

## **BRITISH-IRISH PARLIAMENTARY ASSEMBLY**

### **FIFTY-NINTH PLENARY SESSION**

*Monday 21 October 2019*

*The Assembly met at 9.36 am.*

#### **PLENARY BUSINESS**

##### **The Co-Chairman (Mr Seán Crowe TD):**

I call the Members to order. The Assembly is now in public session. First, I would like to remind everyone present to turn off mobile phones and other electronic devices. Secondly, I ask Members to clearly state their name and legislature when they are invited to contribute from the floor. Finally, I remind Members that the proceedings of this body do not attract parliamentary privilege—

##### **Senator Terry Leyden:**

Unfortunately.

##### **The Co-Chairman (Mr Seán Crowe TD):**

Unfortunately. So just be careful what you say.

#### **NEW MEMBERS**

##### **The Co-Chairman (Mr Seán Crowe TD):**

I welcome Members to the Forest of Arden for the 59th plenary session of the British-Irish Parliamentary Assembly. You have all been circulated with an up-to-date list of the BIPA membership in your briefing packs. I must inform the Assembly that, in accordance with rule 2(a), the following Associate Members have been accepted, at the invitation of the Steering Committee, to assume the powers and responsibilities of Members for the whole of this session: Aengus Ó Snodaigh, Senator Gerry Horkan, Senator Ian Marshall, Viscount Bridgeman, John Grogan MP and Lord Kilclooney. We also welcome one new member, Caroline Jones AM. You are very welcome.

Apologies have been received from Pat the Cope Gallagher TD, Kathleen Funchion TD, Fergus O'Dowd TD, Senator Frank Feighan, Senator Diarmuid Wilson, Lord Lexden, David Morris MP, Gavin Newlands MP, Baroness O'Cathain, Steve Aiken MLA, John Blair MLA, Willie Coffey MSP and John Scott MSP.

#### **PROGRAMME OF BUSINESS**

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

Thank you, Seán. Good morning, ladies and gentlemen. I am delighted to welcome Members here today for the 59th plenary session of the British-Irish Parliamentary Assembly. Updated copies of the programme of business are provided on your tables. During the plenary session, we will focus our discussions on the urgent challenges that face us as parliamentarians.

The Assembly will shortly welcome the leader and mayor of North Warwickshire Borough Council, Councillors David Humphreys and Brian Moss. In an update to the programme, we will hear from two United Kingdom Government ministers. First, we will hear from the Rt Hon Chris Pincher MP, Minister for Europe and the Americas, from the Foreign and Commonwealth Office. Following that, we will hear from Robin Walker MP, Parliamentary Under-Secretary of State for Northern Ireland and Scotland.

The Assembly will then hear an address by the shadow secretary of state for foreign affairs, the Rt Hon Emily Thornberry MP. Before lunch, we also look forward to hearing from the Irish Ambassador to the United Kingdom, His Excellency Adrian O'Neill.

It is very fitting that we are having a plenary session in this beautiful and historic countryside of Warwickshire as we discuss the future challenges that will impact on not only politics but the lives of all our citizens. We are delighted to be here, and we thank the people of Warwickshire for their welcome and, in particular, for the magnificent evening that we had last night at the historic Warwick Castle.

Without further ado, it gives me great pleasure to invite the Lord Empey to formally move that the adoption of the proposed programme of business be agreed.

**The Lord Empey OBE:**

I so propose, Chair.

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

Is that agreed?

*Programme of Business agreed.*

**WELCOME BY THE LEADER AND MAYOR OF NORTH WARWICKSHIRE  
BOROUGH COUNCIL**

**The Co-Chairman (Mr Seán Crowe TD):**

I am now pleased to invite the leader and mayor of North Warwickshire Borough Council, Councillors David Humphreys and Brian Moss, to formally welcome Members to North Warwickshire.

