remarks this morning. I would now like to open the discussion for questions and comments from Members of the Assembly. I will start with Mark Pritchard.

**Mr Mark Pritchard MP:**

Thank you, Secretary of State. The Chancellor, in the autumn statement last week, mentioned £250 million. I just wondered if you could set out, pre-Brexit and post-Brexit, how the funding from the UK Government will continue for peace and reconciliation.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

We will take two or three speakers in one go because of the shortage of time if that is okay with you, Secretary of State.

**Senator Paul Coghlan:**

Thank you, Secretary of State. I found your remarks very interesting. You talked a lot about ending paramilitarism and so on and putting those people out of business. Not too long ago, we presented a report here, which was adopted. Arising from it, both Governments agreed on a task force to deal with the illicit trade on the Border and so on. There is excellent police co-operation between North and South. One of the things that struck us very much - and we said this at the time - was the position in territory around south Armagh. Diesel laundering was huge at the time but maybe not so much now. When we spoke to the police in both Dundalk and Crossmaglen, we more or less got the same 12 or 14 families. When we met the police chief in Belfast, we told him that we did not think that policing in that territory was *pro rata*, shall we say, with the rest of Northern Ireland. We had great hope for the task force and I know it has met and so on. It may be interesting to hear an update on its work because there is a feeling that things have continued as they were.

I know some of you people from the other side of the water refer to the area as “bandit country” and there is a feeling that it may still be bandit country. There are people who, as you say, Secretary of State, were paramilitaries or who masquerade as paramilitaries. From what we heard from the police, these families are using this to line their own pockets.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Paul, we have to ask sharp questions, not make speeches, if you do not mind.

**Senator Paul Coghlan:**

I appreciate that, Chair, sorry. I would be very interested in hearing your views, Secretary of State.

**Mr Conor McGinn MP:**

Sorry, Chair, just on a point of clarity, if I may.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Yes, Conor McGinn.

**Mr Conor McGinn MP:**

Through the Chair, if I could point out to the Senator, I am from south Armagh and I am very proud to be from south Armagh. No one, either from that area or in this forum, should refer to it or the people there as being from bandit country or being bandits.

**Senator Paul Coghlan:**

Sorry, I take that point, Conor. I meant how the area is being referred to. My mother was born there and I know it as well. Sorry.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

This is questions to the Secretary of State but thank you for those comments. I will take Rosie Cooper and then I will go to the Secretary of State.

**Miss Rosie Cooper MP:**

I just want to endorse the comments Senator Coghlan has made. As a former member of the Northern Ireland Affairs Select Committee, we actually were on a visit in that area when a lady stopped me and was very clear when she said: "I see tankers as often as you see taxi cabs. Do you think the authorities have noticed?" I really do think that, despite working together, there is a loss of confidence that we are addressing what is not just paramilitary activity but essentially criminal activity. For the residents to say that they do not believe that we are addressing that as hard as we could be is really serious.

**Rt Hon James Brokenshire MP:**

Perhaps if I could take the last two issues first: those matters relating to paramilitarism and what I would characterise as organised crime, and the work that HMRC and the National Crime Agency, working with counterparts in the Republic of Ireland, are continuing to do. I think there has been some very positive feedback from the joint agency task force on the initial work that is taking place cross-Border, and rightly so. We need to strengthen that further and we need to see that there are the disruptive outcomes.

However, I also make the points about the criminal justice system and bringing people to trial more speedily and also seeing that we have stronger outcomes from that and people are put away for longer. It is precisely these issues that we are taking forward with the Executive, building on the three-person panel's report and the action plan that the Executive published earlier in the year to see that we are actually bringing about more positive law enforcement outcomes and tackling the criminals that lie behind it. I use that term very clearly in terms of the activities - the crime that is being caused, the damage to communities and how that manifests itself in issues of fraud and monetary gain but also in the intimidation, fear and violence that too many communities are subject to as a consequence of their activities. So, the enforcement aspect is a key part of the work that we will be taking forward and the Executive will be taking forward through the action plan.

We will be having regular updates through our reviews of progress against the Stormont House and Fresh Start agreements, of which paramilitarism was a key element, and, therefore, equally with the independent reporting commission that will be up and running in the new year, to galvanise further activity from the Executive, to be able to assemble the evidence and to be able to support a stronger approach because, as I say, this is so important in so many different ways in order that we are able to confront, prevent and deal with the numerous challenges that paramilitarism, sadly, continues to pose and the criminality that it supports, both North and South.

I do take on board the very clear points that I know the select committee has continued to raise over fuel smuggling. HMRC has made some important steps forward but we know that there is more work to do. Equally, how we can look at ways to look at the money? Asset recovery I do see as a core component of this, as I know has been highlighted by others through reports in the past too.

On the funding issues that Mark Pritchard raised, yes, we are looking at this in a structured and considered way, which is why we have sought to give assurance in relation to funding streams prior to our departure from the European Union, but equally recognising that there are PEACE and INTERREG funds that have been bid into for projects that will continue post the UK's departure from the European Union. It was right that the Chancellor gave a clear assurance that, in relation to those projects that either are being funded now or may be bid for during the period in which we continue to remain as an EU member state - it is important that we continue to exercise our full rights and responsibilities during that period - there will be a guarantee of those funds post our departure so that people are able to bid into that with confidence and assuredly.

Clearly, we are looking carefully at the position post-departure where it will be for new funding arrangements and funding streams to be considered and to be put into process. However, this still gives us that proper window of opportunity to get the thinking right, to get the policy right and to get the assessment right. That is why I make this point about the structured approach that we are taking, as a Government, to look at the impacts of decisions before coming to determinations.

There was also a point raised about the funding from the autumn statement as well from last week that the Northern Ireland Executive has £250 million worth of additional support for capital over the next five years flowing through from Barnett consequentials that came through from the autumn statement. Again, I know the Executive is thinking carefully as to how those fundings should be used for infrastructure and other projects. Equally, from the Chancellor's statement, there are separate matters that are effectively reserved for the UK Government on issues such as research and development and on digital infrastructure. Again, how we work together to see that bids are put in, whether that be from the university sector or other sectors, to support continued growth and ingenuity within the economy and to broaden the skills base because, whilst I have highlighted some important strides forward in relation to the Northern Ireland economy, there is still much more work to be done there. Unemployment remains far too high compared to other parts of the United Kingdom and indeed economic activity, whilst having come down, still remains too high. There is work to

do around the issues of skills and giving people prosperity, hope and that sense of Northern Ireland moving forward. We have come an awful long way but I am very conscious of work that still needs to be done.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you, Secretary of State. Can I say to Members that we have a very large number of people wanting to speak so please make your remarks very brief and ask a very short question? Equally, if the Secretary of State could answer quickly, hopefully everybody will be able to get their question in.

**Senator Terry Leyden:**

Thank you, Co-Chair. Secretary of State, you are very welcome here on this, your first visit to the Assembly as Secretary of State. I am delighted you were not an enthusiastic Brexit voter, as far as I know, and you will be singing from the one hymn sheet with Northern Ireland, so at least you are in harmony from that point of view in where you go from here.

I would like your full support for the continuation of this Assembly, which I should think will be strengthened under the Brexit arrangements. The Republic will be the only member of the European Union within this organisation and we will be the United Kingdom's friends in court. The Government and all Opposition parties in Ireland fully support and will give every assistance to the United Kingdom Government in the negotiations on Brexit. That is essential. We were also the closest possible friends when we negotiated the Single European Act with your Ministers. I was there as a Minister of State, so I know that from first hand. We are sorry to see the United Kingdom leave but life is life and we have to look at the realities. I am very anxious that—

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

We need a short question please, Terry. I am sorry.

**Senator Terry Leyden:**

I appreciate that. The Secretary of State is delighted to hear these views. I am very anxious that the continuation of the joint passport approach will be maintained. You cannot clamp down in some way after Brexit.

There is a case for having major industrial zones on both sides of the Border to accommodate the North and South of Ireland in relation to the production and export of goods. Thank you.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

I will cut people off if they talk for too long because otherwise people will not get in.

**Senator Terry Leyden:**



You are very kind.

**The Baroness Harris of Richmond:**

Secretary of State, you talked about young people in the beginning and keeping them away from gangs. Young people of the BIPA Youth Symposium are with us here today. They have expressed concerns around the freedom of movement for study, travel and work in the UK and Ireland. They want to know how voices of the young will be heard in negotiations. Will you ensure their participation? Will you maintain environmental standards to the same standards as they are now in Europe?

**Mr Brendan Smith TD:**

I welcome the Secretary of State's comments in regard to funding for the PEACE and INTERREG programmes. That reassurance was very necessary. We have discussed it in the Dáil at length and that message that you gave today and the Chancellor gave needs to go out to the wider community as well because communities which were preparing applications for funding had a doubt set in their minds in regard to the feasibility of projects. I welcome that statement. Secretary of State, it would be even better if you could amplify it to the community at large.

With regard to dealing with the legacy of the past, I welcome your comments in regard to the need to make progress in that particular respect. There were many dark days in Ireland during the period known as the Troubles. The day of greatest carnage was the day of the Dublin and Monaghan bombings when 24 innocent people were murdered. Monaghan is part of my constituency. On three different occasions - in 2008, 2011 and 2016 - motions were passed unanimously by Dáil Éireann, signed by all the party leaders and unanimously endorsed, asking the British Government to give access to all papers to an eminent international legal person. Unfortunately, your Government and its predecessors have ignored those requests of a sovereign Parliament. Secretary of State, I would love if you could give a positive response to the unanimous request of Dáil Éireann that progress be made in regard to that investigation.

*12.30 pm*

**Ms Brenda Hale MLA:**

I will declare an interest as a member of the Northern Ireland Policing Board so I was very pleased that Rosie Cooper actually mentioned areas of organised crime. We have been talking about borders and obviously organised crime does not recognise the borders that we are potentially seeing. Can you tell me what discussions have taken place to ensure the protection of the European arrest warrant or potential hot pursuit legislation?

**Senator Diarmuid Wilson:**

I will be very brief. I thank the Secretary of State for his contribution. The question I want to ask has been partially answered already. I welcome the fact that you are going to retain the

payments of approximately £280 million to the agriculture sector. The area I would like to home in on is to ask about the ESF funding of approximately £40 million that has been provided by Europe for projects, particularly to early school leavers. You mentioned the threat from paramilitaries and criminals. Young people, particularly early school leavers, are a fertile breeding ground for those organisations. That £40 million from ESF funding goes to projects which encourage youth employment and youth education. I would like you to give an assurance that that money will be ring-fenced so that these projects can continue.

**The Lord Dubs:**

Thank you Secretary of State. I think your remarks will have received a pretty warm welcome here. To what extent, other than in Dublin, are people in the European Union countries – the leading people – aware of what you have said and aware of the difficulties and the arguments? Are we just talking to each other where we all support each other? We cannot start negotiating because we are not allowed to but is there any sense that people in Brussels, the game changers, are actually aware of the arguments you have put forward and the difficulties that you have described in order that they are sensitive to our position?

**Rt Hon James Brokenshire MP:**

Alf, thank you for that last question. I think that there is increasing knowledge and appreciation. It is worth noting the work that the Taoiseach has been doing in going around to EU member states as well to underline some of the significance of issues relating to the island of Ireland and the continuing political process. It was notable at the weekend that the Maltese Prime Minister, on the incoming Presidency, made specific reference to the issues relating to the Border as a matter that would require early resolution. However, there is a duty on us to continue to underline this because I would not want it to be seen simply as a resolution of the Common Travel Area and a resolution of issues relating to the physical Border, which we would not want to see around North and South, but also other issues on matters such as, for example, the single electricity market that underpins so much of business on the island of Ireland. There are other issues too that need to be seen in that broader political context as well that are very specific. We have a duty to continue to underline that. I think there is some recognition but more work needs to be done.

Some questions were asked in relation to continued funding. On a number of structural and investment projects, as I have indicated, the Chancellor has given clear assurance in relation to that by saying that where those projects have been bid into or are currently being bid, we will continue to fund them post the UK's departure. Also, for some projects where direct bidding may take place between organisations into the European Union as well, again to give that sense of reassurance to be able to allow further bids to be made. I do hear the points about how we can continue to get that message out so that there is not some sort of hiatus or people thinking that they cannot bid in because the UK is now departing. Well, they can. We have been doing work around that but I know that is something we will be continuing to do. For example, on the new round tables that I am establishing with the community and voluntary sector, that is precisely the message that I will be wanting to underline to them

again and again so that, again, we do not see some sort of hiatus in relation to the continued bids being submitted.

On issues relating to organised crime, I am certainly very conscious of the huge benefit that we gain from strong co-operation, North and South, between the PSNI and An Garda Síochána. Indeed, when I was in Dublin a short while ago meeting the Tánaiste, we again underlined that sense of the strength of co-operation that I think is as good as it has ever been and how we are determined that that will be continued into the future. We are assessing very closely the issues on the justice and home affairs area where there are EU structures that exist at the moment. We have not made any decisions in relation to that but as someone who worked at the Home Office for the last six and a half years on these EU measures, I recognise the structures and systems that have been put into place, the benefit that we gain from closely working with our European colleagues, both with the Irish Government and more broadly, and the benefit that is gained by working together closely around our own security for all of our citizens. So, this is an area that is being looked at very closely, although, as I say, we have not reached any final determinations or approaches to be confirmed going into the negotiation. It is complicated but it is important, therefore, that we listen carefully and we consider these issues very closely as we look to the negotiations ahead.

Equally, on the issue of migration, yes, the Prime Minister has been very clear that free movement as it exists today cannot continue into the future. I think that was a very clear message that was given as a consequence of the referendum. However, we have also been clear that simply proposing an Australian style, points-based system is not the answer because if you look at the position in Australia, if people are concerned about levels of migration, well actually an Australian style points system on a per capita basis gives you higher levels of migration. There are a range of complexities that need to be worked through.

Again, while we are considering these matters very closely to reflect and recognise what was a clear message of the UK public and one which we are also underlining - that free movement cannot continue as it has done to date - we are also giving that assurance for EU citizens who are here that we want to maintain and protect the rights of EU citizens already within the United Kingdom. I believe that we will be able to do that and the only reason that we would not be considering that is if citizens of the UK in other European member states were not so protected. I remain positive and optimistic that we will be able to work a way through on that and that that should be a priority area.

In terms of the value of BIPA, absolutely, it is really important that we have this mechanism to be able to have a broad cross-section and exchange of views in the way I have already heard this morning being expressed. That is important. It comes back to the point that I made on the need to ensure that we have continuing structures in place to ensure that there remain strong connections and ties between the United Kingdom and the Republic of Ireland at so many different levels and in so many different ways, so that we are able to see that the unique relationship that I celebrate and is in a really strong place is able to be maintained, notwithstanding our departure from the EU.

I obviously note the comments that have been made over the possibility of some form of industrial zone. We look very closely at this issue of strengthening the economy in Northern Ireland and some of the joint programmes of work that reside around that with the Irish Government.

In relation to environmental standards, I come back to the point that I made around the great repeal Bill: that effectively this brings into UK law all of the existing EU law and it will then be for the UK Parliament to determine what changes may be appropriate post our departure from the European Union. Clearly we will be giving great thought and care to any changes that might be proposed. Just to be clear, however, on the basis of maintaining all of the issues in relation to, for example, the rights of employees and environmental issues, they will come into UK domestic law and it would then be a matter of seeing them protected. Ultimately, however, it will be for the UK, post its departure, to consider what changes may be appropriate in the years ahead.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you Secretary of State. The next speaker is—

**Rt Hon James Brokenshire MP:**

If I may, the one important point I have not mentioned is in relation to Dublin-Monaghan and the appalling atrocity that took place. Obviously, the UK Government has supported previous inquiries in relation to that appalling incident. My thoughts remain with all of those who have been affected. What I can say on that is that discussions are continuing with the Irish Government. I had a conversation with Charlie Flanagan about this issue a short while ago. Officials are considering these delicate issues as to how we may be able to move forward in relation to this. I would just underline the recognition I have for that appalling event and, therefore, how we are continuing to discuss with the Irish Government recognising some of the continuing concerns that reside around that.

**Mr Declan Breathnach TD:**

I am from the constituency of Louth. I preface my remarks by saying that, representing a Border county, I think I speak for the silent majority in saying I would not like any image to go out from here that the Border counties, from Dundalk to Donegal, would in any way support reference to “bandit country”.

Secretary of State, I would like you to elaborate on the model that you see post-2020 in relation to the funding mechanisms. Clearly, the various funding, where there is PEACE, where there is INTERREG and the myriad of programmes that communities North and South have benefited from, the model where you are giving a commitment of the Exchequer to continue to support those competitive funding mechanisms, surely there is a difficulty there in that you will be outside the EU. What model do you envisage where you would be able to provide a package of funding to the North to ensure that we can avail of EU funding because most of those programmes are based on matching communities which are within the EU?

From a Southern perspective, we have engaged in dialogue, our Taoiseach has invited people to a series of—

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Sorry Declan, we really do need quick questions because there is loads to get in.

**Mr Declan Breathnach TD:**

To what degree will the South and people from the South be given an opportunity to partake in your dialogue North of the Border to ensure that we micro that I referred to? We can all engage in the macro till the cows come home but the reality is that until you drill down to the micro and the effect on communities, farming and Border counties and hear what we have to say from a Southern perspective, I do not think you will get any resolution to this.

**The Lord Empey:**

The Secretary of State mentioned paramilitarism at some length and quite rightly. Eighteen years after the Belfast agreement, does he think it is still appropriate that millions of pounds of taxpayers' money is going to organisations that are led by paramilitaries?

**Senator Frank Feighan:**

The Secretary of State also mentioned that €15 million was being allocated to integrated and shared education. It is the first tranche of a ten-year fund and it is very welcome. We visited various education facilities. The Department of Foreign Affairs and Trade has made some significant contributions over the years to integrated education. Does he believe the political will is there to further this shared and integrated education, which I understand accounts for about 10% of the educational facilities in Northern Ireland?

**Mr Robin Swann MLA:**

Secretary of State, you mentioned £25 million that the UK Government has detailed for tackling paramilitaries. Can you give us some detail as to how it is being drawn down and used and, like Lord Empey, a reassurance that it is not going to support community representatives who patrol their communities carrying a briefcase by day and a baseball bat by night?

**Mr Séan Crowe TD:**

Go raibh maith agat and welcome to the Secretary of State. You said in relation to the legacy issues that the process is not delivering and it is slow and cumbersome. Would you not agree that part of the difficulty has been the failure to co-operate and the failure to release documentation relevant to legacy issues?

You were saying that we need to act in balance and that cases are one-sided. What are you saying in relation to that? Are you saying that those cases that are being taken up were made up or did not happen, that people did not get killed, the army was not involved and did not give weapons and facilitate the importation of weapons and so on? What are you saying in relation to those cases? What do you mean by cases being time limited?

*12.45 pm*

**Rt Hon James Brokenshire MP:**

On the work on funding post-2020, clearly we are seeking to take a structured approach on how we maintain confidence during the period of the negotiations themselves up until our point of departure. Hence the reason for the comments that I have made in relation to the assurances that the Chancellor has given. We are thinking carefully as to what the position should be post-2020. That is why it is these various different strands of work that are taking place in a structured way and, equally, how we are seeking to use the time between now and triggering Article 50 to get the UK-wide approach to the negotiations, the work that we continue to do with the Joint Ministerial Committee and other mechanisms too, to be able to ensure that we get that right.

We have the negotiations themselves and then obviously the position post the UK's departure. Therefore, there is still a great deal of work to be done in respect of the post-2020 position in relation to the Common Agricultural Policy, how that gets replaced from a UK-wide context and how that requires continued dialogue with each of the devolved Administrations as we take that approach. I suppose it is that structured way forward that we are seeking to build and, therefore, I cannot give details as to what the structures will look like because the decisions, frankly, have not been taken as yet. However, I can underline, I think, the very careful and thoughtful way in which we are seeking to approach this in terms of managing the smooth transition from one situation to another situation.

I also say on dialogue that I and other colleagues have been undertaking a lot of dialogue across Northern Ireland over a range of these all-Ireland issues which we are very conscious of in terms of the integration of a number of businesses, both North and South, and, equally, the whole way in which the agrifood sector is established. I know the Irish Government is looking carefully at these matters as well. Therefore, I think that we are certainly assembling the evidence and the feedback, as well as engaging very closely with the Executive too through all of the different structures that have now been established to ensure that we have that clarity as to the issues that do need to be resolved in relation to making a success for Northern Ireland within the UK but outside of the European Union as we approach the negotiations ahead.

I would also say on the Ireland Act 1949 and the rights of Irish citizens within the United Kingdom that are established in relation to UK law, we approach this in a way that those rights will be maintained.

On paramilitarism and the way in which funding is used, I am very clear and it is why we have taken the approach that we have in working with the Executive, that the funds that we make available are used effectively, deliver value for money and are very targeted in that way

to deliver positive outcomes in communities that see us moving away from some of the damaging impacts that are seen across too many areas of Northern Ireland. That is why the Executive is considering its plans in detail in terms of funding bids to the UK Government in relation to this £25 million and ensuring that we are taking very firm action against paramilitary groups in all of their different forms and actually bringing about real change in communities.

I suppose that for me it is about preventing young people getting involved in paramilitarism in the first place, how we provide exits for those who are in paramilitary groups who may be looking to create a new way out and also being firm, resolute and implacable against those involved in the criminality that does present itself in so many different ways. Therefore, how we use funding, how we ensure that it is delivering on those outcomes, for me, that is an important part of how we take this work forward.

On integrated education, absolutely, I am a strong and keen advocate of integrated education. That is why we are continuing to work closely with the Executive as it develops its plans and proposals, how again the money that is available through Fresh Start is used effectively and in a transformative way to bring communities and young people together. I think that this is so powerful and so important and, therefore, we will continue to work closely with the Executive to see that the moneys are used effectively. I think there is a will there. I think things are changing. I think there is a desire to see work progress in an effective way and that is certainly a message that I will be continuing to underline.

On the matters of legacy, there are a number of different aspects to this. We have existing pressures within the coronial system. We have existing pressures within the PSNI and also the legacy institutions through the Stormont House Agreement. I think it is how we are able to progress on all fronts in relation to this that is so important.

On the issue of national security, I have been very clear and the commitment of the UK Government remains very clear in terms of the disclosure to the proposed Historical Investigations Unit and therefore the disclosure that will be made to the HIU in respect of all matters. However, it is still the issues that I have to consider carefully as Secretary of State on national security and protecting lives now in terms of onward disclosure, public disclosure. It is those matters that we are continuing to work through carefully and think carefully as to how we can provide an assurance that this is certainly not – I stress the word “not” – about trying to cloak embarrassment. It is about very serious issues on how we ensure that lives are protected.

On the point that I make about the imbalance, it is the fact that when you look at the number of deaths during the Troubles, around 10% can be linked to the actions of the State in some way, the vast bulk being of terrorists who were involved in the deaths during the Troubles.

At the present time though, the majority of investigations are reversed in the other direction and I think that is what is creating a very pernicious narrative about it all being about the State, rather than being properly balanced in that way and reflective of what actually did take place. However, I am equally very clear that I uphold the rule of law and if there is evidence of criminality, that should be pursued. So, it is, I think, that measured, balanced,

proportionate approach that we are seeking to take forward and, as I say, seeking to bring about the necessary political consensus to ensure that we are able to progress this and to see that Northern Ireland is able to look forward.

**Mr Barry McElduff MLA:**

Can I just say to the British Secretary of State that his narrative is not universally shared? It is not the only narrative in relation to what happened in the conflict. There is a lot of anger in Nationalist and republican communities, not least about the British Government's refusal, its prevention of information disclosure and funds being released to allow inquests and legacy investigations to take place. I have to convey that sentiment. I ask him maybe to elaborate on that.

There is a suspicion that the British Government does have a case to answer, going right up to 10 Downing Street, in relation to collusion and management of loyalist death squads in the conflict. There is more than one narrative here.

In relation to the European Union referendum, is the British Secretary of State prepared to acknowledge the case for designated special status within the EU for the North of Ireland given the unique circumstances of Ireland?

**Ms Joan Burton TD:**

I just wanted to ask the Secretary of State what is happening at the moment in relation to planning in respect of the EU support for third level education in the North of Ireland and generally in the UK where the EU is a very significant supporter of scientific research and development.

Secondly, you spoke about your strong personal support for integration and on children at school level. Do you have a view at this point in relation to the Erasmus programme, which has been a major factor in allowing young people from different parts of Europe to get a life experience in another European country as students? In relation to specific areas like research and development and agriculture where there are specific lines of funding, could you advise us about what are the structures, if any, which have been developed, either through the select committee on agriculture or through other structures, to identify strategic needs? What do you see as replacing that funding stream, particularly to third level, which is one of the engines for growing a modern economy?

**Pat the Cope Gallagher TD:**

First of all, a practical question, Secretary of State. You will be well aware since your arrival in Northern Ireland of the levy that vehicles have to pay crossing the Border into Northern Ireland or transiting from Donegal or other parts back to the South. This is a great imposition and, of course, while it is the truckers who have to pay for it, eventually it is the consumer who has to pay for it because it adds to the cost of transport. Can you, in your position as Secretary of State, try to prevail upon your Government, in particular your transport Secretary, to remove this levy? That would send out a signal. It would send out goodwill



from the UK Government that it is prepared to work in the future with Northern Ireland. It is a practical example which would have no major cost.

The second issue has been touched on by my colleagues so I will be very brief. INTERREG has played a major role, together with the PEACE programme and the European Social Fund. I remember very well being in the European Parliament when Jacques Delors stated after the cessation of violence that Europe would respond in a positive and practical way. True to his word, he increased the EU contribution to the International Fund for Ireland, which played a major role in the peace process. He appointed a Commissioner with responsibility at the time to establish the PEACE fund, which has been a huge benefit. Going forward, however, we will not have INTERREG because we will not have a land boundary. Even Wales benefits from INTERREG. If the British Government is serious - and I take you at your word - in saying that any projects that are in the pipeline or that are not completed will be funded - I am talking about post-Brexit however—will the UK Government replace the funds that would normally come from INTERREG?

Finally, do you have any definition, because I have found nobody yet who has it, of the difference between a soft border and a hard border? We know what the hard border is but no one can tell us, either in Ireland or in the UK, what a soft border means. As I said to the First Minister of Wales, I come from a part of Ireland—Donegal—with which the Secretary of State will be familiar now. It is locked in by Northern Ireland and the Atlantic. I repeat what I said: for us, Brexit is an absolute disaster. I appreciate that you are looking forward to a positive new future and I would like to concur with you but I am afraid I cannot.

**Mr Peter Fitzpatrick TD:**

I appreciate the opportunity to speak to the Secretary of State. I come from a Border county and I have met business people on both sides of the Border. They have raised a concern as to what is going to happen when the UK leaves the Single Market. What is going to happen to joint European projects and the funding for the peace process and reconciliation?

I am looking for a commitment. One thing I like is that the PSNI and the Garda Síochána have worked very closely over the last number of years. We need a commitment from the Secretary of State that this will carry on. Can he give a commitment that the PSNI and the Garda will continue to work very closely in solving the murder of Garda Adrian Donohoe who was murdered in the Republic of Ireland a few years back?

**Mr Mark Durkan MP:**

Given the time constraints, I will park the questions that I would have had on the issue of Brexit. Just to say in relation to paramilitarism that the approach being followed by the Government and the Executive at the minute, if compared with the submission that my party made at Stormont House about a whole community approach to achieving a wholesome community overcoming paramilitarism and everything else, the fact is that, set against that paper, the approach by the Government and the Executive at the minute is deficient on quite a number of levels and is obviously misdirected on some levels.

I want to take particular issue with what the Secretary of State said in relation to legacy issues. Frankly, I resent the fact that he particularly associated himself with the words of his predecessor that were in themselves controversial and resented by many people, including quite a number of victims. I find it gratuitously offensive that he decided to use this venue to associate himself with those particular remarks.

*1 pm*

If the Secretary of State is concerned about there being possibilities of an imbalance to the approach to the past, then maybe what we need to do is take the advice that was there from Richard Haass and others to say that in dealing with the past, as well as the Historical Investigations Unit and the other mechanisms, that we need a clear approach as well that covers thematics, that does not just look at individual cases as though they are the private property or the private grief of individual families, that looks at the lessons and that looks at the patterns and the practices that were involved, not just on the part of the State but certainly on the part of paramilitaries. He has made the point that nothing other than a thematic approach is really going to shine the light on the nefarious activities and some of the sectarian dimensions of what paramilitaries did but, for some reason, the British Government and the two main parties in the North have set their face against such a thematic approach, which would actually be a better way with dealing with the past.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you, Mark. You have had your time. I call David Ford.

**Mr David Ford MLA:**

Secretary of State, you have said the Executive is considering its plans in detail, with reference to the report on the paramilitaries. However, no funding has been released from the Treasury for this year. Is this because the Executive's plans, which should have been put forward in June, were not good enough or is it because the Executive has not asked you for it?

You said you remained hopeful on dealing with legacy matters. Given that it is now a year since the so-called Fresh Start was agreed by the two Governments and the two largest parties in Northern Ireland, are you hopeful of reaching that agreement with the Executive or are you proposing to reconvene five-party talks, as we had in two previous iterations that Mark has just referred to?

**Rt Hon James Brokenshire MP:**

There are quite a lot of questions to get through. A number of funding issues have been flagged during the questions. On the matters of the legacy situation, I hear the point that was made around coronial inquests. First, to take the narrow view, we have not had a request for funding from the Executive. More fundamentally, however, it is about the need for reform of the coronial system to be able to deal with these matters in a timely fashion and why I did make the general point about the need to progress matters in an overarching way. I suppose that comes back to some of the other questions that have been flagged on the fact that, yes,

we do have the Stormont House bodies that are intended to embrace a range of different themes.

I have touched on disclosure to the Historical Investigations Unit but there are other bodies there too that are intended to address and consider matters in a much broader way, to take on board Mark Durkan's point in relation to some of the broader themes' issue. Therefore, it is precisely this approach that I want to take on being able to move to a public phase to see that we are able to listen to further views and to ensure that there is a strong confidence and view that allows these new bodies to come into effect and that they are able to do so with the approach that I think will command authority and respect, so that we are able to see matters moving forward.

I know that there are different views here and I respect and recognise that. That is why it is appropriate to move forward in the manner in which I have previously outlined and which I have set out in terms of the responses that I have given to this session today.

On paramilitarism, whilst again I note the comments that have been made in relation to that, I think that there is positive progress that has been made. The Executive has taken a number of important actions but it is equally looking very carefully to see how we can get the best possible effect. That is why we have not had bids in the current financial year for funding in relation to the £25 million fund that I have referred to. I respect that because I think that is about getting the bids in in the right way to see that it does have the impact that, frankly, all of us in this room would wish to see.

I think a specific case was mentioned on co-operation between the PSNI and An Garda Síochána. Obviously I cannot comment on an individual case but I would make the general point that I made about the need for continued, strong co-operation between the PSNI and An Garda Síochána, which is in a very good place, and how I do want to see that continuing into the future and how some of these issues in relation to the justice and home affairs aspect of the EU do sit alongside this and why we are considering these matters very closely.

I note the point that has been made on truckers and transport. How the Border operates is something that is significant. I think we all fully recognise and appreciate all of that here today. We have used the term "no return to the borders of the past" but what I think that that is driving at is that sense of the frictionless Border and the fact that people are able to move freely, North and South. Equally, there is a negotiation to be had. There is a lot of detail to be worked through. However, I would also underline the very clear intent, will and commitment between the UK Government, the Irish Government and the Northern Ireland Executive too, and how we are working together to get what I believe will be the best possible outcome to achieve the positive issues because of the politics, because of so many different things that we need to secure in relation to the Border, North and South. Obviously, there are a range of other matters that we are considering with the Irish Government and a number of specific factors with the Executive in relation to Northern Ireland.

A question was asked about a sort of special status. I would rather frame it in a way that there are very specific circumstances that we need to address in Northern Ireland and equally

that are reflective in terms of the all-Ireland position as a consequence of that. That is why we are determined to get the best outcome to deal with those matters in the negotiation that is to come.

I was asked about research and development and some of the funding issues in relation to those matters. There is a lot of work that we are doing in considering the post-Brexit position which I am not able to share with you today because that work is continuing. However, I would point to the announcement that the Chancellor made last week in his autumn statement about the national productivity and investment fund, which is a UK wide initiative of £23 billion over the course of the next five years that has research and development and productivity at its core. This is why I made the point about how we can ensure that universities and others are able to bid into that fund and to see and ensure that Northern Ireland gets the benefit of that, as we are looking for a positive, ever more productive economy in Northern Ireland that allows us to look to the future with confidence.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you very much, Secretary of State. Unfortunately, we have come to the end of the session because lunch awaits. On behalf of the whole of the Assembly, can I thank you for your very detailed explanation of the current situation in Northern Ireland and answering so many questions so well. We are grateful for your presence here at the British-Irish Parliamentary Assembly and we hope you will stay for lunch and mingle with some of our Members this afternoon. Thank you again for your attendance.

Before I formally adjourn until after lunch, could I make one brief announcement? We have the traditional BIPA group photograph and I would like to ask Members to assemble in the foyer of the hotel at 2.15 pm to take part in that photograph. We will then reassemble at 2.30 pm when we will hear from His Excellency the Ambassador of Ireland to the United Kingdom. Until then, I formally suspend the session until 2.30 pm. Thank you very much.

*The sitting was suspended at 1.09 pm.*

*The sitting was resumed at 2.33 pm*

## **IMPLICATIONS OF BREXIT FOR BRITISH-IRISH RELATIONS**

### **The Co-Chairperson (Ms Kathleen Funchion TD):**

OK, Members, we will continue our discussions. We have another guest speaker with us today. We are delighted to welcome Mr Dan Mulhall, who is Ireland's ambassador to Britain. Can everyone please give the ambassador a very warm welcome? We ask him to make his address. *[Applause.]*

### **Mr Dan Mulhall (Ambassador of Ireland):**

Go raibh míle maith agat, a Chathaoirleach. Thank you, Chair. Thank you for the invitation to be here. I have been at BIPA many times over quite a few years but I have never actually spoken before, so it is a great honour to be here this afternoon. I was in Cardiff on Thursday and Friday for the British-Irish Council and it is a privilege and honour to be back here again for the British-Irish Parliamentary Assembly. I enjoyed listening to the discussions and debates this morning and I hope that I can add something to the Assembly's proceedings this afternoon.

As Ireland's ambassador in London, it is a great pleasure for me to represent our Government here this afternoon and to offer some views on the implications of Brexit for Ireland, for the future of North/South ties in Ireland, for Ireland-UK relations and, indeed, importantly, for the European Union. We should not forget that the European Union is also part of this equation.

There is a triangle between London, Dublin and Belfast but there is also a very important other point on the compass, which is the European Union. The other 26 member states will be involved in these negotiations. You will not be surprised to hear that our Government regret the fact that the UK has decided to leave the European Union. There are many reasons for this. We regret this move because it will bring to an end a highly productive partnership between our two countries within the European Union stretching back to 1 January 1973, when we entered what is now the European Union on the same day. The UK's decision poses many challenges for Ireland and gives rise to a series of unwelcome uncertainties, I would say, at a time when our economy has recovered strongly from the difficulties of the past decade and when relations between our two countries are better than they have ever been in our history. However, we, in Ireland, are realists, of course. We accept the outcome of the referendum, naturally. We are gearing up to deal with its consequences and the challenges that the situation poses for Ireland. Our aim will be to minimise the impact of the decision on Ireland and our relations with Britain.

We are firmly committed to EU membership. The reason for this is that, over the past four decades, EU membership has provided Ireland with a very positive environment, conducive to the pursuit of Ireland's national interests. It has facilitated the diversification of our economy and the development of close cooperative ties with our European neighbours. Membership, incidentally—this is an important by-product of membership—has provided a very benign framework for the enhancement of Ireland-UK relations. We did not join the

European Union to improve our relations with the UK. We joined for other reasons but, in fact, over the last 43 years, we have discovered that one important by-product of our membership has been that it has provided a framework for improved British-Irish relations.

For every single day of my career as an Irish diplomat stretching back to the late 1970s, Ireland and the UK have been partners in Europe. Over the decades, Irish and British officials have forged rich and productive networks of contact and cooperation. As a senior diplomat now, it gives me some concern that my successors in the Irish Department of Foreign Affairs and Trade will not, in the future, have the experience of routinely sitting around tables in Brussels, Luxembourg and elsewhere with their European colleagues, including a British delegation. Today, in Brussels, there are probably 20-odd meetings taking place, at each of which Irish and British officials will be discussing issues and developing their cooperation.

Our relations during the past 40 years have broadened and deepened as the UK and Ireland have dealt with each other not in an exclusively bilateral context, which is always unsatisfactory between a large country and a smaller country, but on a range of topics that arise naturally on the European Union agenda. We have found that, more often than not, the UK and Ireland are on the same wavelength in EU negotiations. We have many things in common. There are things on which we disagree that are well known; for example, the common agricultural policy, a particular European policy that we have a deep attachment to. Nonetheless, across the range of issues that arise on the European agenda, we, the UK and Ireland, tend to be allies in many cases. We will miss that alliance when the UK leaves the European Union.

Let me offer views on the implications for Ireland under five headings. I want to talk about, first, the wider implications for the European Union; secondly, the implications for trade between our two countries; thirdly, the implications for Northern Ireland and North/South relations in Ireland; fourthly, the implications for our large and significant Irish community in Britain; and, finally, the future of Ireland-UK relations.

In my experience of almost 40 years of diplomatic life, the European Union has an outstanding record of achievement, bringing its proudly independent member states into a unique partnership that has benefited us all over the past four or five decades. The European Union is an invaluable asset for the continent of Europe, having helped to sustain six decades of peace and prosperity on a continent that has not, in the past, been characterised by such qualities. This is not to say that the European Union is without fault. It is certainly not, and I could list its faults. My point is that it has been a public good for Europe over the past almost six decades. The European Union has certainly struggled in recent years with the impact of the economic crisis and the challenge of migration from outside the European Union but, in our view and the view of the Governments of the other member states, it continues to offer Europeans the best prospect of coping with future international developments and opportunities.

It is, in my view, unfortunate that the UK will no longer be sharing in the European Union's onward journey. That will not derail the European Union, in my view, but it will certainly

make our future journey more onerous because we will be deprived of the positive contribution of the United Kingdom. From Ireland's point of view, we will want the European Union to emerge from the coming Brexit negotiations in a strong position and continue to serve the needs of its member states and their people. We could not, therefore, go along with anything that would have the effect of undermining or weakening the European Union, which is a vital part of Ireland's future.

The second set of concerns that I want to mention relates to future Ireland-UK trade. The figures are well known but I will recall them for the sake of clarity. Two-way trading of goods and services across the Irish Sea amounts to €1.2 billion or, say, £1 billion a week. This is a large and impressive trading relationship in any context, not least between two countries one of which has a population of fewer than five million. This trade sustains approximately 200,000 jobs in each of our countries and there is also a considerable two-way flow of investment between us. Many Irish companies that look to invest outside of Ireland look first to Britain. British companies, of course, also invest in Ireland, so there is a two-way advantage. That is a key thing: it is a two-way relationship. It is not a one-way relationship with a small country benefiting from proximity to a large country. It is a relationship that benefits both our countries, and it is important to remember that. Overall, the UK is Ireland's most important economic partner while Ireland, remarkably, is the fifth most important market for British exporters.

No one ought to claim, and I certainly would not do so, that all of this trade and investment is in jeopardy as a consequence of Brexit. That would be a ridiculous thing to claim but, unfortunately, there is a degree of uncertainty about the future trading relations that will be developed between the EU and the UK after Brexit. We earnestly hope that the UK will remain part of a single market and the customs union, but the outlook on that front is unclear and will probably remain unclear for some time to come until we reach the business end of these negotiations on the future relationship between the UK and the European Union. If the UK is outside the single market, a new trading relationship will need to be negotiated, and this is likely to be a complex and very lengthy process. To avoid too much uncertainty, it may, in my view, be necessary for some transitional arrangements to be put in place—the Taoiseach made this point over the weekend—but these arrangements will also need to be negotiated. So, even that does not provide any easy solution to the challenges arising from Brexit.

*2.45 pm*

Irish economic interests are being affected by the prospect of a British exit from the EU in that the decline in the value of sterling has already impacted negatively on our exporters and has the potential to pose problems for our tourism sector, which has enjoyed a record performance this year. Nonetheless, our economy is, we believe, sufficiently robust to be able to withstand the negative impacts that may derive from Brexit. You will readily understand, however, that the economic uncertainties stemming from Brexit are deeply unwelcome from an Irish point of view. Our economy has recovered robustly from the setbacks experienced from 2008 onwards, and the one cloud on the horizon at the moment is the uncertainties generated by the Brexit vote. Our Department of Finance has recently downgraded the economic forecast for the coming years on account of the potential impact of

Brexit. Nonetheless, we continue to expect convincing growth during that period, reflecting the underlying strengths of the Irish economy. The latest forecast is for growth of 3.6% this year and roughly the same level next year. We will still probably have the fastest-growing economy in the eurozone this year and next, but, undoubtedly, there will be some negative effect arising out of Brexit. With all that in mind, it is clear that Ireland's best interests will be served by keeping the UK in the single market or as close to it as possible. We want to minimise any disruption to the mutually beneficial trading relationship, but that will clearly require the UK to bear the responsibilities that go with the advantages of the unique economic environment that we know as the single European market.

Our third concern is to do with Northern Ireland and relations on the island of Ireland. There is no doubt in my mind that EU membership has done a great deal of good for North/South links in Ireland. The European Union has provided a positive framework within which the peace process has been able to develop and flourish. The creation of the European single market removed the need for customs controls on the Irish border. I am old enough to remember a time when there were customs controls. My first ever visit to Northern Ireland was with my parents when I was a child. I remember having to go through customs in those days. People much younger than me will never have come across customs checks on the border between North and South. EU funds have also supported cross-community and cross-border projects in Ireland. The current open border that we enjoy in Ireland is a product of the peace process and the single market. It has brought huge benefit to communities on both sides of the border. We must not allow those advances to be lost or negatively affected as a consequence of the UK's exit from the European Union.

The circumstances in Northern Ireland are clearly very different from anywhere else in the UK or the EU. The border in Ireland is the only land border between the UK and the European Union. Moreover, even after Brexit, everyone in Northern Ireland will, under the terms of the Good Friday Agreement, be entitled to be an Irish citizen and, therefore, an EU citizen. That is a condition that does not apply anywhere else. The fact that everyone in Northern Ireland will be entitled to be an EU citizen post-Brexit has consequences. Our two Governments have expressed their determination to maintain an open border between North and South. In Ireland, we are currently examining all aspects of this issue with the firm intention of preserving current arrangements. That may be somewhat less challenging for people than for goods, but it will be necessary to ensure that whatever special arrangements that can be created with regard to the future of the border between North and South do not give rise to issues for our EU partners or the EU institutions in the context of the overall negotiations between the UK and the European Union.

We have been making every effort to spread the word around Europe about the specific circumstances that apply in Northern Ireland. Our Minister for Foreign Affairs and Trade, Charlie Flanagan, has been in contact with all of his EU colleagues to sensitise them to our unique and specific concerns about the implications of Brexit. The Taoiseach and other Ministers have also been doing the rounds explaining our position. It seems that there is, at this stage at least, a good understanding around Europe of the particular issues that arise for Ireland and the unique circumstances that apply in our case. We have strengthened our resources within the relevant Government Departments in Dublin, and there is a Cabinet



Committee. All these things are designed to ensure that we are ready to deal with the challenges of Brexit and whatever may develop as a result of the coming negotiations.

The fourth issue that concerns us is the status of the Irish community in Britain. The Irish in Britain are some 700,000 strong, and there are many millions more who have recent Irish family connections. The Irish community has made a huge contribution to this country in every walk of life. On Saturday, I was at The Irish Post Awards, where they were giving out awards to Irish people across the spectrum from the community to sports to entertainment and so forth. The Irish contribution here has been enormous. Our people have always enjoyed a unique status in Britain. Right back to the time of our independence in 1922, Irish people have had the right to come and go freely to and from this country and to work and settle here without restrictions. It is in all our interests to preserve these benefits, which also accrue to the many British-born people who live and work in Ireland today. We ought to be able to keep these rights intact but they will, in future, apply in a situation where Ireland is a member of the European Union and Britain is not.

Our fifth, and final, set of concerns relates to the impact of Brexit on Ireland-UK relations. It is fair to say that these relations have never been better. We have two hugely successful state visits behind us, and our two Governments are taking joint responsibility for fostering peace and political progress in Northern Ireland. These are truly very good times for our two states and our peoples. This year, centenary commemorations of 1916, which some had approached with a degree of apprehension, showed, I believe, the maturity of our relations, the deep well of understanding and mutual confidence that has been created on the back of our concerted efforts to bring peace to Northern Ireland, and, vitally, the partnership that we have developed within the European Union. We will need to work harder on our friendship when the time comes that we will no longer be encountering each other on a daily basis around meeting tables in the unique partnership that we know as the European Union. That will be a challenge for the future. We will need to replace those networks of contact and cooperation that build up, almost by accident, around the negotiating tables in Europe. They will have to be replaced by a more concerted effort at the bilateral level to try to continue this positive journey for our two countries and the relationship between us.

It is safe to say that a lot of people in Ireland are quite perplexed by the British decision to leave the European Union. For all that many of us in Ireland have doubts about one or other aspect of EU policy, those in Ireland who seriously question the value of EU membership are few and far between. We have committed ourselves to continued membership of the European Union, and we want the European Union to thrive and prosper in the years and decades ahead. This will be more difficult with Britain no longer around the table, because it is an important and powerful country with lots of resources to bring to the table. It is a matter of regret for me and for many people in Ireland that Britain will, at some point, no longer be involved in this common European endeavour.

We will enter these negotiations determined to minimise negative consequences for Ireland and Ireland-UK relations. Ultimately, of course, these negotiations will take place between the UK and the remaining 27 EU member states and the EU institutions. Ireland will, of course, be on the European Union side of the table but we will, I think, have a special interest

in securing the kind of positive outcome that will serve Ireland's best interests. We know that the outcome of the referendum will have a lasting impact on the future of these islands and the future of Europe. There is a lot of work to be done, and very complex and probably lengthy negotiations lie ahead. These negotiations will require careful attention and dedication on all sides of the table. The European Union is very good at finding solutions to problems. It is a problem-solving environment, and I hope that that facility for solutions will assert itself in these circumstances also. I am sure that everyone in this room will be looking for an outcome of the kind that our Governments earnestly desire, an outcome that will preserve the gains that have been made in Northern Ireland, and in the neighbourly relations between our two countries. Go raibh míle maith agaibh go léir. Thank you very much for your attention. *[Applause.]*

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks very much, Ambassador Mulhall. I am going to open it up to questions or comments now, so I ask people to indicate if they have questions.

**Mr Andrew Bridgen MP:**

Ambassador, thank you for your speech. We are like two old friends parting at a fork in the road. We know where we are going. We are going to self-determination, sovereignty and regaining powers from Europe. Can you tell me where the Irish Republic is happy to go? Is the Irish Republic still enamoured with the European project to the point where you are willing to go to full political and fiscal union to stabilise the eurozone and a united states of Europe? Is the Irish Republic happy with that destination?

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Ambassador, we will take two or three contributions together.