**Councillor David Humphreys:**

Good morning, everybody, and welcome to Warwickshire. I have been warned to say just a few words, which is all that I intended to do. This is a very small borough. We actually have only 67,000 residents, with 27,000 homes in 110 square miles of countryside. Sixty-two per cent of the area is green belt and, as you can see, it is a wonderful environment. However, the growth in the area has been phenomenal over the last 20-odd years. In the first 10 years of this century, the number of people increased by only 100. However, for some strange reason, we have to increase the number of houses that we have to build by another 9,000, which is actually bringing in houses for Coventry, Birmingham and Tamworth.

Just to show how big the growth has been in terms of work, every day, we import 18,000 people to work along the M42 and A5 corridor. The growth has been obvious. As you can see, we have companies such as TNT, FedEx, Aldi, BMW, Sainsbury's, Ocado, Jaguar Land Rover and MIRA. Of course, our biggest problem is that most of those are involved in logistics. We are looking to grow businesses with the higher-rated and skilled jobs that we are hoping for in future.

I am glad that the Assembly has come here for your 59th plenary meeting. I will say one more thing. A while ago, we were considered to be the second-fastest growing borough in England, second to Hounslow. It has an airport, and so do we, although obviously Hounslow's is much bigger. There was a survey that showed that people are happy living and working in North Warwickshire. I hope that you have a great and productive meeting, that you are happy to be present in North Warwickshire and that you enjoy yourself for the rest of the day. Thank you. [Applause.]

**Councillor Brian Moss:**

Welcome. Everybody knows South Warwickshire, with Stratford-upon-Avon and its illustrious resident. North Warwickshire is less well known, despite all our claims to fame that the council leader has just outlined. There are some very attractive places in North Warwickshire. There is also a lot of growth of industry. If you did not meet all the lorries when you were coming here this morning, I am sure that you will meet them on the way home.

Anyway, thank you very much and have a successful conference. [*Applause.*]

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

Ladies and gentlemen, on your behalf, I thank the mayor and leader of North Warwickshire Borough Council for their warm welcome to the borough. It is a great pleasure to be here. They are most welcome to stay to watch our deliberations. We wish you and the people of North Warwickshire all the very best. Thank you very much indeed. [*Applause.*]

**ADDRESS BY THE MINISTER OF STATE FOR EUROPE AND THE AMERICAS**

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

We now move on to our first major session, which is an address by the Minister of State for Europe and the Americas at the Foreign and Commonwealth Office. I am pleased to invite our guest speaker, the Rt Hon Chris Pincher, to address the Assembly. As Minister of State for Europe and the Americas, he covers two parts of the world that are very important to Britain and, of course, Ireland. We look forward to hearing from him at this important time. Without further ado, I ask the Minister of State to address the British-Irish Parliamentary Assembly. [*Applause.*]

*9.45 am*

**Minister of State for Europe and the Americas (Rt Hon Christopher Pincher MP):**

Thank you, Andrew and Seán, and everybody else. All politicians love to hear applause at the start of their speeches, just in case there is no applause at the end, so thank you very much for that unsolicited testimonial.

At this point, I am afraid, necessity overtakes vanity, and I have to put on my glasses so that I can see what I am going to say. However, whether I am wearing glasses or not, I want to tell you what a great pleasure it is for me to be here today as the warm-up act for Robin Walker and, more particularly, to be so very close to my constituency. It is a fitting reward for the hard graft of Saturday that the BIPA should hold its plenary session so close to Tamworth. It is just rather unfortunate that on the one occasion when I am able to spend my Sunday in my constituency, I had to spend Saturday in London—but there you go. Anyway, it is a great pleasure to be here.

It is fitting that BIPA is holding its plenary session here, because as Members might or might not know, this region has a large Irish community all of its own. Warwickshire has the most Gaelic games clubs in England outside London, although I am sorry to say that we have not beaten a club from Ireland at hurling since 2017. While reading up on the matter, I was surprised that we had beaten a club from Ireland at hurling at all, but apparently we last won in 2017.