**The Lord Empey:**

Your Excellency, you mentioned, I think in your fourth point, the rights of Irish people to work and settle in Britain. Is there the potential for the creation of a tension between the Irish Government and, in particular, the Governments of eastern European countries in future negotiations if those rights that you have, which we all hope continue, reside with you but not with other countries, particularly those in the eastern European bloc?

**Senator Paul Coghlan:**

Thank you, Ambassador. It is good to hear you, as ever. Contrary to what some people may think, we are not going anywhere. As you said, we have 700,000 strong and growing throughout Britain. We have never been more entangled with Britain, so let us get that out of our heads. We are always going to be together, whatever way we manage it. As has been said, Belfast, London and Dublin have common ground, and they must hold firm to the common ground in the negotiations. Ambassador, how do you see Britain being net

contributors at the moment? Obviously, there will be huge savings. There is a huge flow from the EU to Britain and into the North. I am worried about how the North will end up out of that. Maybe you might comment on that. Where will we be as regards that? There will be swings and roundabouts, but will we end up as major net contributors? How do you view that aspect?

**Mr Dan Mulhall (Ambassador of Ireland):**

Thank you very much. First, let me say to you that I represent a fully sovereign, independent state that is also a member of the European Union. I am sorry to say to you that there is absolutely no contradiction between those two statements. The EU that I know is a union of member states, whose future direction is controlled by the members of the European Union and not by some sort of leviathan that is there in the background controlling everything. Those do not exist in my experience, I am afraid. The European Union is driven essentially by the Council of Ministers. The Commission, of course, has an important role as a kind of referee. It is a neutral body in the European Union that makes proposals, and the Parliament then provides democratic oversight along with the Parliaments of the member states. I reject the idea that the EU is anything other than a union of independent sovereign member states, and I certainly believe 100% that I represent a fully independent country.

However, you are right to say that there is a debate about the future direction of the European Union. As a member of the European Union, I do not know when this debate is going to gain momentum. At the moment, I do not believe that there is very much enthusiasm for huge forward momentum for the European Union, but you are right that it could be an issue in the future. As a member of the European Union, we will have a role to play in helping to determine the future, but the future is not preordained. The future will have to be put together by the member states piece by piece. Remember that the European Union has now been in business for nearly 60 years, at least from the Treaty of Rome. It has moved forward probably more slowly than many of its original architects would have wished for, but it has moved forward. Usually, it moves forward in response to challenges. I remember that the single market was conceived back in the 1980s because of a perception that we were falling behind the United States and Japan economically. That was the big issue at that time in the 1980s. Then, again, in the period after the fall of the Berlin wall, the EU's development was driven by the need to cope with the enlargement of the European Union. In more recent times, the crisis in the eurozone has created further development. I cannot predict the future, but I know that we will play our own part and look after our own interests in the negotiations about the future direction of the EU, if and when they come. It all has to be agreed by unanimity. Therefore, Ireland will have a very important say in the outcome of those discussions.

*3.00 pm*

With regard to the rights of the Irish in the UK, one of the things that I mentioned is that we have to talk to our partners. I said that Minister Charlie Flanagan has spoken to every single one of his counterparts, many of them repeatedly. Each time, we try to explain the particular circumstances because you cannot assume that everyone in Europe knows intimately what the circumstances are between Britain and Ireland and so forth. We will have to continue doing

that. I am satisfied, on the basis of my experience of working on the European Union for nearly 40 years now, that we will be able to gain an understanding of our particular circumstances from our partners. Our partners all know that we are affected more by this development than anybody else in the European Union, apart from Britain of course, and they will not want to create further problems for us by raising issues about whatever arrangements we may be able to arrive at in the coming months and years. At the moment at least, I do not think that we will have too many problems in getting our partners to buy into sensible arrangements that we may make with the UK.

You are right that one of the issues that will arise in the next period will be the net contribution. I think that it is true to say that, for the current financial framework, which goes to 2020, the UK will continue to fund most of the programmes to which it is committed. The issue of the UK's contribution will probably only really arise after 2020, when the new financial framework has to be put together. As you probably remember and know from your experience of these things, the financial negotiations are the most complicated negotiations that the European Union has. They happen every five or seven years, and they are a nightmare. I was involved in them once. I can tell you that they are a very complicated business. Only Brexit will be more complicated than the financial framework negotiations. Of course, the British contribution will be reduced or whatever. We do not know what ongoing contribution the UK will make to be involved in certain programmes or because of its involvement in the single market. The point is that, if there is a deficit, which there may well be, that will have to be negotiated on. You will either have to scale back programmes—that is always a problem, of course—or you will have to increase contributions, which is also a problem. That will be a big issue for the future for not just Ireland but all 27 member states. All of them will have serious interests in how much they get from the budget and how much they have to put in once Britain has departed. That will become clear only when we know the exact circumstances of Britain's departure.

**Senator Terry Leyden:**

Thank you very much. I welcome Ambassador Dan Mulhall to our Assembly. You have attended this Assembly since your appointment as ambassador in England and the UK. Thank you for looking after us when we go over in different delegations to London. The Good Friday Agreement is an international agreement, so there should be no doubts about its complete implementation regarding the rights of people within the island of Ireland to be full citizens of Ireland and, as such, of the European Union. However, in relation to the 700,000 people in the UK, what is the status of an Irish person having a British passport? I know that your office has been inundated with applications and queries. Are you setting up a special unit to cater for the demand? I am recommending to Irish people in England that they should have dual passports. That also applies to English people in Ireland. As you know, pre-1922 and 1949, there were all sorts of dates set for family members. What status will there be for Irish people in England who want to remain in contact with, have access to and travel throughout the European Union? There is a grey area in that regard. Again, I would like to express my thanks to your visa department in London for its assistance to us, as public representatives, when we contact it directly.

**Ms Linda Fabiani MSP:**

Ambassador, I really enjoyed your presentation; thank you for that. It was really good to hear the perspective of a sovereign nation state in the EU that is a neighbour. Whilst there are great links with the whole of the UK and Ireland, I would suggest that there are particular links with Scotland, so much so that we have a consulate in Scotland with a dedicated Irish consul general. I would like your perspective on specific discussions and perhaps arrangements that you may think would be worthwhile with Scotland.

**The Lord Dubs:**

Ambassador, thank you very much for what you have said. I think that it will command majority, if not quite unanimous, support among the people here. Thanks also to you and your staff for the enormous help that you give us when we ask for it. You never tell us what to do but you do respond to requests. Irish politicians should know that they get great value out of their embassy in London.

**Mr Dan Mulhall (Ambassador of Ireland):**

Thank you very much; you are very kind. *[Laughter.]*

**The Lord Dubs:**

Do not cut the money, otherwise it will cut the Guinness.

**Mr Dan Mulhall (Ambassador of Ireland):**

We are making a profit these days because of the passport income that we are receiving. *[Laughter.]*

**The Lord Dubs:**

You said that there is an understanding on the part of the other EU countries of the particular situation in which you and we find ourselves. We cannot do much about it at the moment, because we are not allowed to talk and negotiate. Yes, there is an understanding, but will they be sympathetic? When the crunch comes, it will not be easy for them because I think that we are going to demand a solution that they may find is not quite what they had expected in order to protect the common travel area and all the other things we have been talking about. It is going to push your EU friends—I hope that they are still our EU friends—quite a long way. How do you think that is going to work out?

**Mr Dan Mulhall (Ambassador of Ireland):**

First, yes, the Good Friday Agreement is an international agreement between our two countries. It is not and will not be affected by Brexit; we have to make that plain. I do not think that anyone would suggest that it ought to be affected or that anyone would want to affect it. In fact, the one thing that our European partners know about Ireland is that we have a successful peace process and that Europe has played a positive role in that. No one in

Europe would want to cut across or jeopardise the success of the Good Friday Agreement in any way. I do not believe that there is any reason to be worried about the future of the Good Friday Agreement. It is absolutely a separate thing, and it has been committed to by both Governments. Our European partners are fully supportive of that, and they have contributed to it and supported it in various ways.

The demand for passports has gone up. We may well be up 50% on this year as a whole. That is a significant increase in demand for Irish passports. Indeed, in the weeks after the referendum, we sent out a very large number of application forms, not all of which have yet come back. If they all do come back, the figure might even be greater than a 50% increase. As far as Irish people in Britain are concerned, I do not know how many of them have exercised the right to have British passports. My impression has always been that not many Irish people do because they may not think that it is necessary. It has never been necessary in the past, and I hope that it will not be necessary in the future either. I hope that we will be able to preserve the rights of Irish citizens in the UK without them having to acquire British passports, and we should be able to do that. It is entirely a matter for individuals. I know some people who tell me that they have two passports, and that is absolutely fine. At the same time, it ought to be possible to have just one passport. For example, we should not insist that British people who live in Ireland take out an Irish passport. There should be a right for them to live in Ireland without the need to take out citizenship. Remember that citizenship is different from residence. In my view, people should be able to reside in a country without being a citizen of that country. That is certainly the case within the European Union.

I opened that consulate in Scotland in 1998 as you may know, and I still have a great connection with Scotland. My daughter lives there, and I have a granddaughter who was born and is growing up in Scotland. I have very strong connections with Scotland through my family. Scotland's destiny is obviously a matter for Scots and the Government in London to work out between them. We, in Ireland, will be concentrating our attentions on the particular issues that arise for us to do with our trading relationship with the UK and with Northern Ireland and the border and all of that. We will have more than enough on our plate in the next few years. You are right to say that the trading relationship between Ireland and Scotland is part of the wider relationship that I mentioned. I do not have the figures off the top of my head, but they are pretty substantial. Our consulate in Scotland is very active in promoting trade and economic links between our two countries, and there is a lot to work on there. From my visits, I know that a lot of Irish companies have established themselves in Scotland and are making good headway there. That is something that we want to protect for the future as well. We have a great interest in ensuring that those productive economic links are not compromised in any way by the UK's departure from the European Union.

Lord Dubs is right to say that understanding does not necessarily result in an outcome that you might want to see from our point of view. I was careful about what I said. I said that there is a special sensitivity and understanding of the Irish situation. Obviously, the UK-EU relationship is a much bigger issue. For the subset of issues that arise to do with Ireland, and Northern Ireland in particular, there is a particular sensitivity. We have worked hard to try and create an awareness of these issues. We will be determined to ensure that, when decision

time comes, that understanding turns itself into support for whatever arrangements we can come up with to resolve the issues and challenges that arise in Northern Ireland.

**Mr Brendan Smith TD:**

I welcome the Ambassador's contribution. Ambassador, you referred to remarks that were attributed to an Taoiseach at the weekend that it may take up to five years for the British exit from the European Union to be complete. Will that not be the worst of all worlds for us in that the uncertainty will continue? I am a representative of two Southern Ulster counties where there is a huge interchange of people travelling North and South for employment. In the immediate aftermath of the referendum decision, there has been the weakness of sterling and general uncertainty for commerce and business. It has had a very adverse impact on local commerce, particularly in the border region. I fear that that uncertainty will continue as long as negotiations continue and there is not a clean break as such.

**Mr Ross Greer MSP:**

Ambassador, a number of representatives of other EU member nations have expressed concern about how insecure their communities in the UK have felt in the wake of the Brexit vote. We have seen a rise in racist attacks and a general atmosphere of xenophobia. How has the Irish community felt in the immediate aftermath? Is that something that has been highlighted to you?

**Senator Frank Feighan:**

Thank you, Ambassador. We are talking about negatives, but there are positives for the Republic of Ireland. We have been accused of looking for jobs coming into the Republic because of Brexit. There are a few agencies that effectively cannot remain in the United Kingdom such as the European Medicines Agency, which has 900 people working in Canary Wharf. I understand that France, Germany and many other countries want it. What are you doing to try to attract those major agencies, which now need a foothold in the European Union, to locate in the Republic of Ireland?

*3.15 pm*

**Mr Dan Mulhall (Ambassador of Ireland):**

First of all, the Taoiseach did not say that we wanted the uncertainty to go on for five years. The focus in the debate here in Britain has been on the two years between the time when article 50 is triggered and the departure from the EU. A number of people in Britain—the business community, the Confederation of British Industry (CBI) and others—have said that it would be an unsatisfactory situation if you entered into the negotiations with the possibility that, in two years, Britain would simply come to the cliff edge and be out of the EU with no arrangements to replace the current trading arrangements between the UK and the EU. Many people here have been suggesting that there might be a need for a transitional period. The Taoiseach was asked about that, and he said that he thinks that that would be a good thing. In other words, it would not actually prolong uncertainty; it would give certainty for five years

in that there would be a period after the formal British exit from the European Union when arrangements that are similar to the current arrangements would prevail. That period would give time for the negotiations on future relations between the UK and the EU to be finalised. He was simply supporting a view that has been expressed by many people here in Britain about the need for some sort of provision or certainty on what would happen two years on from the triggering of article 50 so that it would not just be Britain out of the EU with nothing to regulate its future relations with the European Union.

As far as xenophobia is concerned, I have spoken to a number of my colleagues in the EU ambassadors' group in London about this, and many of them report a rise in the number of reported incidents of xenophobia or, more accurately, anti-immigrant sentiment. We have not had any reports of that nature. I have set up a community advisory group representing the different Irish organisations around Britain. We had a meeting of that group last week. There were about 15 representatives of our communities from all over the country. I asked the question, and there was no evidence put forward to me of any such incidents involving Irish people. That does not mean that they have not happened, by the way; it just means that they have not reached a point where people have reported them to Irish organisations that then reported them to me. I have asked our organisations to keep an eye out and alert the embassy if there is any evidence of such behaviour towards Irish people but, at the moment, we have no evidence of that nature.

Yes, there are two agencies that will have to move from the UK at some point in the future: the European Medicines Agency and the European Banking Authority. Ireland would have a very good record and capacity to attract both of those agencies. We are strong in financial services, and we are also strong in pharmaceuticals and medicine. We have a lot going for us when it comes to hosting those agencies, but my experience of how these things work is that it will be a last-minute decision. It will be one of the things that will be in the final package to be agreed. We will be looking to secure, perhaps both but more likely, one of those. We have a lot going for us when it comes to hosting those agencies, but from my experience of how these things work, this will be a last-minute decision. It will be one of the things that will be in the final package to be agreed, and we will be looking to secure one—perhaps both, but more likely one—of those agencies for Ireland for the future. As I have said, we have good credentials in relation to both those sectors, and I think we will be putting forward a strong case for Ireland to be a location for one or both of those agencies.

**The Co-Chairperson (Kathleen Funcheon TD):**

Thanks, Ambassador. As always, we are running tight on time. I will take the last contributions together and return to the Ambassador for his concluding remarks. First, Deputy O'Dowd.

**Fergus O'Dowd TD:**

I congratulate you, Ambassador, on your very thoughtful speech, and I appreciate the time problem. The Irish Government are, at the political and administrative level, holding



meetings between secretaries-general of Departments and their equivalents in the United Kingdom. There are contacts north and south all the time, and the Scottish First Minister is coming to Dublin tomorrow. When Brexit happens, do you think we should focus on a new formal, parallel arrangement between the two sovereign Governments that would identify and clarify how to deal with the issues formally in the future? Through that, there would be a package of agreements, and they will have to be separate and different from what happens in the UK with Brexit because of our special relationship, which we will need to define more clearly.

We will also need to be in a position to resolve the issues that will arise in 10 years' time when policy, such as environmental, energy or taxation policy, changes in Britain, Ireland or EU countries. Do we think we need that to be a formality? Should we be working towards such a solution? That would give as much certainty as we can to everyone, rather than there being continued uncertainty or unsureness if there is a change of Administration or things change for ever.

**Willie Coffey MSP:**

This is a similar question, but I hope, Ambassador, that Ireland does not see its relationship with Scotland only through the straitjacket that Brexit will bring to us all. Our links predate all the current political relationships and will thrive beyond the uncertainty we find ourselves in. Scotland's First Minister is in Dublin today and tomorrow, addressing the Seanad to promote those links. How do you see our links being further developed over the coming years, despite the expected constraints that Brexit will bring?

**Viscount Bridgeman:**

If the idea of the European army goes forward, it will of course be without the United Kingdom, and there will be more responsibility on the existing members. Will that in any way affect the traditional policy of neutrality for Ireland, bearing in mind that the trend of ever closer union will continue, especially with the eurozone countries?

**Mark Pritchard MP:**

I have served 12 years of my sentence in Parliament so far, and I have not been to the Irish embassy. I apologise; I have been invited many times.

**Dan Mulhall:**

My goodness. That's a capital offence.

**Mark Pritchard MP:**

In fact, I am a neighbour. I live just round the corner, so I really have no excuses, but you do not need my attendance at your many parties to have a good time.

On the European Medicines Agency, I wanted to slightly turn that question round. The UK has been very critical of some European neighbours for participating in health tourism. The

fact is that, when the regulatory agency moves out of the UK, many of the new medicines prescribed in the NHS will take a lot longer to come through than when they are prescribed for the rest of the European Union. That is likely, for certain treatments, to cause the opposite—UK citizens looking to receive drug treatments in the European Union post Brexit. That is just a thought.

**Andrew Bridgen MP:**

Thank you for a second bite of the cherry, Co-Chairman. I just thought that I would pick up on what the ambassador said. He sees the European Union as a collection of sovereign, independent nations. I put it to him that if that were the case, and given the good will in the room and the clear mutual interest, we would have a free trade and free movement agreement between the UK and the Irish Republic this afternoon over a couple of pints of Guinness, but when it comes to consummating our relationship, unfortunately there are three in the bed and one of them is the EU, which will not let us do that.

**The Co-Chairperson (Kathleen Funcheon TD):**

Ambassador, we have one more speaker, who is Deputy Gallagher, and then the last word will go to you.

**Pat the Cope Gallagher TD:**

After five years, the Anglo-Irish trade war—hopefully we will not see those days again—culminated in the Anglo-Irish trade agreement, when the 20% tariffs were abolished. My view is that Ireland could have been in the EEC prior to 1973, but we realised that joining the EEC in 1973 without the UK would have created massive difficulties for us, because our trade was inextricably linked. We are finding now, all these years afterwards, that we are trying to extricate ourselves from that, at little cost to our people and our trade relationship.

The ambassador is of course very familiar with Europe and the European institutions. Have there been any discussions between you and your colleagues about the European Free Trade Association restructuring to accommodate the UK? It wants, as the First Minister of Wales said today, free access for all its goods, but it is not as simple as that—you cannot dine à la carte. If the UK is to become part of European Free Trade Association, is there an opportunity for EFTA to be accommodating? Will it be brought into any discussions that are ongoing?

Furthermore, there is a perception here that the common travel area will resolve a lot for us. Of course it will resolve nothing. It has been there since the 1920s. I grew up in an era when we would cross the border and have to get the logbook stamped. There were tails and tails of queues to cross the border. I would like to think that there is no such thing as a soft border going forward. Immigration will be a major issue, and the cost to both the Irish and the UK authorities to man those borders will be phenomenal.

It is a simple question—EFTA.

### **The Co-Chairperson (Kathleen Funcheon TD):**

Thanks, Deputy. Ambassador, we will return to you now for any concluding remarks.

### **Dan Mulhall:**

Thank you for the questions. With regard to a new formal arrangement between the UK and Ireland, in my view the fact is that the EU is an organisation that has limited competence. If you think about it, the EU does not deal with most of the big-ticket items of Government expenditure. It does not deal with health; it does not deal with social welfare, except in limited ways. It does not deal with education. Defence is a matter for national decisions. Foreign policy is national as well. Of course there are plenty of areas outside EU competence where we could imagine there being an agreement between Ireland and the UK, but what we cannot have is a separate trade agreement, because one of the relatively few areas of exclusive EU competence is trade: all trade agreements and negotiations are conducted by the European Commission on behalf of the member states. Once Britain leaves the EU, it will have to have a trade agreement. If it does not stay in the single market, somehow it will have to negotiate a special trade agreement with the EU. Ireland would not be in a position to have a separate negotiation on trade.

But there are other areas. The common travel area is one thing on which we have concluded, for example. Two years ago, at the embassy, the then UK Home Secretary, Theresa May, and our then Justice Minister, Frances Fitzgerald, who is now our Tánaiste, signed an agreement on a joint visa agreement between Britain and Ireland for people coming from China and India. The idea is that it will be extended to other countries as well. In that area, in which we have competence, of course we can negotiate separate agreements. Indeed, we also recently signed an agreement with the UK for the exchange of advance passenger information so that we can both know who is travelling on flights between our two countries. There are 2,000 flights a week between Britain and Ireland, so it is important that we keep such co-operation areas developing fully to cope with threats that may arise, either now or in the future.

On Scotland and Ireland, you are absolutely right that Scottish-Irish relations do not depend on EU membership: they are a matter of affinity. For example, the Gallic speakers of Islay travelled across to Antrim and met Irish speakers there for centuries before the European Union was ever heard of. These kinds of affinities exist between our two countries. When I went to Scotland in 1998, I certainly felt at home there very quickly because I could chat with the Gallic speakers using my idea of Donegal Irish; they spoke Gallic to me slowly, and we could understand each other. That itself gives a certain sense of affinity with your neighbour. The Columba initiative is a great thing for bringing Scots and Irish together, and every year large numbers of Irish acts go the Edinburgh festival and so forth, so there is a huge amount of traffic back and forth. The consulate that I set up in 1998 is thriving, I am glad to say; the current Consul General, Mark Hanniffy, is an extremely able diplomat, who is doing wonders to move the relationship on.

Of course Brexit casts a bit of a shadow on all these things, as it does on British-Irish relations, but we will come through this, both on a British-Irish level and in relation to the

specific connection between Ireland and Scotland. I think the future for relations between Ireland and Scotland is very positive and fruitful, because there is now a Scottish Government who our Ministers can deal with. Irish Ministers regularly go to Scotland and Scottish Ministers come to Ireland, because we recognise the things we have in common and we want to develop them for the future.

As far as the European army is concerned, there are a lot of rhetorical flourishes around at the moment, but let us wait and see how the debate develops. A lot of things are happening in the world that need to be figured out. We in Ireland certainly have no inhibitions whatever about being involved in the common security and defence policy. We have been involved in all sorts of EU activities; for the last year and a half we have had a naval vessel down in the Mediterranean, which has rescued 8,000 or 9,000 people who were in danger of drowning had our ship not been there. We have a role to play but we believe that it is to be played in accordance with our own traditions, because every country is better working within the framework of its own traditions. Our strengths are in peacekeeping and conflict resolution. Our traditional policy of military neutrality is, after all, enshrined in the Lisbon protocol, which I helped to negotiate back in 2009.

On the European Medicines Agency, this issue will arise in general. One thing that members of the Irish community here ask me on a regular basis—remember that half of our community in Britain are over 65, so many are retired and travel to Ireland maybe twice a year to visit family—is: what happens to medical cover? Will the E111 card that they carry at the moment apply after Brexit? That issue will not only be important for Irish people here who are going back to Ireland. Generally speaking, it is a matter we will have to look at, to see if we can come up with solutions that will enable people to access emergency medical treatment when they need it. Of course, that does not mean people going over for medical tourism. There is a difference between that and people who are on holidays and, through no fault of their own, become unwell and need help. I hope we will always be able to make that kind of assistance available to our fellow Europeans in all our countries.

The EU has limited competence. It is a union of independent states, but one area where we have agreed to pool our sovereignty is trade agreements, mainly because we believe we can do better in negotiating trade agreements with the weight of 500 million people. I have been involved in trade agreements in the past—not directly, happily; I would have a lot more grey hairs now if I had. They are pretty gruelling negotiations. Both sides go in to eat the other country's lunch, and they have to reach an agreement. It can be quite tough. I would not be too over-optimistic about the capacity to negotiate quick and beneficial agreements, because each country will want an agreement that suits its needs and not necessarily their negotiating partner's.

Finally, on EFTA and the future relationship between the UK and the European Union, it is in the first instance for the UK to decide what it wants. It is not that anyone in European capitals is trying to be difficult or wants to be nasty to the UK. It is simply that the UK is leaving and wants a new relationship. The first proposal about that new relationship naturally needs to come from the country that is leaving the EU. If we were to make a proposal, we would say, "Just remain a member; that's our proposal," but the UK has a different view. It has to now

put forward its position with regard to the future relationship. I assume that when we refer to going down the EFTA route, we mean that the UK would remain in the European economic area. Of all the possible outcomes from this process, the UK remaining in the EEA is something that we in Ireland would be very happy to see, but it is for the UK to decide exactly what it wants.

Thank you very much. I have really enjoyed and appreciated that exchange of views. I hope that what I have said has been of interest and will help in your deliberations. I really do think that all the institutions we now have between our two countries—the British Irish Council, the North South Ministerial Council in Ireland, our all-island civic dialogue, this organisation and others—will have a very important role to play in trying to make sense of what is, after all, an extremely complex business that is going to take up a lot of oxygen over the next few years. It is good that we have the members of this Assembly focused on the challenges of Brexit and making a contribution to what, I think, we all share: a desire to see this outcome serving the interests of both our countries and our peoples. Those interests may differ in many respects because obviously we are staying in the EU and the UK has decided to leave. None the less, we have to ensure that those interests we have in common are not overlooked as part of the Brexit process but are factored in, and are kept front and centre of the negotiations as they proceed. Go raibh míle maith agat. Thank you very much for your attention.

**The Co-Chairperson (Kathleen Funcheon TD):**

Thank you very much, ambassador, for being with us today, for your contribution and for answering all the questions. I will now pass over to our acting Co-Chair, Andrew Rosindell.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you, Kathleen, and thank you, ambassador. We move on to our next session, which is an address by the right hon. Lord Whitty, Chairman of the House of Lords EU Internal Market Sub-Committee. Please give Lord Whitty a warm welcome. *[Applause.]*

**The Rt Hon Lord Whitty:**

Thank you very much Co-Chairs. I am actually here representing Lord Boswell, who chairs the EU Select Committee in the House of Lords, which is a pretty vast structure involving 73 Members of the House of Lords in its Committees and Sub-Committees.

Up until the Brexit vote, we were concerned with looking at often rather obtuse proposals for legislation from the European Commission, and commenting on that and other issues of European importance. Now we find ourselves centre stage in considering the implications of Brexit. Lord Boswell was unable to come here today, partly because tomorrow we hope to conclude the consideration of a report on the British-Irish dimension of Brexit. My own Committee is also on the point of concluding a report on future trading relationships generally between the UK and EU countries post-Brexit. Some pretty hefty pieces of work are being considered. I will talk a little bit about the general work before focusing on the work regarding the Irish relationship.

The EU Committee, shortly after the referendum, published a report—and a further report again in October—looking at the question of parliamentary scrutiny of the negotiation

process. This was not so much about whether there should be a parliamentary vote before article 50 was triggered. The Constitution Committee had already commented on that and, as we know, there are a number of court cases going on. We were looking at the issue of scrutiny of the negotiating process by the Westminster Parliament during the negotiations themselves.

We built on the undertakings given to us by Secretary of State, David Davis, who said that the Westminster Parliament would have at least the same level of access to information during the negotiations as the EU negotiators are obliged to give to the European Parliament. That is quite a substantial commitment. We found that it would be in the interests of Government, Parliament and the public for Parliament also to vote on the overall stance pre-article 50, but our main focus is on the scrutiny of the legislation thereafter. We do, of course, recognise, that much of the negotiations will have to be subject to a degree of confidentiality. Mrs May has frequently said that there is not to be a day-to-day commentary. I have commented that we may not want a ball-by-ball commentary, but we at least ought to know every now and again what the score is at lunch time. We do think there is an obligation on the British Government to report back to the British Parliament on how those negotiations are going. So that is our general stance.

At this point, we have commissioned the major specialist Committees of the EU Select Committee to look at a number of areas. A report on the Irish dimension is one of them. We are also looking at financial services, trade—in my own Committee—fisheries, acquired rights, UK-EU security and policing co-operation, and so forth. Those reports will be available before Christmas. There are another 20 reports on different dimensions of Brexit to come after Christmas.

*3.45 pm*

So we are fairly busy. Being here in the Assembly today, I should mention that we will also be looking at the consequences of Brexit for each of the jurisdictions represented in this Assembly. We will, for example, be meeting the Chief Ministers of Jersey, Guernsey, the Isle of Man and Gibraltar before Christmas. In January we will be visiting Edinburgh and coming here to Cardiff; further details will be announced before Christmas.

Focusing now on the work we have already done on Brexit and UK-Irish relations, we undertook the inquiry out of a sense, both before and after the referendum, that while there was a pretty lively debate in Ireland, the understanding of the Irish dimension on the other side of the Irish Sea—and indeed in Brussels—was lacking. Already in your debate this afternoon you have touched on the key issues: the implications for the Irish land border; the common travel area; the implications for the Irish economy and Irish agriculture, north and south; policing and security co-operation; and the kind of post-peace process institutions you have in Ireland.

We heard a great description from the ambassador, whom I should thank on behalf of the Committee for being very co-operative in our examination of this dimension. We have very warm relations with the Irish embassy; I have to say that relations with other diplomatic missions in London are somewhat chillier right now and I am grateful to His Excellency for that. I am also very grateful that, in the course of our review, we had the benefit of the

opinions of two former Taoisigh, John Bruton and Bertie Ahern. We also visited Belfast and Dublin last month; one or two of you here today met us during that period, when we met people from business, the trade unions and civic society, academics and economists as well as politicians and His Excellency Robin Barnett, the British ambassador in Dublin. We posed to all of them a number of key questions—essentially the ones we will attempt to answer tomorrow.

I am prolonging the suspense on our conclusions but the key issues are: whether there is scope for a specific bilateral UK-Irish deal, taking account of the uniqueness of the UK-Irish relationship, as a distinctive brand of the overall Brexit negotiations; whether the bilateral arrangements between the UK and Irish Governments and between the Irish Government and the Northern Irish Executive are sufficient to deal with the implications of Brexit; whether there is any way, post-Brexit, of retaining the current open—or soft—border arrangements in their entirety or something close to them and, in particular, whether customs checks can be avoided in the event that the UK leaves the customs union; what obstacles need to be overcome to ensure that the common travel area continues to operate in the light of changed arrangements for UK immigration controls generally; what will be the impact of Brexit on cross-border trade and on the agri-food sector in particular; what the impact of Brexit will be on political stability in Northern Ireland, particularly given that the Good Friday agreement is established on the basis that the UK and Irish Governments have EU membership in common; what is the likely impact on Northern Ireland of the loss of EU funding; and what will be the impact on cross-border police and security co-operation, healthcare and the energy sector in particular.

So we are covering all those things. The report will be concluded this week, I hope, and published in a fortnight's time. It is safe to say that our witnesses and our deliberations have conveyed to us a sense that the implications for the British-Irish relationship are far more profound than those for the relationship with any other member state, and that it is vital that both the UK and Irish Governments, who will inevitably be on opposite sides of the negotiating table, are able to convey to other EU colleagues the unique nature of these relationships, as indeed symbolised by the gathering here today.

As I say, our report on trade will be out in a fortnight's time. Our report on the Irish dimension will be out in a fortnight's time. I apologise that the timing of this Assembly does not allow me to say much more than that, but if Members of the Assembly wish to raise any questions or points quickly, before you get back to your broader deliberations, I shall be very happy to answer them.

Meanwhile, thank you very much to the Assembly for your hospitality and to our Welsh colleagues for organising such a sunny day in Cardiff for our gathering, and thank you very much for listening to me.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you very much, Lord Whitty. Are there any questions for Lord Whitty? Yes, Al.

**Deputy Al Brouard:**

Thank you, Co-Chair. Lord Whitty, you mentioned Crown Dependencies and Gibraltar and the meetings that are being arranged. How do you see the interests of the Crown dependencies and Gibraltar being considered when at times their interests may be in line and sometimes out of line with what the UK wants? One of the keys will of course be access to markets. How will you square that circle?

**Lord Whitty:**

Ultimately it will not be for the House of Lords committees to square that circle; it will be for the UK Government. What we can do is advise and assess the options, which is what we are doing on trade relationships now. Clearly, the interests of the dependencies need to be taken into account when we conclude the trade agreements. There will be different interests and there will be different interests for Gibraltar. We want to take those dimensions into account at an early stage, which is why our next phase of reports will engage with you and others on that issue.

**The Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you very much. May I ask a small follow-up on that? You have talked about the Crown dependencies and Gibraltar, but what about the other overseas territories? They, too, are affected by this in lots of ways, although they are not part of the EU. Are you including that in your deliberations?

**Lord Whitty:**

Other dependencies will be indirectly affected, but they are not party to the trade agreements and the customs union that affect us in the EU in the way that, in part, the European Crown dependencies are. We are not specifically taking into account the other dependencies in that respect, but they will be affected, as will our trading relations with the whole world. Whatever arrangement we reach with the EU will have an effect on our trading arrangements with every other country in the world. Until that is clear, it is difficult for us to decide what future trading arrangements we should have with other countries around the world, large and small.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Any further questions to Lord Whitty? As there are not, thank you very much, Larry, for your presentation. We now resume the remainder of our debate on Brexit. We have covered the issue extensively throughout the day, but we now have time to hear from those who wish to add something new or who have not spoken so far. Please indicate if you want to make a contribution. Lord Dubs.

**Lord Dubs:**



Thank you very much indeed. I held back because I thought I would rather speak in the afternoon, after we had heard the two presentations. If we had not achieved the Good Friday agreement by now and were seeking to do so, I do not believe that we could, with Britain on the way out of the EU. The Good Friday agreement depended very much on our being a member of the EU and Ireland being a member of the EU. There is a lesson in that. Looking at the Good Friday agreement, there is a direct conflict between what it says and Brexit. I do not have an answer to that, but the dilemma is very clear.

During the referendum campaign, I was asked to go to Birmingham to speak to the Irish community, along with John Bruton and Shirley Williams. There was supposed to be a big meeting, but it was tragically the day that Jo Cox was murdered, so, by the time I got to Birmingham, the meeting had been cancelled. I had hoped that somehow the British public would see what had happened in that murder and take note, but memories are rather short and, post the referendum, there have been some very unpleasant examples of hate crime. I hope that will calm down very soon; we do not want it to taint our country at all.

One factor that has not been mentioned too much is that there seems to be a strong what I would call anti-establishment mood in many countries. I think a distrust of the establishment, as personified by Brussels, led to the small majority for leave in the British referendum, although I should say that London voted very much to remain. It voted 70:30 to remain and was the largest population centre in the United Kingdom to do so, so please do not forget London when you talk about the results in Scotland and Northern Ireland. London was very significant. However, we cannot declare UDI for London, so we have to go along with the national view. Of course we have to accept the views of the electorate. The only way we could rethink it would be if there was a dramatic change in the views of British voters, but there is no evidence of that. If there was a dramatic change and people realised that they had made a big mistake in the referendum, I think that there would be a chance to have a look at it again, but there is no sign of that at the moment.

My friend and colleague Larry Whitty talked about the work of his committee—in fact, two committees have been looking at this together. As someone else said this afternoon, we are not going to get a deal in two years, because it is far too complicated. If it took the EU seven years to reach a trade agreement with Canada and two years to reach an agreement with South Korea, it will be virtually impossible for the United Kingdom to achieve an agreement with the EU in that time. The situation is so much more complicated and multifaceted that I do not think it can be done. I think there will certainly be a transitional arrangement. We need to reconcile ourselves to that and find some way of making that transitional arrangement work without damaging the confidence of business, trade, industry, the financial services and so on. That is where we are.

I emphasise the point that I raised in my question both to the Secretary of State and to the Irish ambassador. We are not in a position to do any lobbying at all. We are not allowed to by the EU and we cannot do anything about it, so we very much have to depend on our Irish friends and the Irish Government to do that in Brussels. That is quite a big responsibility, because it is in the interests not only of Ireland but of the United Kingdom that the Irish do some really good lobbying. I hope you are doing it. I have a sense, from what the ambassador

and James Brokenshire said, that the Irish are doing some good lobbying. We have to depend on you to do that, otherwise we will have an unfortunate outcome.

Let me mention one thing that disturbed me a great deal. I was at the British-Irish Association conference in Oxford this summer, where Peter Sutherland made an impassioned speech. Peter Sutherland knows a lot about all this and he said emphatically and disturbingly that there was no option other than a hard border. He is such an expert on this that I hesitate to contradict him, but I hope that he is wrong, otherwise we are all going to be in big trouble. We did not all work hard to achieve the Good Friday agreement—I was a Minister for three years under Mo Mowlam—to see it all cast aside. We cannot afford to let that happen and we need to make sure that it does not happen. I think everybody, whether they voted leave or remain, agrees that we cannot let Peter Sutherland’s prediction come true. We have to find a compromise so that we do not lose all the gains and benefits of the Good Friday agreement and the peace that has developed in Northern Ireland ever since.

*4 pm*

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you very much, Lord Dubs. Senator Frank Feighan.

**Senator Frank Feighan:**

Thanks, Co-Chair. We had a saying many years ago: we are where we are. I went to launch the Irish for Europe campaign in the House of Commons last May. I said that we in the Republic of Ireland were used to referendums. We have effectively had 27 referendums in the last 27 years. Normally, in a referendum, the people do not answer the question that is put to them; they will answer a completely different question, such as whether they like the Government—in my constituency, the issue was turf-cutting. I know that we are where we are, but it was foolhardy and clumsy to put a referendum question to the people on such a complex issue. However, the people have voted and we respect that decision.

I was very concerned when I went with Committee A on its fact-finding mission to hear Michael Dougan, professor of European law at Liverpool University, who was categorical that some things cannot be done. He said that it was not that the EU would have it in for the United Kingdom; it was simply that some things cannot be done. When I hear the views of eminent people such as Peter Sutherland, whom Lord Dubs rightly mentioned, I am concerned that we seem to be moving in the direction of thinking, “It’ll be all right on the night”, because it may not be all right.

I just issue a caution. Where I am in Ireland, there is a bookies called BoyleSports. Every evening, it has a get-out double: if you lose money, you put it on to get out double. I am concerned that the United Kingdom may put the house on the get-out double at the end of the evening. I am very pessimistic after listening to these people. I hope it works out. Ireland and the United Kingdom have been great friends and allies in Europe. We have a shared history and we have worked together. The next four or five years will be interesting, to say the least. We must work together to ensure that we get the best result out of a very difficult process. I

genuinely hope I am wrong, but I am very concerned after listening to Michael Dougan. I know that he was at the Fianna Fáil conference in Dundalk, when he caused huge concern among the Irish political establishment and the Irish business establishment. I do not know when our report will come out, but I look forward to its publication because the situation is very worrying.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you, Frank. Viscount Bridgeman.

**Viscount Bridgeman:**

Thank you, Co-Chair. I was extremely concerned to hear Lord Dubs's remark about Peter Sutherland. There can be no diplomat on either side of the Irish Sea in the European or United Kingdom context who knows more about the subject and is a better judge than he. I am shattered.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you. John Scott.

**Mr John Scott MSP:**

Thank you, Co-Chair. I, too, am disturbed to hear what Frank and others are saying, but, as he said, we are where we are. So what are we going to do? Are we going to slash our wrists? No. We have to make the best of it. We need to start being positive about it. I voted to remain and was as disappointed as you, Frank, but we have to make the best of it and address it as positively as we can. The sky will not fall in. We need to move forward and find a way. Our generation of politicians has been given that responsibility. I do not think, from discussions around the room, that anyone here particularly wanted us to be in this position, perhaps with the exception of Andrew, but we are where we are and we just have to get on with it.

**Mr Andrew Bridgen MP:**

And 17.4 million other people.

**Mr John Scott MSP:**

Notwithstanding that, did they know what they were voting for? I am not here to refight that battle. I am just trying to inject a note of positivity and to move forward. It is vital that we try to be as positive as we can or we could talk ourselves into a vicious downward spiral of negativity, which would not serve anybody's purposes, least of all the people in this room and the people whom we represent.

**The Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you, John. Are there any further comments or remarks? Mark Durkan.

**Mark Durkan MP:**

Thank you very much, Co-Chair. I was struck by the terms in which Alf addressed the position, asking whether, in these circumstances, we would be able to come up with the Good Friday agreement. That is a good way of looking at this. There is a danger that a lot of people will fail to understand the difference between a stud wall and a supporting wall, as far as the key principles and precepts of the Good Friday agreement are concerned. That is not just on the constitutional and institutional side; it is also about the human rights provisions, which are potentially a casualty of some of the political impulses that we are hearing about in English politics at the minute. We should have due care on all these issues.

I am not a golfer, but I know that the rules of the game are that you have to play the ball where it lies. That is the situation we have. I find myself, for my sins, on the Select Committee on Exiting the EU, so I know that we will be grappling with these and many other questions. Some of us will vote against invoking Article 50. I will do so because the people of Northern Ireland voted against. My constituency voted 78% against. I am as entitled to reflect the wishes of my constituents as any of the English MPs who say that they will vote for Article 50 because that is how their constituents voted. My position is as legitimate as theirs; no doubt they would make the same point vice versa.

Nevertheless, that does not absolve me of responsibility. As John said, faced with this situation, we have to make the best of it. That means making the best of it in broad UK and EU terms and certainly as far as the position of and conditions for Northern Ireland and British-Irish relations are concerned. A number of people have used the term “special status”. However people want to define that, it is entirely legitimate. The British Government will have to find a way of acknowledging that it is legitimate and valid for many of us to mount that prospectus of achieving a special status for Northern Ireland in this context. We are politically at a different point anyway. If a new UK-EU treaty could provide for a potential united Ireland on the basis of automatic EU membership, that would become an easy reference point, allowing Northern Ireland to enjoy continued benefits from and access to aspects of the EU, essentially on a lean-to basis, with the South sharing the land mass, as an earlier speaker said. We have to explore those options.

A number of people talked about EU funding running out. The Secretary of State spoke about the Treasury’s guarantee, but that takes funding around the EU programmes only up to 2020. We might usefully look at, and encourage the two Governments to look at, making good some of those funding gaps, not just in respect of Northern Ireland losing EU programmes, the peace and reconciliation programme and other north-south programmes, but also in relation to those at an east-west level. We should remember that INTERREG is not just cross-border in Ireland; it involves Scotland and Wales. Other shared EU programmes also fund co-operation, engagement and collaboration across these islands. In thinking about how to replace some of those in the longer term, we should look at the fact that the Irish Government continue to repay the money from the loans under the Loans to Ireland Act. That was for £3.2 billion. Currently, only the interest is being paid—£42 million is due to be paid in a few

weeks' time and £42 million was paid in June, with another £42 million or whatever the amount will be due to be paid next year.

That is still only paying the interest. The principal, under the original Act of 2011, is due in March 2021. Now, I assume the principal of £3.2 billion is not going to be handed over in March 2021 and there will, no doubt, be a negotiation as to the terms in which it is done. What would be wrong with identifying some of that funding that the Irish Government is going to be paying to the UK anyway and deciding to stream or earmark some of it to continue some of the cross-Border funding we have had - partly funded by Europe and promoted further under the Good Friday Agreement - to continue the east-west funding that has been there as well, and maybe to do it in a much more upfront way, almost like a version of Structural Funds for these islands? So, in terms of the funding gap that has been identified, there is one way of trying to use money that is already going to be transferring. The Irish Government will be paying that money but rather than it just being soaked up in overall Treasury figures, maybe we could identify and apply that money in ways that meet the concerns that have been reflected by a lot of people around this table, and maybe even be a bit more ambitious than that.

**The Acting Co-Chairman (Mr Andrew Rosindell MP):**

Thank you very much, Mark. I sense that we are coming to the end of the discussions for today. I do not want to press people to speak when they have already spoken but we do have two final Members who would like to contribute. I will call finally Brendan Smith followed by Karin Smith.

**Mr Brendan Smith TD:**

Thank you very much, Chair. I just have a short comment. Mark referred to the need for special status in regard to Northern Ireland. Over the years, we would have argued that the potential of the Good Friday Agreement had not been maximised and had not been used to the best. Considering that there has been phenomenal progress on the island of Ireland since the mid-1990s – I mentioned earlier that I represent two of the southern Ulster counties and I live on the Border – we have seen a dramatic transformation for the better on our island. One thing that we have underestimated on both the Irish Government side and the British side as well is how interwoven our economy is on all of our island, throughout the Thirty-two Counties.

I do not think we have measured accurately the growth in commerce and business between North and South and South and North since the mid-1990s, particularly since the Good Friday Agreement in 1998. We would argue in politics - quite rightly - that there is potential to grow it further and we should have more all-Ireland bodies as well, say, an industrial promotion agency. It is ludicrous that we have State promotion agencies - our Industrial Development Authority and Enterprise Ireland - trying to encourage foreign direct investment and we have similar bodies in Northern Ireland. We should have one body marketing all of our island. If you take an awful lot of our businesses, some of the largest food companies in Ireland are very much organised on an all-Ireland basis. They have sites both North and South of the Border. The raw material, particularly in the areas of dairy, beef and other agricultural products, moves North and South. I do not know how you are going to have a regime that will be able to keep that free movement going, which is so necessary. We all know that those types of industries work to a very small margin. I think it is necessary at this

stage that both Governments and the Northern Ireland Assembly and Executive should be working on the micro-scale as well to try to devise some systems.

I am not one bit surprised by what Alf Dubs said about Peter Sutherland's contribution. There will be borders; that is the reality. How we minimise its effects on ordinary, everyday commerce, that is going to be a huge ask and a huge task for both Governments and for the EU as well, but we should bear in mind the great progress that has been made. It would be a shame in the history of our two countries, and the difficult history that has been, if we allow it to go back instead of going further in the positive manner that it did since 1998. Thank you, Chair.

**The Acting Co-Chairman (Mr Andrew Rosindell MP):**

Thank you, Brendan. Finally, I call Karin Smith.

**Ms Karin Smith:**

I have the responsibility of being last. In the effort to constantly find something positive out of all this, which I do struggle with but I think it is incumbent on us to do so, what I have certainly learned in the last few months - I have Andrew Bridgen behind me who is one of the 17 million - is that people really do want to understand what some of the complications are.

*4.15 pm*

I think what the difficulty we had during the campaign, and we have now, is really making the implications very real to people in their daily lives. I think perhaps from this many of us have to work together to help explain the deeply complicated issues there are with the relationship with Ireland in terms that allow the rest of the UK to understand. In my own constituency, there is no real Irish population. There is a very large eastern European population in it now and so many of us have very strong representations from other parts of Europe about this. Maintaining the seriousness of the Irish situation for us does require us to think how we communicate that and the messages that we try to send, and what we try to really focus on in making that very real to keep it live in people's hearts and minds as we progress.

**The Acting Co-Chairman (Mr Andrew Rosindell MP):**

Thank you very much to all of you who have contributed to the debate this afternoon. All I can say is that despite the differences of opinion that exist within this room, there is no doubt that there is an even greater determination that the closeness - the bond of friendship and the co-operation that have existed in these islands for a very long time - continues and grows ever stronger. I think, if nothing else, the current situation has given BIPA a real purpose for us to work together and to find ways to forge stronger bonds in the years ahead. And so, that only leaves me now to put the motion formally to the meeting. I have to read it to you once again. The motion states as follows:

That the British-Irish Parliamentary Assembly, in the context of the UK's decision to leave the EU and Ireland's continuing commitment to remain in the EU, and having respect to the diversity of views within these islands and across the UK on Brexit, draws attention to the many positive achievements in British-Irish relations, including the Common Travel Area, the absence of a 'hard border' and the gains of the peace process, and expresses the desire that these achievements will be safeguarded, for the UK, Ireland and the Crown Dependencies, whatever the future relationship may be between the UK and the EU.

That is proposed to the meeting on behalf of the Steering Committee. Can I see a show of hands of all those in favour, please? Are there any against? Any abstentions? Thank you very much. The motion is carried unanimously.