I particularly thank the Co-Chairs, Andrew Rosindell and Seán Crowe. I know that they come from quite different political traditions, but they share a genuine commitment to strengthening links and mutual understanding, to exploring solutions to shared challenges, and to promoting

friendly relations among the BIPA membership and beyond. They both deserve our appreciation for their tireless efforts, so I thank you very much, gentlemen.

This is my first time at the Assembly, but I already know about, and can feel, its incredible value to maintaining and enhancing relationships across our islands. I know that it is a body that is based on respect, dialogue, trust and friendship—and not a little patience, particularly for Westminster MPs, and especially Government ones, who have had to be patient about allowing the party Whips to let them come to the Assembly. I am looking round the room and counting how many MPs are here, because we are on a running three-line whip from 3.30 this afternoon. That is, of course, from the Government Whips: Labour Members are on a one-line whip. I am not worrying, though—not yet, anyway. I am no longer the Deputy Chief Whip, so I do not have to worry quite so much.

We value the BIPA’s huge contribution to the bonds of friendship that we have seen for the 30 years since its foundation. I am confident that, together, we will continue to deepen and strengthen those bonds after the United Kingdom leaves the European Union. Bilateral diplomacy is about strong personal relationships in the service of two countries’ mutual interests. This Assembly is the embodiment of that. W B Yeats said:

“There are no strangers here; only friends you haven’t met”.

Although we might sometimes be rivals in sport, our nations are bonded by history, family, culture and commerce. We are diverse, but our bonds run deep—very deep.

All friendships go through testing times. Brexit has certainly been one such test for the United Kingdom and Ireland. It has dominated the political landscape over the past three years. It has occupied several miles of column inches, and it has certainly sent some parts of the Twittersphere into the stratosphere.

I know that Members will hear from Robin Walker shortly, so I will leave him to say more, but they will know about the events at the weekend. All I want to say, therefore, is that the United Kingdom is committed to the Belfast Good Friday Agreement, the Common Travel Area, an open border and the institutions that allow for North-South co-operation.

Above all, we are committed to a close bilateral relationship with Ireland now and in the future, well beyond Brexit. The close relationship between the United Kingdom and Ireland is immensely valued by the Prime Minister and, I know, by the Taoiseach. As the Minister of State for Europe and the Americas, I assure you that it is also incredibly important to me that we maintain our close bond long into the future. My great-grandmother was a Marney from County Mayo. I do not necessarily think that that means that I qualify to play for Ireland—and I am pretty sure that Ireland would not want me, even if I was qualified. However, I am certainly very keen to make sure that I maintain that family history, and to ensure that the close bond between our two countries and peoples continues.

We want a vibrant relationship that champions our mutual interests, grapples with shared challenges and seizes economic opportunities. Much of that collaboration is already happening, because our people-to-people links are strong. We have seen recent visits to Ireland by members of our royal family, who were overwhelmingly well received.

The British Council is promoting cultural and educational links, including British music at the Triskel Arts Centre in Cork. I am intrigued to find out what exactly that “British music” is. Perhaps somebody can tell me, a little later on. Our embassy in Dublin is making connections between young people on both sides of the Irish Sea, because the links between the next generation will help to safeguard the future of our relationship. That is why I want to do even more to engage diaspora groups.

Climate, energy and the environment are other areas in which we must work together. I understand that those were the focus of the previous BIPA plenary, and I note the motion that has been tabled for discussion tomorrow. The Foreign Secretary's Special Representative for Climate Change visited Ireland in July, and I know that our embassy is keen to step up work on that issue, not least as we prepare to host the 26th Conference of the Parties (COP26) in Glasgow next year, in partnership with Italy. There is a question whether the weather will be better in Glasgow or in Italy: I suppose that we will find out in due course.