*Motion agreed.*

**The Acting Co-Chairman (Mr Andrew Rosindell MP):**

Ladies and gentlemen, before you rush off, just a few short announcements. This concludes our programme of business for today. You all have an opportunity now to have a break and get ready for this evening's events ahead of the reception at the National Assembly for Wales, which will be hosted by the Presiding Officer, Elin Jones. That will be followed by dinner at Cardiff Castle. A coach will depart for the National Assembly at 6 pm sharp so please be ready in the reception to leave at dead on 6 o'clock. There will be a return coach from Cardiff Castle departing at 10.15 pm. The plenary session is now suspended until 9.30 a.m. tomorrow. Thank you and have a good evening.

*Adjourned at 4.19 pm.*

*Tuesday, 29 November 2016*  
*The Assembly met at 9.36 am.*

## **YOUTH ENGAGEMENT AND THE ASSEMBLY: THE STORY SO FAR**

### **The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Good morning, ladies and gentlemen. Welcome to all of you as we begin our second day of deliberations. I trust you have had a rest after yesterday's dinner at Cardiff castle and I look forward to the remainder of our Assembly and further stimulating engagement. I would particularly like to welcome the young people who have joined us today to observe. You are very welcome and thank you for attending this morning.

This morning, we will discuss—you will be relieved to know—two non-Brexit-related topics: the first is youth engagement and the second is health, before receiving an update from our committee Chairmen later on this morning. We will aim to adjourn the meeting at around 12.00 pm to 12.30 pm and this will be followed by lunch for all Members.

So, it gives me great pleasure now to welcome our first guest speaker this morning and that is Ann Jones, who is the Deputy Presiding Officer of the National Assembly for Wales, with her officials, who will outline the Assembly's work in engaging children and young people. Ann.

### **The Deputy Presiding Officer of the National Assembly for Wales (Ms Ann Jones AM):**

Diolch, Gadeirydd. Bore da, bawb. Thank you, Chair, and good morning, everybody. I am pleased to stand here and deliver a session about a subject that I suspect we are all passionate about, but one that brought me into politics as an issue, which is: how do we engage with younger people? How do we get our young people to understand what we do, day in, day out? How do we make them interested in our work and, more importantly, I suspect, how do we make them understand, or at least inform them about the deliberations that we make that have an effect on them as young citizens?

So, within the National Assembly, our message is to try to resonate with young people. There is a big team of Assembly officials, and I have with me, hiding behind here doing the PowerPoint at the moment, Kelly Harris, who is the Assembly's youth engagement officer. She is one of a team of people and we would have had Non Gwilym with us, who is the head of the Assembly's communications service, but, unfortunately, Non is not well. But, no doubt, Kelly and I will attempt to field the questions, but rest assured there are a few more of them and what they do is go out and about and deliver across Wales. For any of you who have travelled Wales, you will know that that is quite a task in itself.

We have a few slides as well, so bear with me if the technology does not work. There we go—that slide demonstrates, I think, the Assembly's tradition of trying to support children and young people and to engage them in the Welsh democracy, and that is a slide from the opening of the fifth Assembly last May. For example, there were some 200 young people—



from 20 different schools and youth groups across Wales—and they all came to celebrate the opening of the fifth Assembly. I think it is quite important that, while they do not have a vote until they are 18, sadly—and that’s my view, but we can discuss that later—no doubt we want to include them in that.

So, we have moved on. Since the Assembly was established in 1999, there have been some landmark pieces of legislation and some decisions taken that have placed Wales as the world leader in promoting the place of children and young people in our nation. For example, in our very early years of being formed as the National Assembly for Wales, the decision to adopt a rights-based approach to children and young people put our institution on a path that led the way for other UK nations. The unanimous support across the Assembly for the creation of a post of Children’s Commissioner for Wales was that landmark step and, in 2001, Wales became the very first nation within the UK to appoint a commissioner, a truly independent person to hold the Welsh Government and the Assembly, and others, to account and to ensure that we deliver for our young citizens. And then in 2011, we went further, to legislate to enshrine the rights of children and young people in Welsh law.

The legislature plays its part, too, and we engage with up to 25,000 children and young people annually in the Assembly’s work through a variety of off-site and on-site visits. Earlier this month, for example, the school parliament from Merllyn Primary School in Flintshire in north Wales visited the Senedd and met with their constituency Member, Hannah Blythyn, and because Hannah’s one of our younger Members—she is not in red in this slide, just in case people think she is not there—she met with the First Minister, Carwyn Jones. For me, representing a north Wales constituency, it is very important that we actually engage with young people from outside of what we call the M4 corridor, which is just around Cardiff, and so we have teams of people who will go out to schools, and the teams that have gone out under the direction of Kelly and others over the last 15 years have gone out and delivered the sort of discussions and the sort of information that we do. More importantly, we have, in the Assembly, for the last 15 years, been offering financial support to those schools who need it to come down to the Assembly. They go into what we call Siambr Hywel, which is the old debating chamber that we had, before we had our new building, which many of you saw last night. They use Siambr Hywel very much as we would use the debating chamber, and it is used as part of the education and youth engagement work.

Through such activities, the Assembly also supports the development of school councils—and I think that slide shows the school council that came down. What we try to do is tell the children and the schools there how they should take an active role in how the school is run, and we have encouraged young people to use the Assembly’s petition process to raise concerns and to campaign for change. For example, Whizz-Kidz—whose mission is to transform the lives of disabled children by providing the equipment, the support and the life skills that they need, which they want when they need them, and they give them their chance to reach their full potential—the youth engagement team worked with Whizz-Kidz in groups in north Wales, in west Wales and south Wales over a period of time, which resulted in the group presenting a petition on how they get access to trains to the Assembly back in September. So, that’s the Chair of the Petitions Committee there receiving that petition.

As many of you probably do, individual AMs visit schools and youth groups in their constituencies, and Assembly engagement teams, as I said, have delivered thousands of educational sessions to thousands of young people across the country, informing them of the work of the Assembly, and they have also supported the programme of Assembly committees. So, they go out and tell the young people what the Assembly committees are about and, through Kelly and her officials, as I said earlier, we do try and attempt to tell people what we are doing. We also, because it is very easy just to engage with those young people who want to engage with you—that is the easiest part, and you can go to a school and you can think, ‘Great, I have had some good questions’, but there is always somebody, perhaps, who sits at the back of the room, or somebody who does not get involved, and it is those who we need to reach. There are more and more people who are harder to reach, and so recently, there was a group of 10 young people, supported by the homeless charity Digartref on Ynys Môn, on Anglesey. They have been working on a community voice project, and, as part of the project, this group, which is slightly older, between the ages of 16 and 25, took part in the Wales 2016 election workshop. It held a mock election, attended the polling station on election day and took part in two full workshops at the National Assembly in Cardiff.

*09.45 am*

Also, this term, we have engaged with young adult carers from Mold, young people from the black minority ethnic community and the young, black and gifted groups across Cardiff, and a programme of youth engagement has been carried out in Carmarthenshire with young mums in that area. As part of the drive to engage with diverse audiences, the Assembly has also benefited from working with groups with additional learning needs, such as the New Dragons youth club in Flintshire. Again, the club is run by Afasic Cymru, which works to meet the needs of children and young people with speech, language or communication needs. I think there you can see the young adult carers, and, I suppose, these have almost become obligatory photographs so that we can use them in presentations such as this. Nevertheless, the feedback that we get from those groups is very important to us and helps us when we are scrutinising legislation. Again, there is Afasic Cymru and, just for you to know, that was me at the Urdd Eisteddfod, because I have the same jacket on. There we go. [*Laughter.*] I thought I would do that because all the men wear the same suits often and nobody ever bats an eyelid, but if a woman dares to wear the same jacket twice, she is seen as being quite odd. I thought I would do it, because I am an odd person. There we go. That was me at the Urdd Eisteddfod, which is our national youth festival, earlier this year. In fact, it was one of my first engagements as Deputy Presiding Officer.

We are trying to engage with young people from across Wales. I am sure, like many of you here, we have spoken to people over the past six months about a wide range of issues relevant to our election last May, and, of course, I dare to say, I am sorry, Chair, Brexit—we did have to mention Brexit—and the Wales Bill, because we have, of course, an exciting new prospect in the Wales Bill. Let me assure you, they have not held back. We are going to hear now some of the young people’s views as part of a video montage and then we are going to hear from Christian Webb of Youth Cymru. Very briefly, he is going to outline the work that they

have been doing. I am going to allow Kelly to try to put the video on—there we go. Bear with us. Oh no, it has gone back one. I am sorry. I am glad I am not doing this.

**Kelly Harris:**

Technology—it worked earlier, I promise.

**Ms Ann Jones AM:**

Yes, it did work earlier. We did try it. Christian, would you like to come up and tell the organisation now about what your asks are, and we will try to fiddle around with the technology? There we go. So, this is Christian from Youth Cymru. [*Applause.*]

**Christian Webb:**

Seneddwyr, boneddigion a boneddigesau, mae'n bleser ac yn fraith i fod yma i gynrychioli partneriaeth strategol ieuencid y pum cenedl. It is a pleasure and an absolute privilege to represent the five nations' strategic youth partnership, which is made up of organisations from across the five nations and jurisdictions: Youth Cymru, Youth Scotland, Youth Work Ireland, Youth Action Northern Ireland and UK Youth. Over the last month, we have been meeting to talk about issues affecting young people. We came together in Dublin in Ireland earlier this month through a project that was fronted by Erasmus+ to talk about issues affecting young people from across health, education, public services and, of course, Brexit as well.

We came together and we created committees where young people had the opportunity to work together on these issues. We created a mock parliament to come up with calls shared by young people across these nations and jurisdictions, and I will talk you through some of those things. For health, improving mental health services for young people is a big priority, whether that is through introducing a text-based support system or through looking at education from professionals to children from the age of seven; recognising the importance of youth unemployment and creating structures to tackle youth unemployment; making youth services priority public services by restoring and protecting the funding for these vital services, which, actually, many of the young people in this room would not be here without; enabling every young person to take an active role in democracy through local, regional and national structures, and, for Wales, that means the establishment, finally, of a democratically elected youth parliament; and delivering an inclusive education to all young people to set them up for life. This means an LGBT plus inclusive health education, ensuring every young person, of all diversities, has the opportunity to feel that their education system prepares them for life, and keeps them safe most of all.

I have talked about education. And finally, Brexit. Brexit is one of the big things affecting young people, and what came up for us on Brexit was ensuring that freedom of movement is maintained—ensuring that young people can travel, study and work across the UK and Ireland, with clarification on their citizenship status as well. We also want to ensure the voices of young people are heard in the Brexit negotiations, because this is a decision that is going to affect us most of all. There is also the point about replacing lost EU funding for

projects such as Erasmus+. Without Erasmus+, we would not be here today. And finally, there is the need to ensure the UK maintains environmental standards equal to those of the European Union, if not greater, because climate change is something that is going to affect young people most of all. It is our future that we need to protect.

Now, I am just one white man from Wales. How could I ever seek to represent the fantastic diversity of young people from across the five nations and jurisdictions? It would be fantastic if we could look together, as parliamentarians and as young people, at formalising this relationship between BIPA and the strategic youth parliament.

Seneddwyr, diolch yn fawr iawn am eich amser. Thank you so much for your time, and I do hope that the conversations you are having are very fruitful. Diolch yn fawr iawn. [*Applause.*]

**Ms Ann Jones AM:**

So, there we are, and that is far better than listening to me. I think now we are going to hear some more comments from the young people now, and then I will hand over to Kelly, after we have heard these, to do the business presentation.

**Elen:**

If Westminster were to pass the Wales Bill, I think that the Assembly in Wales should lower the voting age.

**Ellie:**

It will give us the chance to prove ourselves that we know what's happening and we have a voice that we haven't had recently, because it's our future that's being affected by the choices that older people have been making.

**Cai:**

As a person from Bangor in north Wales, we have been funded through the European Union, such as the Pontio arts centre and many other facilities in the Bangor area.

**Ellie:**

I don't think that the voting should be done online because it loses the personal meaning. People who are old or older or who don't have computers aren't able to voice their opinion more freely.

**Elen:**

I think the voting age should be changed to 16, because it is us, the younger people in the community, who want change, because, as people get older, they fear change more. It appears everywhere.

**Ms Ann Jones AM:**

That was just a brief example for you of what young people think. So, now Kelly is going to go over and do the business side of it, because none of this works with just me standing here. There is a lot of work that goes behind all of this to engage with the young people. So, Kelly, if you have got your presentation sorted out.

**Ms Kelly Harris:**

Thank you very much. Thank you very much for the opportunity, and thanks to Ann. Apologies for the technology; you can always guarantee that it never quite turns out how you expect it to, but we got there. As Ann said, my name is Kelly and I am the youth engagement officer for the National Assembly for Wales. What that means in a nutshell is that I work with 11 to 25-year-olds across the whole of Wales to engage and inform them of the work that the Assembly does and, more importantly, provide them with a platform and an opportunity to contribute to Assembly business, so that they feel like they are having a voice, even though some of them will not be old enough to engage in political elections.

Therefore, I will just give you some of the history behind our youth engagement provision. This just outlines what our priorities have been for the past two years and what they are going to be coming up for the future as well. We had a ‘Your Assembly—your say, your way’ consultation that we ran with young people across Wales to ask them how they wanted to engage with Assembly business. We also conducted a ‘Vote@16’ consultation, which I will have a chat with you about in a minute, working with a new audience. Therefore, the role that I have here at the Assembly—and I have been in post for two years—is a new role. Traditionally, we have always engaged with young people via education—therefore, in primary, secondary and in college settings—whereas my role is more to engage with young people outside of the school setting, so, community organisations and a lot of the groups that Ann mentioned. It also involved working for the Wales 2016 campaigns and getting young people involved in that, and also talking about voter registration. Therefore, ensuring that those who wanted to vote and were able to vote were able to do so.

Our priorities for the forthcoming year is preparing for a youth parliament of Wales. There was quite a big announcement by our Llywydd, or Presiding Officer, Elin Jones, recently. We will talk more about that. We will also be consulting with professionals to improve our offer and also look at the Siambr Hywel building that we have and how we use it. We would like to change it slightly and make it more engaging, more dynamic, and we are looking to consult with people to figure out how we can do that better.

The “your say, your way” themes ultimately increase children and young people’s understanding of the Assembly’s work and how it is relevant to their lives. We want our opinions on the issues that matter to us considered by Assembly Members and to be valued.

These are words from young people, which I am sure you would have heard before, in your own countries, and words that we have heard across Wales. Back when I was a young person—a few years ago—they were the words that I would be saying to my Members as well, because I was involved in youth organisations. Therefore, ultimately, the feedback has allowed us to condense our work into three areas: reaching out to young people; enabling debate—therefore, providing them with the platform and an opportunity to do so; and feedback. I feel that this is something that we have been getting stronger and better at—actually feeding back to young people the impact that their work and their contribution has made at the Assembly.

The youth engagement charter is something that we are extremely proud of. It's our commitment to young people across Wales that we will listen to them, respect them and also feedback. It ensures that their values are considered and respected and also play an important part in the Assembly. When it was launched—our previous Presiding Officer, Dame Rosemary Butler, launched it in the Senedd—what was significant about the youth engagement charter was that every Member-leader of each political party in Wales at the time signed the charter and agreed to uphold it in all of their dealings with young people within the Assembly. We hold it very proudly; it is placed upon our wall in Siambr Hywel so that every young person and every member of the public who visits can see our youth engagement charter. It is something that we heavily promote as well.

In terms of how we have engaged with young people, in the fourth Assembly my remit—my encouragement—was to get more young people involved and bring the numbers up to be able to show that young people have a voice. These are just some examples of the different committees and the different committee inquiries that we conducted, and then the numbers of young people that actually took part. Something that I have been very passionate about is that, if we are going to conduct Assembly business or any committee work that involves a particular theme, we need to be asking young people for their opinions. We should not be making an assumption that it is not applicable to them and that they will not be interested in it, because, as all of us in this room have very different opinions and interests in things, so will young people. Therefore, we are very proud that we have directly gone out and engaged with them in this way. We are still engaging in this in the new, fifth Assembly. Most recently, our Children, Young People and Education Committee completed a snapshot inquiry into youth services in Wales, and we were very proud to have over 2,000 young people participating in that as well, to give us their opinions. The committee will shortly—hopefully, at the end of this month—be releasing the results from that inquiry.

Another part of trying to engage in Assembly business is engaging in Assembly business in a different way. I feel that, sometimes, everyone who engages with young people can perhaps be guilty of getting them to complete a survey, because, with surveys, it is a very good snapshot, there is a quick turnaround and you do tend to get a high number. But, for some young people, I do not feel that that is always particularly the most meaningful way in which you can get their opinions. Therefore, with the committees, we have started to look at different ways in which committees can actually engage with young people. This is an example from a previous committee in the fourth Assembly—the Enterprise and Business

Committee. We did an inquiry about assisting young people into work and looking at what the barriers were that were preventing them from accessing employment.

*10.00 am*

Again, instead of doing the traditional survey, we actually went out and made videos with the young people. So, we were able to do it from across Wales and we spent time with the groups to explore their issues and their concerns, video them, and then we showed it to the committee. I am sure, as Members yourselves, you will know that you get reams and reams of paperwork that you have to read and be prepared for. But, ultimately, a video is five minutes, you have watched it and hopefully the main points come across. So, again, it is a more proactive and time-effective way for Members.

Another way was the Children, Young People and Education Committee inquiry into supply teaching. Young people frequently would tell us when we were out and about that, when they have a supply teacher in their school, they felt that their standard of education was different to when it would be the normal teacher that they would expect. So, the purpose of the inquiry was to find out from these children, young people, teachers and parents whether the use of supply teachers did affect the pupils, and, if it did, what improvements could there be. Again, we used a paper survey because, as I said, people do like to use them, but we went out into schools and we did assembly sessions with the young people as well to engender a debate, so that they felt that when they were completing the survey and giving their opinions, they knew what the topic was.

So, what does this mean for us in practice? Embedding youth engagement into all committee consultations is a really big aspect. As Ann was saying, there is a team of people—not just me; there is a whole team of us—and a team within communications of outreach officers, and researchers, a whole variety of people who all contribute towards Assembly business. So, we work together to ensure that we are able to embed this in a proper and engaging way. On adapting engagement techniques dependent on the nature of the consultation, we did an enquiry into psychoactive substances—legal highs—and, therefore, doing a traditional paper-based survey might not have been appropriate. What we did instead was a focus group with Assembly committee members, taking them to a group of young people who had experiences of using legal highs, and we provided a dialogue and an opportunity for an open conversation.

Widening our partnership work is something that I am very proud of—the work that we have been doing within Wales, and Christian came up and gave a fantastic explanation of the work that Youth Cymru does. It is organisation that we have worked hard with, as well as with the Children's Commissioner for Wales and the voluntary sector. We have lots of national youth organisations in Wales on a youth engagement steering group, which allows us to make sure that we are partnered together. We understand what everybody is working on so that we can all be approaching things in the same way and complementing each other's work.

On ensuring that we let young people know how committees have considered and used their input, again, this is the feedback aspect. So, we are constantly improving this and, as new

technologies arise, we are able to adapt our style to make sure that it is how young people would prefer to be fed back to.

We also learn lessons on an ongoing basis. I am not going to stand here and say that it has been seamless and that straight away we knew what we were doing. Obviously, there is a trial-and-error basis. I am very proud of our movement on this in the past two and a half years, and I think that we have set ourselves a very solid foundation to continue this work.

Then, we have the point about making young people believe in Your Assembly. It is about making sure that young people actually feel valued and that they feel that their contributions are making a difference. Going back to an earlier slide that Ann showed you, about Whizz-Kidz, these are young people who are wheelchair users, and we are actually making them feel like their voice counts, that the issues that they face on a day-to-day basis will have an impact on the Assembly work, and that, together with the Assembly, potential changes could be made for their lives.

So, this photo is a group, obviously, from the British-Irish Parliamentary Assembly youth symposium. We like to, as Ann said, use the photos that we take, so we litter them where we can. These are just a few pictures of other groups. You will notice, in the pictures, that they are holding a pink sign, and this is my chance to start talking to you about our 'Vote@16' consultation.

Across Wales, with the Wales Bill, times are changing for Wales in terms of our voting age, the way that we engage with voters and how people will vote. One of the sticklers that I find is that adults tend to make decisions for young people and might not always ask them, 'Do you think that this is what we should do?' So, within Wales, we had never done a piece of national research in order to ask on a national scale, 'Do young people actually think that the voting age should be lowered to 16 or not?' So, we undertook it and we were very proud of our result. We had over 10,300 responses, making it the Assembly's largest ever completion of a consultation with young people. Fifty three per cent of young people said, 'Yes, we do think that the voting age should be lowered to 16'. So, when I say that statistic to people, I think people are a bit surprised and maybe they thought it would have been higher. As regards the breakdown, 29% of young people said, 'No, we don't believe that the voting age should be lowered to 16', and 18% of them were unsure. But 58% of them said that they still preferred going out and voting, in person, at a polling station.

I will go back, just to take some more time to finish this slide off. When we explored the 'no' and 'don't know' responses with young people about why they were opposed to lowering the voting age, it primarily came down to education; that young people felt that in schools they did not receive a strong enough political education to make sure that they were enabled to make educated and informed decisions—not so much about party politics, but maybe about the actual process of voting, so from maybe following a candidate and going to watch a hustings, and then going to the polling station. These are daunting things for young people if they have never done them before or are not perhaps from that politically engaged background. So, as part of the outcomes of this report, we wrote to the education Minister at the time, Huw Lewis—this was in our previous Assembly—to inform him of the outcomes,



and we have submitted the evidence into the Donaldson review. So, Wales is undergoing a curriculum review at the moment, and so this will hopefully feed in and strengthen the overall curriculum that young people will receive.

The youth parliament of Wales: this is an exciting time for us, and I am extremely proud to be part of the team that will be taking this forward for young people. We are embedding youth parliament work into all our education and youth engagement work. So, what can we do day to day, and how can we make the youth parliament strong in those ways? We are working closely with a core group of young people and the professional sector in Wales to steer the work. So, we are not going to be running into this youth parliament and saying after Christmas next year, ‘Ta-dah, here is our youth parliament.’ We need to get it right, so we need to work on the fundamentals and make sure that, again, we are working with all these professionals what we have developed very strong relationships with, and young people, to ensure that the youth parliament is going to be both the best for the Assembly and best for the young people of Wales.

So, we are learning from our counterparts in Ireland and the British isles—everybody in this room—ensuring that all young people can contribute. There is an emphasis on digital engagement; this is a big drive for the Assembly. We have recently appointed a digital taskforce to undertake a review looking at how the Assembly engages online with the people of Wales. We want to strengthen the work that we do with young people. Only last Friday, I attended a conference with Careers Wales that had over 300 young people and we asked them about their digital methods of engagement and how they want to engage. So, traditionally, we have had a website for young people, we use Twitter a lot, we use Facebook as well, but when we were actually engaging with the audience, they were telling us that Twitter is for old people now, apparently. Instead, they want us to be using Instagram and Snapchat, the new methods of technology. So, for us, we need to look at how we can better use these tools to get our message out to young people where they are. Instead of expecting them to come and use our platforms, we need to be using and engaging theirs better.

Widening our partnership network, as I mentioned; ensuring that we let young people know how AMs have considered and used their input—so, any work that happens, making sure that they are aware; providing opportunities for them to meet with their Assembly Members, getting out and seeing the different youth groups and schools across Wales; making young people really believe that the youth parliament is working for them—and it is something that I am extremely passionate about; underlying, then, with children’s rights within the convention, in article 12, about young people having a voice when decisions are being made that affect them—this is what our youth parliament will strive to do and, hopefully, provide for young people.

At this point, I am happy to welcome any questions for myself and the Chair.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you very much indeed for your presentation. Do we have questions from Members of the Assembly? Senator Wilson, first of all.