Our collaboration in bioscience, engineering and physical sciences is strong. We have a Science Foundation Ireland and Wellcome Trust partnership, joint university appointments and centres for doctoral training. There is plenty of scope for collaboration in artificial intelligence as well as in fintech, medtech and proptech.

Our embassy in Dublin is working hard to link up the south-west of Ireland with similar areas in the United Kingdom, including the "northern powerhouse" and the "Midlands engine", where we are today. It was nice to see Brian Moss and David Humphreys speak earlier. The embassy's "Joining the dots" campaign is making valuable connections and promoting inclusive growth. There are strong relationships with some of our great cities, including Birmingham, where there is quite a significant Irish community. Metro mayors, such as Andy Street, will be important, too.

Our co-operation in other areas is also moving forward. There are, for example, excellent operational links between the Police Service of Northern Ireland and the Guards, and earlier this year the Foreign and Commonwealth Office hosted the first-ever joint diplomatic training programme for British and Irish diplomats. The plan is that that programme will be reciprocated in Dublin next year. We are also planning a joint visit to Africa by our permanent secretaries.

Those are just a few examples of where co-operation is benefiting both our countries. They show that the British-Irish relationship and the work of the British-Irish Parliamentary Assembly really matter. I am confident that, with Members' continued help and support, that relationship will flourish in the future.

Members know that William Shakespeare is one of our most famous sons. He wrote:

"Words are easy, like the wind;  
Faithful friends are hard to find".

If, like me, you can remember February 1985, you will remember that that great ambassador for British-Irish relations, Feargal Sharkey, sang something similar. I do not think that friends will be "hard to find", however. As Yeats suggested, we just have to meet them. I am very grateful for the invitation to be here today, and I look forward to meeting many Members and making new friends. [*Applause.*]

Thank you very much.

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

Thank you very much for your address, Minister; it is greatly appreciated. The Minister is staying to take questions from Members of the Assembly. It will be an open discussion, so please feel free to raise any topic that you feel is relevant to the current issues that we face.

**Mr Declan Breathnach TD:**

Thank you for your presentation, Minister. You spoke about how we will improve relationships into the future. How can we do that? Do you have any suggestions about how, in addition to through the British-Irish Parliamentary Assembly, those relationships can be further enhanced?

**Rt Hon Christopher Pincher MP:**

Thank you for that question. There are all sorts of political and social ways in which we can enhance our relationships. It is very important that, at the highest level, there is good chemistry between our leaders, and I think that there is pretty good chemistry between the British Prime Minister and the Taoiseach.

Engaging at a lower level of the chain with the diaspora in both countries is also important. Around 250,000 UK nationals live in Ireland, and around 430,000 or 440,000 Irish nationals live in the United Kingdom. I want to talk to your ambassador to ensure that I reach out into those communities, join them and make friends with them to reinforce our relations, which have had a buffeting time over the past couple of years. We need to get over that and get through that.

At a political level, it is important to have good relations between leaders and at a social level, it is important that friendships are built. That is certainly something that I intend to do.

*10 am*

**Deputy Brendan Smith:**

Minister, you will recall that, some months ago, our Deputy Prime Minister and Minister for Foreign Affairs and Trade, Simon Coveney, signed a memorandum of understanding on the common travel area with David Lidington, acting as Deputy Prime Minister. Prior to the end of March 2019, our Parliament passed all the necessary legislation regarding the common travel area. Has legislation been put through Westminster to underpin the memorandum of understanding? Is further legislation necessary, or is everything in place for all aspects of the common travel area arrangements that existed prior to the UK's and Ireland's membership of the European Union? I understand that there are some concerns in relation to people travelling across the border being stopped and asked for identification. Can you provide clarification that there are no grey areas in the common travel area arrangements?

**Rt Hon Christopher Pincher MP:**

I do not think that there are any questions about the common travel area. I am not aware of any difficulty with people crossing the border. We certainly want to ensure that all questions, issues and potential worries are resolved, which is why we want a deal. I trust that the deal will go through the House of Commons and the House of Lords in short order.