**Senator Diarmuid Wilson:**

Thank you, Kelly, and thank you, Deputy Presiding Officer, for your presentations this morning. I have two very short questions. No. 1: what is the average age of the membership of the Assembly? No. 2: what percentage of your funding comes from the European Social Fund? I assume that some percentage of it does, and in the absence of that, what are the plans to substitute that funding as a result of—sorry, Co-Chair—Brexit?

**Ms Ann Jones AM:**

I do not really know the average age of the Assembly. When I sit in the Presiding Officer's chair and look out, they all look a lot older than when we first all walked in as fresh-faced people in a very young organisation. The new intake are younger Members, and at the last Assembly we did see quite a roll-over of those who had been—in their third generation of life, if I can put it that way. So, we do have some young Members, but not very young. I think most people have done jobs before. One of the youngest Members is sitting there—Steffan. There is also Hannah, who I have mentioned. There are a few, but it is difficult to do that. But having heard Christian this morning, and people like Christian, I feel very, very heartened that politicians will go on and we may break the mould and have young people to do that.

On the ESF funding, the money comes from the block grant into the Welsh Assembly and then the Welsh Assembly and the Government between them work out what the Assembly Commission's budget should be—the Assembly Commission being the corporate body around the Assembly—then the Government go off and do their own thing. But, we have heavily relied on European funding to do lots of outreach work with youth groups—setting youth groups up, setting the harder-to-reach youth groups up in those areas where it is difficult to organise them. So, I think there is going to be a bigger churn and that is why I think it is important that we have the young people advising us as politicians on the future post Brexit. I do not know if you wanted to add anything about how it affects your job.

**Ms Kelly Harris:**

In terms of the day to day, the decision on Brexit will not impact on our role within the Assembly, but it will impact on my work out in the community. A lot of youth organisations will receive European social fund money or Erasmus+ money, but not all of them, so I imagine if there will be an impact it might be that, at some point, their funding sources will have to come from elsewhere, but there will not be an immediate impact on my day-to-day role.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you. Ross Greer.

**Mr Ross Greer MSP:**

Thanks very much, Chair. I should declare an interest as I am a relatively recent former member of the Scottish Youth Parliament. So, if you will indulge me, I have a couple of questions. The Scottish Youth Parliament was established at the same time as the Scottish Parliament—it is a day older, actually. I seem to remember, from my time of being involved, that there was an organisation we engaged with in Wales called Funky Dragon. I was wondering if you could just give a little bit of the back story of what the process has been and what the story has been up until now that has resulted in the youth parliament being established now.

The Scottish Youth Parliament is also an independent organisation. So, I wonder how you are going to ensure that a youth parliament in Wales that is established through the Assembly is sufficiently independent, which will allow it to be constructively critical of the Assembly and of the Welsh Government, where it feels necessary. And perhaps more of a question for Ann about the politics of it: do you think that there is the political will within the existing parties to lower the voting age to 16? Have there been lessons learnt from what has happened in Scotland over recent years on that?

The last thing was—because I thought it was absolutely fantastic—I would love to have a copy of your youth engagement charter, because I think that is one area that the Scottish Parliament is trying to do better on, but we're not quite there yet.

**Ms Kelly Harris:**

Thank you for your questions. Actually, I am really happy to say that, two weeks ago, I was up in Edinburgh and we went out to visit the Scottish Parliament to talk with their engagement team, to look at what they are doing with young people and what we are doing, to learn lessons and share information. We also took the time to visit the Scottish Youth Parliament while we were there as well, given the timely nature of it. So, it was great to learn more about the Scottish Youth Parliament.

In terms of Funky Dragon, in my previous life I worked for Funky Dragon. Funky Dragon was funded by a core grant from the Welsh Government. Unfortunately, times changed and Funky Dragon was unsuccessful with a new round of bidding for funding. So, it was established for 10 years, but it then closed down. Fortunately for me, a job came up at the Assembly, but for two years, we have not had a national platform for young people.

There have been youth organisations in Wales that have strived to make sure that there is still a platform for young people. An organisation called Children in Wales receive some Welsh Government core funding to deliver a project called Young Wales. They picked six themes, which they have worked on for the past two years and they are going into their third year. They then report directly to Government Secretaries and Ministers on their work. So, young people are still having a voice in that sense, but not so much in a completely national sense.

So, this is where we are hoping that we can learn lessons. The Funky Dragon trustee board renamed themselves the Campaign for the Children and Young People Assembly for

Wales—CYPAW, as we affectionately know it, as we love an acronym. They have campaigned and worked very hard over the past two years to make sure that the issue about a national platform is not lost. They have met with our new Presiding Officer, or Llywydd, and also with the children’s commissioner, and kept the campaign going. So, the Llywydd gave great consideration to their calls when she made the announcement in the Senedd, in Plenary session, to launch it. So, yes, there is a good partnership going there as well.

*10.15 am*

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you. Margaret Murphy O’Mahony.

**Ms Margaret Murphy O’Mahony TD:**

Thank you, Chair. First of all, I would like to thank Ann and Kelly for the fantastic presentations here this morning. In Ireland, we have the saying, “Mol an óige agus tiocfaidh sí”, which means ‘praise the young and they prosper’, and I think you epitomise that work, so well done. Just two question please, ladies. With regard to Whizz-Kidz, I work in the area of disabilities myself within the Fianna Fáil party, and I was just wondering what amount of funding was put in to setting it up and for carrying it on. Does it take much funding to do it? Secondly, with regard to reducing the age of voting to 16, would it be the general consensus within the youth group that that should happen? I personally think that 16 is too young; I think people mature an awful lot between 16 and 18, so it would not be something I favour myself now. Obviously, there should be a lot of consultation with youth groups, but I think 16 is a bit young to have a say on who represents you in Parliament. I was just wondering what your thoughts were on that, please.

**Ms Kelly Harris:**

I will take the Whizz-Kidz question and then hand over to Ann on votes at 16, because I think it will tie in nicely with the question before. In terms of Whizz-Kidz, they are an independent organisation, so they did not receive any funding from the Assembly in any sense. Everything that we offer is completely free, so we go in and support them. But I can provide you with the information and the details of the organisation, so that you could get in touch with them and ask them, because I would not be sure about the questions around their funding, sorry.

**Ms Ann Jones AM:**

Very briefly, I will do the votes at 16 and come back to what Ross was asking as well. Sadly—and this is my own personal view—I think that we looked over the border when the Scottish independence referendum was going on, and I think young people were quite jealous that they were having the vote there and then it is not going to be carried on. I think that that was an opportunity that we missed with the latest referendum on—I am trying not to use the word. This is the lesson for today; not to use that word, but to find other ways of talking about it.

I take your point that you think that people mature at 16. I can tell you that people who are 60 and 70-plus still do not understand how to vote, and are not intelligent enough, really, in my view—sorry. Again, I declare a big interest on some of the results that happened in the election of our Assembly last May, and I would say that many people were not mature enough to vote. I think that that is part of the issue and the bigger discussion that we need to have, but certainly, with the youth parliament, I am sure that they will—. There is a move to make it independent. That was part of the problem with the old Funky Dragon. It was a Welsh Government-funded operation, and so people felt it could not really criticise—you do not bite the hand that feeds you, basically. So, we are hoping to go independent, and I am sure that that is one of the things that young people will inform us on. I think sometimes you have to be brave, like the Scots were in the referendum. You have to be brave and you have to do it. I think if you looked at the proportion of how they voted, it would mirror what society is, and I think we just need to move forward and have trust. You know, people would not trust women in politics a long time ago, and here we are now.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Okay, thank you. Karin Smyth.

**Ms Karin Smyth MP:**

Thank you, Chair, and thank you for the presentations and for last night. Talking to the young people was really inspiring and it is great to see them here this morning. I just wanted to underpin some of the things you said in your presentation about—and I talked to young people about this last night—not just having a voice and being heard, but actually getting some action from it. I think that it is really good that you have put that in your feedback about it being your Assembly, that the contribution actually makes a difference, and ensuring that young people know how the AMs have done something with that information. I think that actually saying it makes a difference and is really, really important.

Careers advice is a particular issue for England. At the moment, I am doing work about people who cannot or do not want to go to university, and understanding the choices that are available and being helped through that very difficult process, with too many choices. Can you say a little bit about careers advice and if that is something that has come up through your work with young people?

**Ms Kelly Harris:**

In terms of the careers advice from the Assembly perspective, obviously we talk to young people and we encourage them to access the organisations that we have. In Wales, the Welsh Government co-fund Careers Wales, whose job it is to engage, in every school across Wales, with young people when they are ready to start thinking about their career and moving forward in that sense. Therefore, we do provide opportunities for young people to learn about the Assembly and the work that we do at the Assembly. Obviously, we have our cohort of 60 Assembly Members, but we also have the commission staff, who work behind them to

support the work of the Assembly, so there are opportunities there in terms of employment. However, specifically for careers, that would be something for Careers Wales and something I do not feel we would be able to answer here, sorry.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Declan Breathnach.

**Mr Declan Breathnach TD:**

First, I would like to thank you for your presentation, but particularly to make mention, as Karin has, of the discussion we had last night with the young people from all Parliaments and particularly, on a personal basis, to pay tribute to the team from Tipperary and, indeed, Wales, who succinctly put across their points that were included in this morning's presentation. I suppose my comment in relation to the youth symposium from BIPA is by way of a question: to what degree have you made an effort to get the various spokespersons on youth affairs, be they opposition spokespersons or, indeed, front-bench spokespersons from all parties, together to discuss these issues? I do think it would be a progressive step to organise a meeting of all of those cross-party groupings, with a view to expressing the views that you have put here this morning. Finally, just to say, in relation to social media, I am not a great hand at Twittering or tweeting, but indeed Instagram is a new one on me and, certainly, if you want to get your message across, you want to keep Twittering and tweeting. Thank you.

**Ms Ann Jones AM:**

Thank you for that. It is always, I think, an issue for us as politicians as to how we go forward, but I think that, in the work that we are doing with committees—our committees are cross-party committees, as many committees are—when we take them out and talk to young people, we always try to have feedback. Certainly, within the Assembly Commission, I know that, for the work on the youth parliament, there will be cross-party feedback and, hopefully, the young people themselves will assist in setting that up.

On social media, you can see how good I am, as I cannot even press the clicker. Instagram—I am just about tweeting and handling that, so, for Snapchat and all of these things, I think I would need to have a degree course in how to do that. Certainly, however, with young people, we have moved on, and I can see the difference since the Assembly's outreach work team have been doing work. We all go into schools, and I used to go into schools before the team were involved with them coming down to the Assembly, and I would be asked the normal questions: 'Do you have a cat?'; 'Do you have a dog?'; 'What is your favourite colour?'—certainly, from up north, it was, 'Do you like Liverpool or Manchester United?'—and so on. Now, when I go into schools, at that age, I get questions such as: 'Well, why do you spend so much money on doing that?'; 'Why don't you have more recycling bins available?'; 'Why is it that the local council won't sweep the roads?' I know that that is the result of the work of the outreach team in telling the young people what the issues are. Therefore, in a way, I think that it is working and that we just need to finesse how we all take

it together, across the parties, and that is probably the hardest thing, when we are looking at budgets: it is about maintaining a budget where you think you are going to get the best from it and, for me, it is about investing in the young people because they will keep it going through future generations, hopefully.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you. We are slightly running out of time, so I am going to move quickly on to the remaining Members who wish to ask a question. Lord Dubs.

**The Lord Dubs:**

Thank you. May I say, I very much enjoyed our conversations yesterday; I was flattered when you asked me to go bowling and eat pizza with you and, gosh, was I tempted? [*Laughter.*] I was in the States observing the American elections—the result was not my fault—but it was interesting that, in some of the polling stations, certainly in Maryland, there were young people who wore little labels saying ‘future voter’, and this was all part of a project to enable young people to get more involved in a whole range of issues in their community, of which looking at the election was one. I thought having them there and actually helping in the polling station was quite interesting. Now, maybe you know all about this, but I thought it was an interesting idea and I was not aware of it before.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you. Lord Empey.

**The Lord Empey:**

I notice, Chair, on the paper that was circulated earlier, mental health for young people is the first item on the agenda. Is there a particular issue in Wales? Why was it given the prominence that it was?

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you. Tim Crookall.

**Mr Tim Crookall MLC:**

Thank you, Co-Chair. I think we on the Isle of Man were the first to give the youth of age 16 the vote, and we are very proud of that. The numbers were very slow to take off, but, 10 years on now, the numbers have gone up and it is very much worthwhile. I would encourage those that do not do it to certainly go out and test the water there. I think you will find that it does work, and you should get them involved, and it does help to get them involved. What is the feeling of the Assembly here? Are they willing to give them the vote at age 16? That is my first question. The second one was: you mentioned the truly independent children’s champion—if you can give us a bit of background on that. We have a children’s champion at

home, but it is a Member of the House of Keys, so I would be interested to hear about the independent bit there.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Joan Burton.

**Ms Joan Burton TD:**

Again, congratulations on the presentation. I thought it was very good. I wanted to ask you: what is the level of reach to, say, students in second-level education? Would you have contact with every school, or is it up to schools to contact you?

Secondly, in relation to people from perhaps a minority background whose parents are immigrants to Wales, what is their likely involvement? Certainly, in the constituency I represent in Dublin, about 30 per cent of people are not born in Ireland, or their parents are not born in Ireland, so the figures are very high. How do you make sure that young people in school from different backgrounds and different nationalities and traditions are actually included?

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you very much. Ann.

**Ms Ann Jones AM:**

I think, Lord Dubs, that is quite an interesting point about future voters. I started my political career with my daughter in the pram at six months old, and the pram was very good for putting the leaflets on as we were going up and down the road. As she got older, she told me how she felt that her pushchair was never the same as anybody else's, because it always had stickers on it and all sorts of things. But I think the future voters thing is something that we perhaps need to look at as parties.

Lord Empey, the young people themselves, the group that were together, have identified mental health issues as one of their asks. It is certainly something, within the National Assembly, that we have looked at. I chaired the Children, Young People and Education Committee in the last Assembly, and we did a significant piece of work. Whilst we appear to be ahead of the game, if you look at how we are treating mental health through clinical methods, I think there is still a big hole and a big gap for young people, and many young people feel isolated. Many young people feel that they do not want to access that; they feel they want a softer approach. There is a statistic that stuck in my mind, which is that there was a 110 per cent increase in the number of young people under the age of 16 waiting for mental health appointments, or a child and adolescent mental health services appointment, and I cannot believe that that increase is all about them wanting the clinical model of intervention. I think it is because we have cut back so much on some of the support services in communities: parents are looking for some support, and the only route for them appears to be the



medical/clinical model. I think that is probably an issue, and I know that the successor committee in the Assembly is going to return to mental health issues, but it is a big issue for us. I think it is a big issue across the UK, but it is certainly an issue in Wales.

Votes for 16-year-olds—thanks for that; that would be handy. The children’s commissioner I mentioned was set up in 2001, and is a truly independent person. We are now on our third commissioner. They serve for a period of seven years; unfortunately, the first commissioner gave up through ill health. They serve for a period of time. They are appointed by a cross-party group of Assembly Members and Government officials, but they are entirely independent, and, believe you me, we have had some spats with previous children’s commissioners, have we not? I can see people laughing over there, because we have. They are independent. Children are entitled to go to them, and they can instigate their own inquiries. For example, school toilets vexed quite a few people, so the children’s commissioner went in and did a piece of work around school toilets, and, believe you me, we found some money, or the Government found some money, to put into school buildings, so that was it. We now have an older persons’ commissioner, based on the same style as the children’s commissioner, and then a sustainability commissioner as well. So, they are independent and I think children understand that they can go to them, and their issues will be looked at independently. They act as an advocate, as well. So, there is that.

*10.30 am*

On our level of reach within schools, the team tries to contact every school, but, certainly, as individual Assembly Members, as we go around, we work together and we tell people about what is available. Certainly, I was instrumental in getting some financial support for some of the schools from my area, which is four and a half hours away. It is virtually impossible, financially, if you are in a deprived community, with an education budget that you are spending on education, and then I am saying to you, ‘Come down to the Assembly. Come and see me at the Assembly, it would be good.’ They are saying, ‘We can’t afford it.’ The Assembly has put a subsidised transport scheme in place so that those children can come, so we try to open it up so that it is accessible to everybody.

On the minority ethnic issue, we try to include everybody. Often, many of us—I am looking at Steffan, as well—when we go into schools, will include everybody. Never mind if the headteacher wants you to see the best child in the class, you will talk to them, but you will also go and talk to all the others as well, and so headteachers get to know that they cannot move the child who is disruptive out of the class. I know, because I was one of those children who was moved out when there were special visitors when I was in education. I was always sent to go and get the milk, because I was disruptive, while they were having a special visitor coming. So, I know and I can pick those signs up. However, we try to include everybody. What the Assembly is trying to be is open and transparent, and we start with the youngsters as best we can.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Ladies and gentlemen, may I, on your behalf, thank the Deputy Presiding Officer of the National Assembly for Wales, Ann Jones, for her presentation this morning and also Kelly Harris for her help and for her words explaining the work that is going on in Wales for young people? We greatly appreciate your attendance and thank you for a very interesting discussion. [*Applause.*] Well done on almost not mentioning Brexit. [*Laughter.*]

## **HEALTH SERVICE FUNDING AND GOVERNANCE IN THE BIPA JURISDICTIONS**

### **The Co-Chairperson (Ms Kathleen Funchion TD):**

We move on to a discussion on health. We will hear from academic experts on the different funding and governance models for health services in the various British-Irish Parliamentary Assembly jurisdictions. We have Dr Brian Turner of University College Cork, who will speak on health service funding and governance in the Irish system. We also have Mr Tim Gardner, a senior policy fellow at the Health Foundation, who will speak on United Kingdom health systems. We will then have some questions and answers.

I thank Dr Turner for being here with us today and invite him to make his opening address. Please take the podium to give your address, Dr Turner. Thank you.

### **Dr Brian Turner (University College Cork):**

Thank you very much for the invitation to be here today. I will try to talk Members through the Irish health system in about 10 minutes, which will be a bit of a challenge, but I will do my best.

We have had a bit of a revision of the figures on the Irish health system in the past 12 months. The Central Statistics Office has come out with a new series of figures on the basis of a different methodology. Health spending is now higher than we thought it was—let us put it that way. That is not because the figures have increased but because the definition of health services has been expanded, in particular to include long-term care, much of which was in social services previously. Health funding was previously estimated to be less than the Organisation for Economic Co-operation and Development average, but it is now a little bit above the OECD average.

In 2013, 10.5% of gross domestic product in Ireland was spent on health, versus 9% on average across the OECD. I caveat that on a couple of different fronts. First, a lot of people suggest that GDP is not the most appropriate measure to use in Ireland, because of the significant presence of multinational companies and repatriated profits from those companies; they suggest that we should instead use gross national income—in which case our figures would be even higher, at more than 12%. The counterargument to that is that everything that constitutes GDP is taxable, so perhaps that is in fact the most appropriate figure.

The second caveat is that, as some Members may know, we had an increase in GDP in 2015 of 26% and an increase in gross national income of 19%, so the health spending figures are going to be a little bit lower, to put it mildly, in 2015.

Perhaps we should focus on health spending per capita. On a health spending per capita basis and on the basis of health spending as a percentage of GDP, we are about seventh or eighth in the OECD, so we are relatively high.

Where is the money coming from? Primarily, it is coming from public sources, with 69% from the Government, 15% from out-of-pocket payments, 13% from voluntary health insurance and 3% from charitable donations and other sources of income.

The system is predominantly tax funded. A little bit of the public money comes from pay-related social insurance, but not very much of it. The vast majority is tax financed.

I caveat what I will say next, in that there is a break in the series between 2012 and 2013 because of the new figures but, interestingly, in so far as we can compare them, the private funding sources have increased their contribution to the overall health system from 21% in 2008 to 31% in 2014. There has been a significant increase in the amount of health funding from private sources over the past number of years.

That has serious implications for equity. The public funding sources tend to be progressive, in that people on higher incomes pay a higher proportion of their income towards healthcare, whereas the private sources—out-of-pocket payments and voluntary health insurance—tend to be regressive, such that people on lower incomes tend to spend a higher proportion of their income on healthcare that is funded from private sources. That is a little bit of a concern for the Irish health system.

On how the system is structured, eligibility for services largely depends on whether somebody has a medical card. Medical cards are predominantly given out on the basis of income, so people who are on lower incomes qualify for them. Between 2001 and 2009, there was universal eligibility for medical cards for people over 70, but that was cut back in 2009. However, most people who are over 70 probably still have a medical card.

Around 38% of the population have medical cards. The rest of the population must pay out of pocket for most services, although 9% of the population now have general practitioner visit cards, which give free GP care, but not the other benefits of medical cards. The vast majority of health services are free for people who have medical cards. A bit of a co-payment has been introduced for prescription drugs but, apart from that, health services for people with medical cards are free. With GP visit cards, people get only GP services for free.

There has been a significant increase in the take-up of GP visit cards in the past few years, as they have been spread out to everybody aged over 70 or under six who did not already have a medical card. There are plans to roll them out further over the coming years.

Medical services tend to cost significant amounts of money in some cases for those who do not have medical cards. As I said, a prescription charge was introduced for those with medical cards in 2010.

To put things into perspective, nearly 60% of the population have to pay out of pocket to see a GP, and the average fee to see a GP is €52.50. Based on current exchange rates, I think that that works out at £45 or thereabouts.

I will give a typical example. Two weeks ago today, I went to see my GP to be treated for the flu, the last remnants of which might still be heard in my voice. That cost me €55. The upside was that I rang the surgery at half past 8 in the morning and got an appointment for 2 o'clock that afternoon. Access to GPs is quite quick, albeit that it is also quite costly.

In the past few years, user charges for a number of services have increased. Prescription charges for medical card holders were introduced initially at 50 cents per prescription item, up to a maximum limit per family of €10 per month. That has increased to €2.50 per prescription item and up to €25 a month, although in the recent budget those over 70 had that changed to €2 per item up to a maximum of €20 per month.

In the drugs payment scheme, the cost of prescription drugs is covered above a threshold. The current threshold is €144 a month. Somebody who does not have a medical card has to pay the first €144 per month of their prescription drug costs. After that, they will be covered by the Health Service Executive.

The accident and emergency charge without a GP referral is €100. There is no cost for somebody with a GP referral. The in-patient bed night charge is for people without medical cards. The prescription drug charges are for people with medical cards; the other charges are for those without medical cards. In order to stay overnight in a public hospital as a public patient, if the person does not have a medical card, the cost is €75 per night, up to a maximum of €750 in a continuous 12-month period. As I said, those figures have increased over the past number of years.

The other element of private funding is private health insurance. In Ireland, we have a predominantly supplementary system that gives faster access, greater choice of provider and/or superior accommodation. Privately insured patients can be treated in private hospitals or public hospitals. Figures suggest that a little over half of the treatment of private patients in Ireland takes place in public hospitals. The system is primarily a supplementary system, but there is also a complementary element. There is partial cover for out-of-pocket payments for primary care, particularly GP visits, physiotherapy, optical and dental services and acupuncture, for example.

We have a system of community rating in Ireland. In 2015, that was changed to lifetime community rating, which I will come back to. Everybody pays the same for the same plan, subject to some minor exceptions. Open enrolment means that anybody who applies for health insurance must be accepted, unless they have tried to defraud an insurance company. Probably not too many people are ruled out on that basis. Basically, lifetime cover means that, once the person has cover, an insurer cannot refuse to renew it.

The take-up rate of health insurance in Ireland is 46%, which is down from a peak of just under 51% in 2008. Between 2008 and 2014, an interesting situation developed. The health insurance market in Ireland was established in 1957 and grew consistently until 2008, so it is only since 2008 that some of the potential flaws in the system have come through, because of the economic contraction.

One of the things that were introduced in 2015 to try to bolster the health insurance market was lifetime community rating, whereby those who wait until older ages to take out insurance are charged a late-entry loading. That is designed to encourage people to take out health insurance at a younger age. Because of community rating, the system relies on sufficient numbers of younger, healthier people coming into the market to cross-subsidise the older, sicker people and keep health insurance affordable for everybody. The idea behind lifetime community rating is to incentivise that to a greater extent.

Private health insurance is subsidised by the state in a number of ways. The first and most obvious way is through tax relief at source on premiums, albeit that that was capped in 2013. In effect, people can get a tax subsidy of €200 per adult or a maximum of €100 per child on their health insurance premiums.

10:45 am

The second source of state subsidy, up to and including 2013, was the lack of full economic costing for private beds in public hospitals. Prior to and including 2013, a certain number of beds in public hospitals were designated as private beds, and insurers were charged for their privately insured patients using those beds. However, that was not charged at full economic cost, so there was a little bit of subsidy.

It transpired that, in 2009, the Comptroller and Auditor General found that about half the private patients who were being treated in public hospitals were being treated in public beds or non-designated beds, so the insurers were not being charged for the use of those beds, even though consultants were being paid on a private basis for treating those patients. Since 1 January 2014, insurers have had to pay for the use of any bed in a public hospital. That has reduced the subsidy of private health insurance to an extent.

One of the main criticisms of the Irish health system is that it is a two-tier system. However, the situation is a little more nuanced than that—there are different levels of discontinuity, as it were. If we look at the funding of the health system from a health economics point of view, we can see that, unlike the case with most goods and services, where there is a two-way relationship between the buyer and the seller, there tends to be a third party involved in healthcare that pools money from a cohort of the population and allocates that money to providers that provide healthcare to whoever needs it.

We have two parallel systems in Ireland. There is the public system, which involves funding coming from taxation, being pooled by the Government and being allocated to the providers by the Health Service Executive. Traditionally, that allocation is done on the basis of fixed budgets for hospitals, salaries for consultants and capitation rates for general practitioners. That is changing, however, with a system that involves the money following the patient beginning to be rolled out.

Parallel to that is the private system, whereby 46% of the population at the moment pay private health insurance premiums to the four insurers in the market. They then allocate the money to the providers on a fee-for-service basis and the providers deliver healthcare to the private patients. The problem is that in many cases the public and private providers are one and the same, so public patients and private patients are treated in public hospitals by consultants who, in many cases, have both public and private practice rights. General practitioners tend to see a mix of public and private patients, too.

Because of the differential allocation mechanisms, there is an incentive for providers to favour private patients over public patients. There is also a more direct two-way relationship between citizens and providers, particularly at primary care level, in terms of out-of-pocket payments. Seeing a GP in Ireland entails significant out-of-pocket payments for those who do not have a medical card. Research has suggested that a significant proportion of the people who do not have a medical card have put off seeing a GP on cost grounds, whereas the same cannot be said of those with medical cards.

That is a brief outline of some issues in the Irish health system. We are not unusual in having a mix of public and private financing and of public and private delivery, but we are unusual in the degree of overlap between the two, which causes many of the problems that the system has traditionally been criticised for. In particular, the impact on public patients in public

hospitals is quite significant, because public patients tend to have significant waiting times in many cases for certain procedures. We are fortunate in that we have a relatively young population in Ireland, but that is changing. Much like most countries in the developed world, we are seeing a significant ageing of the population, which will have implications for the health system in years to come.

The system is under-resourced. A lot of the criticisms of the system do not take into account the fact that it was underfunded significantly for about a decade or more in the late 1980s and early 1990s. To put it in perspective, we have roughly one sixth fewer hospital beds today than we did in 1980, despite an increase in the population of a third in that period and an increase in the over-65 population of two thirds over the same period. We are trying to get people out of hospitals and are substituting day-case procedures for in-patient treatment, but we could still do with getting back some of the lost beds. Again, to put that in perspective, the Organisation for Economic Co-operation and Development average is 4.8 beds per 1,000 of the population, but the figure for Ireland is 2.8 beds. To bring that up to the OECD average, we would need more than 9,000 additional hospital beds. We have a stock of about 15,000 beds, so that gives Members a sense of the scale of the challenge.

The Oireachtas set up a committee this year to look at the future of healthcare and in particular to come up with an agreed plan for the next 10 years for the health system so that it is not changing direction based on electoral cycles, which is a good move. One of the main pieces of work that the committee has been tasked with is to come up with a design for a unified single-tier health system whereby access is based on need. However, I caution that the definition of a universal single-tier health system has to be tied down carefully, because what we are trying to achieve will to a large extent determine how we need to go about it.

I hope that I have not gone too far over the 10 minutes. Thank you very much. *[Applause.]*

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thank you very much, Dr Turner.

We are now going to hear from Mr Tim Gardner, after which we will have questions and answers with both speakers. I call Mr Tim Gardner, senior policy fellow at the Health Foundation, to give his address, please.

**Mr Tim Gardner (Health Foundation):**

Thank you very much for asking me to come and speak to you today. As was said in the introduction, I am a senior fellow at the Health Foundation. For those of you who are not familiar with my organisation, we are an independent charitable foundation with a mission to improve the quality of health and healthcare in the United Kingdom. We invest around £30 million every year in policy analysis and research, and provide fellowships for people who work in healthcare and front-line service improvement projects, predominantly within the national health service. Our aim is to use our knowledge of what works at the front line to improve public policy making, and vice versa. In the interests of transparency, I point out that our funding comes from what was the largest charitable donation in UK history, which was made around 25 years ago following the merger of two insurance companies. However, we are fully independent and are accountable only to our board of governors and the Charity Commission.

I will give you a bit of a whistle-stop tour of the health system in the UK. I was talking to Dr Turner outside about the fact that Ireland has one system whereas the UK has four, but I will not try to talk for four times as long as Dr Turner did, which I am sure you will be relieved to hear.

As you will know, healthcare is a devolved area in the UK, and England, Scotland, Wales and Northern Ireland each have their own national health service. However, all four health services are founded on the same five fundamental principles: universal coverage of the population; provision of a comprehensive range of services; funding that comes primarily from general taxation, with the services being predominantly free at point of use; and access that is based on need, not ability to pay. Public support for those principles remains very strong indeed and the NHS routinely tops polls of what makes people proud to be British, but that does not necessarily mean that the public are labouring under any illusions about the state of the NHS and the issues that it faces.

We did some work on public attitudes that found some quite grounded views on quality of care, patient experience, efficiency and potential waste. There was also quite limited attachment to the idea that NHS-funded care should always be provided by hospitals that are owned and operated by the NHS rather than by private companies or by the voluntary sector. However, when it comes to the five key principles of the health service, nine out of 10 respondents agreed that Government should continue to fund a tax-funded national system that was free to access and which provided comprehensive care for everyone.

One of the key strengths of the UK system that we frequently overlook is that cost is a relatively low barrier to people accessing healthcare when they need it. The slide shows the results from a recent survey that was undertaken by the Commonwealth Fund, which is based in the US. It asked several thousand adults in 11 countries whether they had been able to access care when they needed it and whether cost had been a factor. It asked whether people could see a doctor, get follow-up treatment and get their prescription filled in when they needed to, or whether they were deterred on grounds of cost. The UK came out as the highest—jointly with Germany—of the 11 countries in which people were surveyed.

That is for medical care; there is a very similar picture when we look at dentistry. In that instance, the UK came out top jointly with the Netherlands. Even more interestingly, when we separate out responses from people who are on very low incomes—which are defined as being below 50% of the national median—all countries have a gap between the least well-off and everyone else, but the gap in the UK was the smallest by quite some way.

Despite the extent of the coverage that the UK system gives, one of its key strengths is on controlling expenditure. The health services of the UK are all single-payer systems, as they are known in health policy circles. In other words, the vast majority of healthcare costs are covered by the state, rather than by a mixture of the state and public and/or private insurers. That means that, for each health service in the UK, policy makers can set an overall annual budget and they have the levers to ensure that spending stays within or very close to those spending limits. In contrast, in some other health systems, the Government has a much more limited degree of control over how much is spent.

That might well explain why the UK is not a particularly high spender on health. The latest figures for 2015, which we recalculated due to a change in methodology, were that we spend



around 9.8% of GDP on health, which is just above the OECD average but slightly less than the European Union average. In terms of cash per head, the spend translates to roughly \$4,000 per person per year when we adjust for purchasing power, which is a bit above the OECD average, but it is less per head than in Ireland—according to the OECD—and one of the lowest figures in western Europe.

The flipside of having effective spending controls is that, if more people need treatment than expected, the NHS cannot simply raise additional money by putting up fees or by increasing charges. The result is likely to be some sort of rationing of care, either by restricting the number of people who receive treatment or the number of treatments that are available, or by letting waiting lists grow, which we have seen in England in the past two or three years.

Beyond control of expenditure, the governance of UK health services is relatively unified. What I mean is that, in some other countries, control over key health system functions is fragmented across a large number of public, private and voluntary bodies that work at different levels of the system. In the UK, power is still quite heavily concentrated at country level, which allows UK policy makers to do a number of things that not all their peers in other countries can do.

In the UK, we can set national priorities for what we want to tackle in healthcare and we can align those priorities with the amount of resource that Parliament makes available; we can set clear national standards for care quality and we can follow up to see to what extent those are achieved in practice; and we can collect population-level data, which is very helpful for targeting resources and for identifying future priorities. Things happen as a consequence of our being able to do that—a couple of really good examples are in immunisation and cancer screening.

*11:00 am*

As many of you know, the UK has a very strong primary care system. All residents are entitled to register free with a GP practice and the practice is paid per patient on its registered list. That list is pretty comprehensive, and when that is married up with the fact that we have very strongly centrally managed systems for immunisation and cancer screening, it means that we achieve levels of population coverage that are among the very best in the world. Influenza vaccination coverage is very high, and cancer screening rates rank among some of the best.

In all four health systems in the UK, we have very clear systems of accountability. One of the key policy levers that we have used over the past 20 or 25 years has been to set national-level targets for improving health system performance. Lots of other health systems have done that, but relatively few have seen the targets that they have set delivered and achieved in practice. The UK health system is one of those few.

Taken together, that means that the UK has quite strong potential to create an environment that really supports and drives significant improvement in health system performance. Whether or not you agree that the NHS is the envy of the world, I have talked to a number of international experts and people who work in other health systems who say that the potential that we have to really drive improvement is enviable. Whether we realise that potential in every instance is another question.

The concentration of power at national level, coupled with taxation as the primary source of funding, means that politics plays a more direct role in the UK health system than it does in the health systems of some other countries. As you can imagine, that has pros and cons. Research has shown that health systems such as the UK's that spend less overall and have a higher proportion of state spending tend to be a bit less responsive to patients and the public and what they want in their healthcare. That is an area where politics can play a really important role. A report that we put out last year was based on interviews with all but one of the secretaries of state for health since 1988. They all dwelled upon that relationship between politics and the NHS and how it affects things, which is really quite fascinating.

For me, one of the prime examples of the value of political involvement in the NHS were the efforts to tackle MRSA from 2003 onwards. MRSA had become an increasingly big problem since the late 1990s. In some quarters of the NHS—in fact, in many quarters—it was seen as an unfortunate but largely unavoidable consequence of modern healthcare. Public pressure led ministers to set a target, to put some political weight behind achieving it and to really hold the health service to account. The result—certainly in England—was a reduction of around 90% in the number of cases of MRSA infections in just under 10 years, which is quite spectacular.

Ministerial interventions do not always add value, of course. Dr Turner talked about the difficulties of matching things up with the electoral cycle; that is as much of a problem in the UK as it sounds as if it could be in Ireland. Much of what ultimately drives health system performance and high-quality care is long term. The ever-present challenge for the leaders of the four health services of the UK is to ensure that they can respond to the immediate priorities of the day, but that those do not crowd out some of the longer-term development and investment that will improve quality in the future.

That is partly about funding and having long-term stable funding streams, but it is also about investment in the wider sense, which involves recruiting, training and retaining a workforce with the right skills and values; developing the capability of the health service to undertake intelligent analysis, good-quality management and quality improvement; designing new and better ways of delivering care; harnessing new knowledge and technology, which is always developing; and reinforcing a relentless focus on quality through the policy framework. Some historical underinvestment in some of those drivers may explain a recent OECD report that suggested that, despite making quality a big priority in the UK, the UK does not fare consistently well on a number of benchmarks of health system performance.

The next slide shows data on mortality that is amenable to healthcare. The data is quite old. It is from an OECD analysis in 2007, which has not been updated yet, so I am afraid that these are the latest figures that I could get. In effect, amenable mortality is the number of deaths from conditions that might have been treatable and preventable through timely access to good-quality healthcare. It is often used as an overall measure of health system effectiveness. We can see that, in 2007, UK performance was not exactly fantastic. It was above the OECD average, but it was not hugely better. We might have expected it to be better, given that that was after seven years of substantial increases in funding for the health service.

However, that plays back to the long-term point that I made earlier. If we look at the change over the 10 years before that, we can see that the UK was the second-fastest improving country on the same measure—in fact, it was second only to Ireland. That was probably a reflection of the fact that we had started from a poor position and that funding and reform had

taken a while to start impacting. More recent data on mortality from heart attacks shows a similar picture. We are at or around the OECD average, but we are improving much more rapidly. Those improvements are probably a reflection of change and investment that was made around a decade ago just as much as they are a reflection of what we are doing now.

As I am sure that most of you will know, there are some very important differences in how each part of the UK organises and manages its health service. England has formally separated purchasing from provision. We have 210 local commissioning groups that purchase NHS care on behalf of their population from self-managing hospital trusts and other providers, whereas Scotland and Wales do not have that same purchaser-provider split. Instead, they have local systems that combine planning and provision of local health services. Northern Ireland is different again, with an integrated model that combines health and social care, which are split in England, Wales and Scotland.

Despite all those differences, which have grown up over the past 15 years or so since devolution, they do not seem to have led to radical differences in performance between countries. The next slide again shows amenable mortality, but this time at the level of England, Wales, Scotland and Northern Ireland, plus the north-east of England, which epidemiologically is more similar to Scotland, Wales and Northern Ireland than it is to the rest of England, so it is a better comparison. The slide shows that, although differences are growing in the way in which systems are structured, performance is converging.

Possibly more important is how each of the four countries approaches the running of its health service. England has historically been a lot more top-down, with a command and control approach to the health service. Especially recently, we have placed a lot more reliance on external regulations—that is, the control part of the model. That contrasts sharply with a much more bottom-up approach in Scotland, Wales and Northern Ireland that puts a lot more emphasis on local ownership and support for improvement at the front line, and much less emphasis on external regulation and performance management.

A lot of the research points to the conclusion that we need a balance of all of those. I am not sure that any of the four countries has got it quite right. Actually, a difference of approach should be a really valuable source of learning for the UK. We have four health services that, in their founding principles and the challenges that they face for the future, have much more in common with one another than they have with the health services of our immediate European neighbours. Despite that, co-operation between the four countries is relatively weak. Even just comparing performance between the four countries is incredibly difficult. There is probably more data to compare the UK overall with our European neighbours than there is to compare England with Scotland, Wales and Northern Ireland.

Overall, the UK has a health system that enjoys enormous public support, and it is pretty good at delivering equitable access to care while containing costs. The system is being placed under increasing pressure, with constrained funding and continued growth in demand as our population ages and grows. Waiting times seem to be growing as a consequence, although generally quality seems to be holding up and even improving. The bigger issue for us is making sure that we do not neglect some of the longer-term drivers—particularly workforce—that will influence how the system performs five to 10 years hence. *[Applause.]*

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thank you very much, Mr Gardner. I now open up the meeting for questions to either of our speakers. John Scott has the first question.

**Mr John Scott MSP:**

Thank you, Co-Chair. I thank both speakers for their contributions this morning. I want to ask the second speaker—I am sorry, but I did not catch your name, sir—about the challenges that we all face. You touched on one when you said that we are reducing death rates from MRSA. Do you have a view on antimicrobial resistance, which is essentially resistance to antibiotics? Very few antibiotics are under development, and the ones that are will be put to the back of the shelf for use on a rainy day, so there is no market for them. How should we deal with the increasing incidence of AMR?

**The Co-Chairperson (Ms Kathleen Funchion TD):**

A number of people have indicated that they want to ask questions, so I will take a few together if that is okay. Lord Dubs.

**The Lord Dubs:**

Thank you. I have two questions. First, there was a lot of interesting information in both presentations—for which, many thanks—but I could not read all the words. Is there any chance that we could have a paper or email version, please? I think that we lost some of the interesting figures that you included.

Secondly, is there not a general difficulty—I am talking more about the United Kingdom than about Ireland—that we are starving the national health service of money? Maybe it is not as simple as just money, but one reads in the papers that, because of a lack of social care in the community, people cannot be discharged from hospital, which has a knock-on effect and is costly. There are all sorts of issues such as that.

In addition, with an older population and higher expectations, we will have to do more than we did in the past. Politicians have to bite the bullet. We have to go to the voters and say, “We’re going to increase your taxes and the money will be hypothecated for health and social care. In that way, we’ll have a decent system.”

**The Co-Chairperson (Ms Kathleen Funchion TD):**

I will take one more contribution at this point.

**Viscount Bridgeman:**

Dr Turner, I am sure that you will be aware of the tension between general practitioners and accident and emergency departments. The GPs’ case is that they are extremely cheap compared with A and E. I think that I am right to say that they are paid £80 per patient per year for any number of visits, which is the same as the bottom-line figure for one A and E admission. GPs feel that they are being starved of resources.

Another issue is that there is a big difference in standards between GPs. I am lucky enough to be a patient of an excellent GP practice—there are walk-in surgeries, we can see a GP at any

time and we never have to wait more than 20 minutes. There are horrific stories about other practices where people have to wait for two weeks. That has a knock-on effect on A and E departments, which therefore have a bigger intake. There is a real debate about that in Parliament at present, and I am slightly on the side of the GPs. I wonder whether that situation involving those two arms of the profession also exists in Ireland.

I have another small point. You showed an excellent cost graph on which the UK was very favourably placed at the bottom, but I do not think that Ireland was included in the national comparisons.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Dr Turner and Mr Gardner, do you want to answer those questions?

*11:15 am*

**Dr Brian Turner:**

On the tension between GPs and A and E departments, I do not sense that there is as much tension in Ireland as you have described here in the UK. If a person without a medical card goes to the GP and is referred to A and E, they do not pay the A and E charge, because they have already paid to see the GP. In some cases, that could be a slightly cheaper way to get seen, because the average fee to see a GP is €52.50, whereas the A and E charge is €100. One reason why the A and E charge was increased in recent years is that people were using that as a cheaper alternative to going to see a GP. The idea was to try to discourage people from going to A and E and taking up space there when they should have been treated by a GP.

There is a bit of tension related to GP reimbursement, particularly around the roll-out of GP visit cards beyond those who are currently eligible—the over-70s and the under-sixes. The next tranche that is supposed to be given the visit card is those aged between six and 11 inclusive. That is subject to a new contract being renegotiated between the Health Service Executive and the GPs. Reimbursement is going to be an issue because GPs have said that, with the roll-out of free GP visit cards for the under-sixes and over-70s, their workload has increased significantly, as the financial barrier to accessing GP services has been removed. There could be a bit of tension on that front, but I do not see huge tension between GPs and A and E departments.

**Mr Tim Gardner:**

Where should I start? Mr Scott asked what we can do to tackle AMR. Our experience in the UK with MRSA is that it is complicated, but it can be done. It is partly to do with ensuring that the pharmaceutical industry has the right balance of incentives so that it invests in the development of new products, and it is also about making sure that we have an effective system of stewardship so that we manage the products that we have effectively.

It is partly thanks to there being quite a structured system of primary care in the UK that we have quite good levers for how our general practitioners go about prescribing antibiotics and we can ensure that we crack down on unnecessary prescribing. Prescribing of second-line

antibiotics—drugs that would be given after the first batch has failed, potentially due to AMR—is pretty low, which shows that our prescribing practices are generally quite good.

We also have to ensure that we tackle the issue in hospitals. It is a complex problem that needs a sophisticated, multifaceted response. Let us look at just two of the big infections in hospitals: MRSA and *Clostridium difficile*. Those are very different bugs and, in order to prevent and tackle them effectively, we need completely different approaches to infection control. The same is true when we add in other common bugs such as *E coli* and methicillin-sensitive staphylococcus aureus. We need a sophisticated overall approach. It is not an area that I have done a huge amount of work on. We are quite well positioned, but we need that all-encompassing strategy.

Lord Dubs asked about funding, which is a big issue. The Health Foundation is one of the chorus of voices that have identified the lack of funding for social care as a huge problem and that area as the priority for any additional health and social care funding in the run-up to the autumn statement. All that I can say is that we agree and we will continue to put the case for additional funding for the health and social care system.

We have identified through work that we have done with NHS hospitals that the key is not to focus on one part of the system and look at blockages in isolation but to look at how patients flow into, through and back out of hospitals. The reason why social care is becoming the critical issue in England is that people are getting stranded in hospitals. They are medically fit to go home and almost certainly want to go home, but the support that would allow them to do so is simply lacking. There has been a massive surge in the number of delayed patients because of a lack of capacity in the social care system. We will continue to press for examination of that.

GPs versus A and E is a really fascinating topic. A lot of policy attention, particularly in England—I do most of my work there, so I am afraid that I have a bit of a bias—focuses on improving access to GP practices, but that has largely focused on extended hours. It is about access at the weekends and in the evenings, which is heavily targeted at the working-age population. Conversely, however, that population is the least likely to need to see a GP. Instead, we should probably target the people who have the highest need for primary care and are likely to benefit the most from greater continuity and greater integration of services nearer their home.

That is probably more likely to have an effect than improving access for people such as me will.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks. Deputy Breathnach.

**Mr Declan Breathnach TD:**

I thank Brian Turner and Tim Gardner for their presentations.

I am afraid to even mention the word “Brexit”, as Andrew Rosindell might tell me to stop. However, I come from a border county, and there are implications for research and funding in a post-Brexit situation, particularly in view of the fact that, running in tandem with the Good Friday Agreement is the Ballyconnell Agreement. It set up Cooperation and Working

Together, which, last year, made more than €30 million of additional spending available to health services in cross-border communities.

The cross-border directive allows people to avail themselves of various services where there is undue delay in the South. They can seek operations in the North and, indeed, in England if they are not availing themselves of services in the South. Will you comment on that in relation to Brexit, the type of funding that will be lost to Ireland and England and how we can minimise the loss of those funds? Are there ways of ensuring that they can be secured? The projects have been phenomenal, particularly in the border region, under Cooperation and Working Together, and I worry that they could be lost.

I have a final, quite simple question about Irish health services. Why is it not made abundantly clear that anybody who has paid their taxes in England is automatically entitled to a medical card when they live in the South? That is not advertised, so people who have paid their taxes in England are not aware of it.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks. Baroness Harris.

**Baroness Harris:**

Thank you, Co-Chair. I absolutely agree with Alf Dubs about funding in the NHS. Tim Gardner gave a very rosy view of the NHS overall, but I think that it is in dire need of a great deal more funding. How can we improve the balance between healthcare and social care? That is a real problem. Is the purchaser and provider split the best way to achieve equality of treatment?

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thanks. Willie Coffey.

**Mr Willie Coffey MSP:**

Thanks very much. I have a question for Dr Turner. I think he said that 46% of people in Ireland have private healthcare insurance. What does that cost them, on average, and what do the other 54% do? Do they basically pay as they go to access medical health services? It was mentioned that it costs €52 for a GP visit and up to €25 a month for prescription charges. Is there any evidence that people do not access health services because of prescription charges and so on?

**The Co-Chairperson (Ms Kathleen Funchion TD):**

David Ford.

**Mr David Ford MLA:**

I am tempted to wonder what the Irish system would have looked like if Lloyd George had not stopped at introducing old-age pensions in 1910, leaving it for the NHS to follow up after

partition. That leads me to ask both our guests whether, having heard the other's presentation, they see any specific benefits in the other system that they would wish to adopt.