The common travel area precedes the United Kingdom's and Ireland's European Union membership. The UK's Immigration Act 1971 also precedes our membership of the European Economic Community, the European Community and the EU. I am not aware of any further changes needing to be made, but I am happy to look at and readdress that, if changes are needed.

The fundamental message is that we want people to feel that they have no difficulty in crossing the border and that there is no border between the North and South. Whether travelling North, South, east or west, we want people's relationships to continue unimpeded as we leave the European Union.

**Senator Paul Coghlan:**

Minister, your words are warm and appreciated, but there are no guarantees in this business. In the light of the fact that your Supreme Court ruled in the past that the Parliament is sovereign in Britain, can you be sure that you have taken the necessary safeguards in Parliament to guarantee that the UK will not crash out at this stage, that we will be in business, that there will be a deal—perhaps the deal that is on the table now—and that we can have the good relations in the future that you have spoken about so well?

**Rt Hon Christopher Pincher MP:**

It is kind of you to say so. The greatest safeguard would be if we did the deal. The deal is a good one; it is a compromise, as all deals are, but “compromise” is not a bad or dirty word. It means that two sides have come together and come to an agreement that they mutually believe is to the benefit of both. We need to get the deal done, as it is the safest way of ensuring that there is no issue beyond 31 October.

The Parliament is moving in that direction. We have now had our fourth meaningful vote. The majorities against a deal have reduced in number on each occasion and I think that we will get a deal through.

Parliament has demonstrated itself to be a nimble and agile beast in the past 12 months and it has been able to do things that, a year ago, no one expected it to be able to do. Therefore, once the deal is agreed, I think that we can get the necessary legislation through Parliament quickly. That is the safest way of ensuring that relations between our two countries and between Britain and the European Union are protected and continue in an orderly way.

**Ms Karin Smyth MP:**

Chris, thank you for coming and being here today at what we understand is a really busy time. I do not know whether everyone is getting the train back, but it will be a good train ride.

This is a really important and unusual group. Those of us who are in it find that, because we come from different countries and different jurisdictions, we often do not know which parties we are all from, which is a unique and valuable thing at this time. The Government’s support for this body through the parliamentary Assemblies is really important, and we want to make it more important in the next few years, so your coming here, at this time, to talk to us and spend some time with us is really valued.

I particularly welcome your mentioning of all the strands of the Good Friday Belfast Agreement. In recent years, the discussion has often been simply about the border. The fact that that has not been well understood at Westminster across all parties is something that many of us have tried to rectify. The commitment to make sure that all strands of the agreement are pushed forward will be vital in the next few years.

People are feeling sad and anxious about the situation. After Brexit, despite the fact that there will still be a common travel area, we will, for the first time, be in very different economic relationships across these islands, and that throws up difficulties that we all want to rectify. It will be really important that we work on that in a spirit of co-operation over the next few years.

**Rt Hon Christopher Pincher MP:**

Thanks very much for those words, Karin.

I must apologise because, until a few months ago, I was one of those people who liked to say no to Government parliamentarians travelling anywhere outside the Palace of Westminster, so I was responsible, I suppose, for making it difficult for this body to meet. I think that the Assembly is an important string to the bow of our cross-party, cross-Irish Sea, cross-people relations, and I shall do whatever I can to make sure that it grows in strength.

You are right about the challenges that the relationship may face in the light of Brexit. Often, people do not like change and our being outside the EU will be a change. However, we must recognise the importance of cultural and people-to-people relationships, which remain strong. Our trading relationship is vital to our two countries. Around £55 billion of trade passes between our two countries. We are Ireland’s second-largest export market and Ireland is the UK’s fifth-largest export market. That is very important to us and we do not want it to change; we do not want our relationship to change.

I endorse everything that Karin Smyth said and, now that I have got this new role, I shall emerge as a new and different person, who will champion this group and encourage the Whips to take a sympathetic attitude to all those who wish to come along here so that we have a common travel area in BIPA.

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

Thank you. Maybe you could tell the Whips today that we would like a bit of leniency.

**Rt Hon Christopher Pincher MP:**

I will certainly tell them where you are.

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

Who would like to go next? More questions, please.

**Mr Cathal Boylan MLA:**

The Minister talks about co-operation between An Garda Síochána and the PSNI. As a representative of a border constituency, I know that there have been several An Garda Síochána checkpoints on the border recently. People do not want to go back to the past—they do not want to go back to such arrangements, but that is what is happening now.

**Rt Hon Christopher Pincher MP:**

Thank you, Cathal. I was not aware of that. I know that there are very good relationships between the PSNI and the Guards. I have spoken to the Secretary of State for Northern Ireland, Julian Smith, who has been very complimentary about the relationship that there has been, but I will certainly talk to my colleagues about any suggestions of any sort of borders, stops or checks, because we do not want any change in people's ability to cross the border and go about their lives, as they have done so successfully, happily and peacefully for so many years.

**Rt Hon the Lord Kilclooney:**

I fully support what the minister said about the common travel area. I live near the border and regularly go into the Republic of Ireland, and I assure you that I have never been stopped. There is good co-operation between the PSNI and An Garda Síochána. Of course, police on either side of the border must check people from time to time to ensure that no smuggling or any other illegal activity is taking place. However, generally speaking, there are no stops at the border. It is a common travel area, and long may it remain so.

**Rt Hon Christopher Pincher MP:**

I do not think that anyone would dare to stop you, John.

**Senator Niall Ó Donnghaile:**

Thank you for your time, Minister. Although we certainly strive to ensure that there is no return to previous days, it would be wrong and somewhat ignorant of us to dismiss the very real concerns and fears about, and practical manifestations of, border checks, which have increased in recent times. As we take our work forward today, as well as reflecting on the impact of Brexit in the responsible and collaborative way in which we always approach things in this Assembly, it is important that we also remember that Brexit is incompatible with the Good Friday Agreement. That is why there are those fears, and there is a real concern about the loss of EU rights for citizens in the North. Under the Good Friday Agreement, people can be Irish, British or both, and we will probably return to the validity of that later in the day. It is important to note that, ultimately, for many people, the biggest resolution would probably be for there to be no border at all.



**Rt Hon Christopher Pincher MP:**

Thank you for that point, Niall. We need to draw a distinction in relation to the normal work that both police services do in supporting each other and collaborating to ensure that the law of the lands is upheld. We certainly do not want a border to be imposed between Northern Ireland and the Irish Republic as a result of Brexit. That has been one of our key commitments during the entire Brexit process. I appreciate that not everybody likes or wants Brexit, but I think that we must accept it as a democratic fact and ensure that it works for both communities. That is certainly what the Prime Minister has been determined to try to deliver, and I know that the Taoiseach is keen to ensure that, too. Between them, the United Kingdom Government and the European Union and its component members have arrived at a proposition that delivers both the democratic instruction that the British people have asked the British Parliament and the British Government to undertake, and the absolute need to maintain and uphold the Belfast Good Friday Agreement and the lack of any border at all between North and South.

**Ms Joan Burton TD:**

First, I should say that, notwithstanding your comments about friendship and so on, Brexit is a matter of profound regret for most people on the island of Ireland. We acknowledge the decision that the British people and the English people have made, but it is a matter of regret for us.

*10.15 am*

Could you enlighten us on the procedures that are likely to happen this week, in particular as we move to legislation that will basically settle what will ultimately be a trinity between the United Kingdom, the European Union, and Ireland? In particular, can you advise us on how you view the references to a level playing field, which are not in the first part of last week's agreement but are in the second part?

One thing that is concerning for people both North and South is whether this is likely to result in a reduction in labour standards, particularly in relation to how low-paid workers on or near the minimum wage will be protected. Will Britain continue to honour the working time hours directive, which is the major protection around time worked for people in the haulage industries, for instance?