On Mr Gardner's point about the integration of health and social care, we have had that system in Northern Ireland since 1973. Has the Health Foundation done any specific research comparing that system with the systems in the other three UK jurisdictions to see whether there is any real distinction in practice? Some of us suspect that it has not made as much difference in practice as it ought to have made.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

We will turn now to Dr Turner and Mr Gardner for a response to those questions. After that, we will have just one more round of questions because, as always, we are running out of time.

**Mr Tim Gardner:**

If it is okay, I will start with the last question first.

Yes, we have done some research comparing the four UK countries in more detail; in fact, one of the slides that I put up was an excerpt from that research—which, if you Google “health foundation four countries”, you should find coming quite high up in the links. It concluded that although there are lots of structural differences between the four countries' health services, there has been a convergence in terms of outcomes and performance.

One of the findings of the research report, which came out two or three years ago—in other words, before my time with the foundation—was that the different structure in Northern Ireland did not seem to be creating a step change in improved integration between the health and social care services. It goes back to my earlier point that although the structures of the separate UK health services are different, in practice they are not hugely different in terms of what they feel like to patients on the ground. I hope that that answers Mr Ford's question.

I was accused by Baroness Harris of giving a slightly rosy view of the NHS, but I did only have 10 minutes for my presentation. However, I completely accept her point. No health system, however it is structured, is fundamentally immune to a critical shortage of funding. Certainly, we in the UK are going through what I think is the most austere decade in the history of the NHS, and no system could rise above that sort of financial constraint. That said, I think that the system that we have is fundamentally good. I am not saying that it is better or worse than others, but if we funded it properly and gave it all the resources that it needed, it could produce some potentially fantastic outcomes for us.

**Baroness Harris:**

What about the purchaser-provider split?

**Mr Tim Gardner:**

I am just coming to that. On your question whether the purchaser-provider split is worth it, I said earlier that a lot of the performance that we see in practice tends to transcend a lot of the structural differences. Personally, I am not convinced that there is a massive difference



between England, where there is a split, and Scotland and Wales, where there is not. There are some obvious technical differences that are not insignificant and which mean that England has to do a lot of work around contracting and certain formalities. That engineers in additional complexity and some, though not a huge amount, of additional administrative costs. However, I think that we are all basically in the process of abolishing differences by stealth through sustainability and transformation plans and the running of the systems, even though they were conceived to work in different ways.

**Dr Brian Turner:**

Like Tim, I will take the questions in reverse order. In terms of the benefits of the other systems, the one thing that stands out for me about the UK system is the lack of a financial barrier to accessing GP services, albeit that in some cases they are subject to longer waiting times. That said, I think that that financial barrier is a big issue in Ireland.

*11:30 am*

A relatively high proportion of the population in Ireland faces out-of-pocket charges to see a GP, and those charges are actually very high. A number of years ago, I spoke at a conference in France and, given that my French education finished about 27 years ago, I was allowed to make my presentation in English. There was something of a lost-in-translation moment when I got to the bit about GP visits costing €50 to €60. Thankfully, I remembered the French words for 50 and 60, so I was able to overcome it, but there was incredulity around the room when I said that that was how much a GP visit costs. The lack of a financial barrier to accessing GP services is certainly a very attractive feature of the UK system, along with the relatively low prescription charges. For somebody who does not have a medical card in Ireland, €144 a month can be a very significant amount to pay in prescription charges.

The cost of private health insurance depends on the level of cover that a person has. The typical cover that most people have is for public hospitals and a semi-private room in a private hospital, which can have anything up to five beds in it. I have that level of cover myself, and it typically costs about €1,200 a year for an adult. Willie Coffey asked what people who do not have private health insurance do. They still have access entitlements to public hospitals, albeit that in most cases the waiting lists are much longer than they are for private care. For those with a medical card, there is no charge for accessing a public hospital. For those without a medical card, the €75 a night bed charge kicks in, but it is subject to a cap of €750 in a calendar year.

There is definitely evidence of people putting off care. In 2007, there was a very good paper that compared a similar cohort of people north and south of the border, and it showed that, north of the border, 1.8% of people had put off going to see a GP on cost grounds—I can assume only that the costs in that case were the ancillary costs of getting to a GP. In the Republic, about 4.5% of people with medical cards had put off going to see a GP on cost grounds, but for those without medical cards the figure was 26%.

This is definitely a major issue. In some cases, those people might not need GP care—it might be unnecessary—but, in a lot of cases, the care will be necessary. Those people are putting off going to a GP until such time as the illness has progressed—in some cases, to the

stage at which hospital treatment is required, which is a far more expensive form of treatment. In a way, having a financial barrier to accessing GP services is almost cutting off our nose to spite our face.

As for the implications of Brexit, interestingly, I was having a conversation about that with a colleague of mine recently—and the honest answer is that we are not sure. It is very much an uncertainty that we face. In terms of the cross-border directive, I obviously have not been privy to the discussions on Brexit over the past couple of days, but if there is some kind of special arrangement to ensure that there is no hard border and that there is free access between Ireland and the UK, the free movement of people for medical treatment might be added as an extra codicil.

I was not aware of the automatic entitlement to medical cards for those who pay taxes in the UK. Is that irrespective of income or is it just for those on pensions?

**Mr Declan Breathnach TD:**

It is if you have paid taxes in the UK or are in receipt of payments from a UK pension.

**Dr Brian Turner:**

I have to say that I was not aware of that. That reinforces your point that the entitlement is not widely publicised.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

We are technically out of time for the discussion, but I know that a lot of members want to come in. If members keep to under a minute, we will be able to include everybody.

**Ms Rosie Cooper MP:**

I have been trying to get in for quite some time, so I will find it difficult to keep my comments that short.

It is really important that we follow on from the points made by Baroness Harris and Lord Dubs on the question of the elderly in social care, the impacts of which could bring down the whole system in England. Frankly, local authorities' budgets are tightly strapped; indeed, many of them say that in three years they will be able to provide only social care and nothing else, and that will take us back to people being stuck in hospitals or in their own homes without any help.

Most people agree that it would be great to pool social care and community health budgets to provide such a service, but the reality is that even Labour authorities are now talking about setting up private companies into which those budgets will go—which has also happened before. Directors of those companies are responsible to the company, not to the health service or to local council tax payers. It really is a dangerous time for the health service, and we cannot just duck and dive.

How does the Irish system compare? If care homes are closing because local authorities are not funding the places, the reality is that, even in England, people will get stuck in hospitals

or will be alone in their own homes without the care that they need. That is a disgrace and nobody can gloss over that—so please do not gloss over it.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Deputy Fitzpatrick—could you put your microphone on, please?

**Mr Peter Fitzpatrick TD:**

I would like to ask Dr Brian Turner about medical cards. Qualifying for a medical card in Ireland is based on an assessment of means and people have to come under certain income thresholds. For example, their income, savings and investments are all taken into account, but not their home. You stated that 38% of all Irish citizens have a medical card and that 9% have a GP card. How many people in Ireland have a discretionary medical card? That would include children under the age of 18 who are diagnosed with cancer, for example, as they receive medical cards. EU citizens who live in Ireland are also entitled to medical cards. There was recent mention of a school teacher who worked in Northern Ireland for the past 30 years but who is resident in Ireland—that teacher is entitled to a medical card. Can you tell me how many such people have medical cards?

People do not realise that a medical card is about more than getting a free consultation with a doctor and free medication—people also get into the health system. Dr Turner, you mentioned that, if someone goes to see a GP and the GP refers them to a hospital, they do not pay the hospital. I recently visited a GP who sent me to my local hospital for an X-ray. I had to pay my doctor €52.50. I went back to my GP after getting my X-ray and he referred me to a consultant, who referred me to get another X-ray. When I went to get an X-ray done with the letter from the surgeon, I was charged €150 because I did not go through my GP. That does not seem very fair to me, so can you explain how the system actually works at the moment?

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Karin Smyth.

**Ms Karin Smyth MP:**

Thank you, Co-Chair. I thank Dr Turner and Tim Gardner for their presentations. Health is a particular interest of mine and, although we are in a post-expert world, it is really refreshing to have some experts with us to talk about it. The politics—particularly in the UK—are becoming more toxic, because devolution means that we can blame each other for how terrible everyone else's system is.

It is really helpful to talk about the fact that outcomes are very similar for different structures—there should be more of that. In the UK and Ireland, it would be helpful to understand a bit more about the work on outcomes. I understand from other academics that it is now very hard to compare outcomes due to the way that statistics are collected across the UK. Could you comment on that?

Following on from the previous question, do you know what the administration costs in Ireland are for what is an incredibly complicated system?

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Mark Durkan.

**Mr Mark Durkan MP:**

Thank you, Co-Chair. I appreciate the presentations, but I am not sure that this Assembly will be able to do much to directly address the different structural funding models for general health services.

As parliamentarians, we meet different patient advocacy groups and we meet constituents—or their families—who might be suffering from particular rare diseases, so we are all aware of the confusion about what is happening and what is available, and the incompatibility between different jurisdictions. Similarly, for quite a number of types of cancer—not just the rarer and less common cancers, but the prominent types of cancers—there are examples of unmet need. When the British-Irish Council was created, the idea was that there would be more work done on the compatibility and comparability of services, including on screening, in relation to which there are very different approaches and indications in different places. There are almost tensions in the different devolved parts of the UK as to who is doing what in different ways. Would it not be better if we were to achieve a bit more compatibility, comparability and more combined buying power across all the health services?

When it comes to issues such as vaccinations—particularly some of the more innovative ones—and innovative cancer treatments, not enough is being done to use the tools that we should have via the British-Irish Council and other means to move forward public policy and public services. That would be fairer to all the professionals who are trying to promote improvements and advances, as well as to the patient advocacy groups that have to busk around between different systems and have to try to understand the jargon of those completely different systems.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Linda Fabiani is next.

**Ms Linda Fabiani MSP:**

Thank you, Co-Chair. I will be brief. It is really just a thought on a matter that various speakers have referred to. The health service is a good example of where different paths can be taken in the devolved legislatures as opposed to the UK centrally. It would be interesting to have a discussion in the future of the different situations in the devolved legislatures, although they might be following different political philosophies. I am sure that there are different problems in all of them, but perhaps we could learn from each other.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thank you. Next is Deidre Brock, and then we will have a brief supplementary question from John Scott.

**Ms Deidre Brock MP:**

Thank you, Co-Chair. I, too, am interested in outcomes. I note that the 2016 Scottish in-patient experience survey of around 17,000 people found that 90% of patients in Scotland rated their care and treatment as good or excellent. Again, doing a quick Google, I found a 2015 British social attitudes survey of 2,200 people across the UK showing satisfaction with the NHS at 60%, which is quite a contrast with the Scottish figure. I wonder whether we can hear what patient satisfaction is with the current system in Ireland.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Next is John Scott, briefly.

**Mr John Scott MSP:**

Thank you, co-chair. Like Karin Smyth, I am fascinated by the convergence of outcomes, notwithstanding the differences between the systems. I find that quite reassuring, given that they are always being compared and contrasted negatively. However, my question is related to Brexit. Do we have figures that show the extent to which our health services depend on healthcare workers from outwith the United Kingdom? The figure for that in Scotland is around 10%. I imagine that the figures on the extent to which the health services in the United Kingdom and in Ireland depend on EU workers and workers from elsewhere will be similar, but perhaps some will be higher.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

Thank you. Dr Turner and Mr Gardner can make concluding remarks, too, if they wish. I know that they have just had a lot of questions as well, but I ask them to do their best.

**Mr Tim Gardner:**

I will do my best. Again, to take the last question first, I am afraid that I do not have those figures off the top of my head. However, I would not be surprised if they were slightly more than 10% in other parts of the UK. Either way, those workers are a significant proportion of our NHS workforce at a time when we need, if anything, a bigger workforce rather than a smaller one and more skills rather than fewer. We are very concerned about that situation.

Slightly more positively, I am very heartened to hear a number of contributors talk about comparing outcomes and being able to monitor more closely what effect differences in structure and approach have on differences in performance and outcome. I have previously written and spoken about that issue, which I think is a massive missed opportunity for the UK as a whole. It is not clear to me why we do not co-operate more closely and share more learning. Although, at a high level, outcomes are generally converging and performances are quite close, there are differences in performance in a number of areas.

For example, in England, the number of emergency admissions to hospital continues to grow and the number of elective—planned—admissions has started to level off and even go down, whereas the opposite is true in Wales, which might reflect interesting differences on prioritisation and the split of funding between health and social care. It would be fascinating to find out more about that. We are certainly interested in exploring the matter, and we are

doing work to look at and understand why that is happening. It would be great if that work could be matched by the English and Welsh Governments.

I am heartened to hear so many people talk about co-operation, because it could be used to drive and improve performance across the UK and benefit all four countries.

On accountability where responsibility for services in the community is taken out of direct NHS control, my main interest in health services is quality and what bang we get for our buck. I am not overly familiar with the moves that were mentioned but, on community services and primary care in general in England, there is a big hole in the data that we get on the quality of care. Regardless of where we stand on who should provide those services, there is virtually a black hole on what value we get from that money. If we cannot see what value we are getting, those services cannot be held properly to account, which I have found very troubling for some time.

*11:45 am*

**Dr Brian Turner:**

I will try my best to get through as many of the questions as I can. On elderly and social care and delayed discharges, those problems exist in Ireland, too. I have seen a figure recently and, if memory serves me right, there are about 500 delayed discharge cases, but do not quote me on that figure—I would have to check it.

A reason that health spending in Ireland is higher is because more of what used to be termed social care is now brought under the banner of healthcare. That is a significant area of expenditure. If you look at the areas on which healthcare expenditure is spent in Ireland, a slightly above average proportion—about 22%—goes on long-term care.

On the discretionary medical card, I do not have the figures off the top of my head, but I remember looking at the matter some time ago. I think that the percentage of people getting such cards is in low single figures, and the vast majority are provided on income grounds.

GP referrals to A and E were asked about. If a person is referred to A and E by a GP, they do not pay the €100 fee. It was interesting to hear that Deputy Peter Fitzpatrick was referred by his consultant for an X-ray and that he had to pay for that. I was not aware that consultants' referrals for patients to receive X-rays incur charges.

On outcomes, that is the interesting matter. Ireland gets a lot of criticism on the basis of access, which is the Achilles heel of the Irish health system. If you look at the Euro consumer health index, which ranks European health systems, we score joint eighth out of 35 countries on outcomes, but our access score is the joint lowest. Outcomes are relatively good in so far as one can measure them.

On the system-wide administration costs, I have the figures from the system of health accounts. According to the Central Statistics Office, 4% of the total goes on governance and health system administration and financing, which was €674 million in 2014.

On patient satisfaction, I would split the issue between the quality of care, where satisfaction levels are generally good, and access, which is the problem and where there is a lot of dissatisfaction.

On the dependence on EU and non-EU workers, it is worth noting that the OECD “Health at a Glance 2015: OECD Indicators” report showed that Ireland had a much higher dependence on overseas health workers than most OECD countries.

It is interesting that combining purchasing power has just come up, because there is a debate in Ireland about the reimbursement for the cystic fibrosis drug Orkambi. Only yesterday, a recommendation was made not to reimburse by the Health Service Executive, because that drug was not found to be cost effective. When the issue came up some months back, the previous health minister suggested that there could perhaps be combined purchasing power for the drug costs, as the price at which it was being offered to the NHS was lower than the price at which it was being offered to the HSE, even though the NHS also found that it was not cost effective. Combining purchasing power is certainly worth exploring.

**The Co-Chairperson (Ms Kathleen Funchion TD):**

I sincerely thank Dr Turner and Mr Gardner, as an awful lot of detailed questions have been asked, and there was a lot to take in. I thank them very much for their contributions and for bearing with us for all the questions. I agree that a copy of the presentations would be very helpful, as there are a lot of very good details in them. On behalf of the Assembly, I say thank you very much to our two speakers. We will get copies of the presentations out to people as soon as possible. *[Applause.]*

I now hand over to our Co-Chair, Andrew Rosindell, for the next session.

## COMMITTEE REPORTS

### **The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you very much, Kathleen. The next session is the progress update from Committee Chairs and Government responses. I call on the Chairmen of Committees A, B, C and D to give a brief update on their Committee's activities. I will ask Joe Carey, who is the Chairman of Committee A, to begin, followed by the other Chairmen.

### **Joe Carey TD:**

Since the Malahide plenary, the Committee met in Liverpool, where it discussed the structures of its inquiry into the consequences of the UK decision to leave the European Union. It has been decided that the Committee will aim to present a report at the next plenary session in Kilkenny. The Committee's next meeting is scheduled for Monday 5 December in London, at which we will agree the terms of reference of the inquiry, which were discussed at the plenary session. Subject to agreement at that meeting, the Committee proposes to go next to Belfast, and we will also have hearings in Dublin.

### **The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you very much, Joe. Are there any questions to the Chairman of Committee A on his report, or any points anyone would like to make? No? In that case, thank you very much, Joe. I now call myself to present on Committee B.

### **Mr Andrew Rosindell MP:**

Committee B considers European affairs. Since our last plenary, the Committee has issued its call for evidence for its inquiry into the effects of the UK's decision to leave the European Union. The terms of reference cover: the implications for the common travel area; Schengen and visa policy—following up on the Committee's recent report on that subject, which is available here; the effect on Irish influence in the European Union and decision making within EU institutions; article 50 negotiations and the role of Ireland in that respect; and, finally, the effect of Britain leaving the European Union on the Crown Dependencies and, in particular, on Gibraltar.

So far, the Committee has received six submissions: first, from Jane Morrice, a member of the European Economic and Social Committee and author of, "Opinion of the European Economic and Social Committee on the role of the EU in the Northern Ireland peace process"; secondly, the Ministry of External Relations of the Government of Jersey; thirdly, Dr Joe Garcia, deputy Chief Minister and Minister for EU Affairs of Gibraltar, who spoke to us yesterday evening; fourthly, the states of Guernsey submitted their evidence; fifthly, Mairead McGuinness, MEP for Midlands-North-West constituency in Ireland and vice-president of the European Parliament; and, sixthly, evidence has been submitted by the United Kingdom Department for Exiting the European Union.



The Committee agreed at its meeting on Sunday that it would conduct a series of visits in the new year to take and hear evidence pursuant to the inquiry. That will include meetings in London, Dublin and Brussels with representatives of the British and Irish Governments and the European Union institutions. The visit to Brussels is planned for after the UK has triggered article 50—so, after 31 March 2017. In addition, the Committee hopes to travel to Gibraltar, subject to the agreement of the co-Chairs, in order to assess the political effect on Gibraltar of the UK leaving the EU and to assess the border issue. The Republic of Ireland and Gibraltar will both have borders between EU and non-EU countries following Brexit, so the Committee felt strongly that both should be considered within our inquiry. Thank you very much indeed.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Any questions to Committee Chair B? Any points? No. Okay. We can now move on to Chairman of Committee C. Senator Denis Landy is not here, so I call David Ford MLA to present the report.

**David Ford MLA:**

Thank you, co-Chair. I also report in the absence of Helen Jones MP, who had to return to Westminster earlier.

The Committee is conducting a specific inquiry into the effect of the UK decision to leave the EU on the agri-food sector across the various BIPA member jurisdictions. We had a useful two-day meeting in Ireland in October. On 13 October in Belfast, the Committee met and heard evidence from the Ulster Farmers Union, the Northern Ireland Meat Exporters Association and Northern Ireland Environment Link, although unfortunately not with the Department of Agriculture, Environment and Rural Affairs. The following day in Dublin, the Committee met with and heard evidence from representatives of the Department of Agriculture, Food and the Marine, a variety of sectoral bodies in agriculture and exporting, and a number of Irish state agencies. This afternoon, before we leave, we will be meeting with Lesley Griffiths AM, the Cabinet Secretary for Environment and Rural Affairs, various sectoral bodies from Wales, and academic experts from Aberystwyth University and Cardiff University. We have plans to have further Committee meetings to take evidence in the early part of next year in Edinburgh, London and Brussels.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you very much, David. Do we have any questions to David on his report? Right. In that case, we will move straight on to the report of the Chairman of Committee D. That is Lord Dubs.

**Lord Dubs:**

Committee D decided, in its meeting at the Malahide plenary, to look at childhood obesity as an issue that affects all the jurisdictions and is a very serious problem. So far we have taken evidence in London. We had the Department of Health, Public Health England, the British Medical Association, other experts, the Local Government Association, the food and drink

industry, academic experts and a working lunch with Dr Sarah Wollaston MP, Chair of the House of Commons Health Committee. We then had a meeting, before the Steering Committee yesterday; no, I have lost track of time—it was on Sunday afternoon. We took interesting evidence from Public Health Wales, which suggested that the real issue is the difference between Amsterdam, or the Netherlands, and their much better approach to childhood obesity than any of the jurisdictions that we cover. Accordingly, at the positive suggestion of three of our members from Ireland, we felt that, rather than take evidence in Dublin in a couple of months' time, we might be more imaginative and do something the Committee has never done before, which is to go outside any of our jurisdictions and go to Amsterdam to see how the Dutch are doing it so much better. The indication is that if we look at all our jurisdictions, we all have similar problems. We will learn less from listening to evidence there than from going to Amsterdam and seeing what the Netherlands have done and whether they really are as good as suggested.

That proposition is being put to the test by our clerks. The co-Chairs want a financial plan before agreeing to a visit to Amsterdam, although I would argue that the cost is unlikely to be much more than going to Dublin.

**The Acting Co-Chairperson (Mr Andrew Rosindell MP):**

Thank you very much, Lord Dubs. Are there any questions to the Chairman of Committee D? No. Thank you to all four Committee Chairmen for their informative overviews of their activities.

We now move on to Government responses. We have received the following Government responses, which were circulated electronically to Members: first, a letter to the former Irish co-Clerk from Niall Colgan, Private Secretary to the Tánaiste and Minister for Justice and Equality, Ms Frances Fitzgerald, responding to the BIPA Committee B report on visa systems; secondly, a letter to the British co-Clerk from Robert Goodwill MP, Minister of State for Immigration, also responding to the BIPA Committee B report on visa systems; and finally, a further letter to the British co-Clerk from Robert Goodwill MP on the BIPA Committee B report on visa systems and the common travel area. Do Members have contributions to make on those responses? No. In that case, I thank Members for their contributions today.

**ADJOURNMENT**

*12 noon*

**The Co-Chairperson (Kathleen Funcheon TD):**

We are coming to the end of the session. On behalf of the Assembly, I thank all Members for their co-operation, questions and attendance. I pay sincere thanks to our Welsh colleagues for hosting us so well; all the secretariat staff, particularly Laoise and Robin, for all the work they do behind the scenes; and the staff and management here at the Marriott hotel for all

their assistance over the past two days. I call Deputy Declan Breathnach to officially move the adjournment.

**Declan Breathnach TD:**

I formally move the adjournment of the 53rd plenary session of BIPA. In so doing, I add my thanks to: the co-Chairs; the joint Clerks; the Members and Clerks of the steering committees; the Welsh Assembly; the guest speakers we have had over the past two days; and the secretariat and officials from all Parliaments for their professionalism and their organisational and facilitation skills. Last but not least, I pay particular tribute to: the Welsh Assembly's Presiding Officer; the Lord Mayor of Cardiff; the hotel staff; the coach drivers, and all those who have made this plenary one to remember. Nollaig faoi shéan is faoi mhaise daoibh go léir agus slán abhaile. I wish you all a happy Christmas and new year, and safe home.

**The Co-Chairperson (Kathleen Funcheon TD):**

Thank you, Deputy Breathnach. I declare the 53rd plenary session of the Assembly closed. We look forward to welcoming you all to our next BIPA plenary, which I am glad to say will take place in Kilkenny either next April or May.

*Adjourned at 12.02 pm.*