In Ireland, we love our politics, but most of us are finding it difficult to follow in detail what is happening at Westminster. It would be helpful if you could tell us, given your previous experience as Whip, what you broadly expect the structure of this week in Westminster to be. We know what outcome you want, but how do you expect to get there, given that it is quite tight on both sides?

**Rt Hon Christopher Pincher MP:**

As a Whip, I learned to expect the unexpected. Depending on what the Speaker agrees today—I have not followed the news in the past 90 minutes; we may have news that I am not aware of—a business motion will be tabled by the Leader of the House of Commons today. I believe that that motion will ask the House of Commons to agree to a meaningful vote on the deal that has been agreed.

Whether the meaningful vote was passed last Saturday or whether it passes today, we would then need to introduce primary legislation to give effect to that. I think that that would be the work of the next several days. How long that takes, what the programme motion for that bill is, what amendments might be tabled by the Government or indeed by Opposition or back-bench MPs to that bill, I cannot say. However, I hope that we can deal with it expeditiously to

get the legislation on to the statute books so that we leave in an orderly way, as we committed to do, by the end of October.

I think that we currently have good legislation in the United Kingdom to protect and uphold workers' rights. I do not see there being any change to that. We have committed to Northern Ireland remaining part of the EU regulatory structure—that is a slightly separate point, but we want to make sure that we maintain those good workers' rights into the future, so I do not think that we need to have any concern about that.

The fundamental issue is to get a deal. If we can get a deal to leave the EU in an orderly way, as we have committed to do, by the end of this month, that is by far the surest way of making sure that our relationship continues to grow and prosper without the interference of uncertainty, which is what we have suffered for the past three years.

If you go up the road and talk to my constituents, what they say to me is, “Just get this thing done. Please just end this so that we can talk about the NHS, education and potholes and so that we can deal with workers' rights legislation and improve the prosperity of the UK and that of our friends in the EU. We basically want to get this done.”

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

Are there further questions from Members of the Assembly? Do we have any questions from the jurisdictions in Wales or Scotland? Linda?

**Ms Linda Fabiani MSP:**

No.

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

You are happy. Good.

**Ms Linda Fabiani MSP:**

I am not happy, but I do not have a question. [*Laughter.*]

**Mr John Grogan MP:**

Minister, thank you for your address, which I very much enjoyed. What is the answer to those people—perhaps those from Yorkshire like me, or from Wales or Scotland—who say that the agreement as it currently exists gives Northern Ireland a competitive advantage? An outside investor who is looking in will see that Northern Ireland will be very close to the customs union and the single market and will have the best of both worlds, so they may invest in Northern Ireland rather than in Warwickshire or Yorkshire.

**Rt Hon Christopher Pincher MP:**

I think that people will continue to invest in Yorkshire and Warwickshire because they have great people, fantastic universities and wonderful infrastructure—all the things that people need in order to invest. I hope that lots of people will wish to invest in Northern Ireland and the Irish Republic, but I think that Warwickshire, Yorkshire and a host of other places in the United Kingdom can hold their own pretty well—Tamworth in particular.

**Senator Catherine Noone:**

Thank you for your address, Minister. This is more of a comment. I wish you well in the coming days. It is funny when you talk about getting the deal done, because in Ireland we have gone from a position where we did not want Brexit at all to a position of kind of wanting the deal to be done at this point. That is remarkable in itself, because it cannot be said enough times that

it is not a good thing for Ireland and it is something that, I think, 99 per cent of the population are not happy about.

On the point about Northern Ireland, one positive among all the negativity—I can think of different words for it—over the past number of years may be that there will be a massive injection into the arm of Northern Ireland and the economy there, which has struggled for years. I, for one, would not begrudge Northern Ireland that, and I hope that it can be a positive, beside the other positives that colleagues have mentioned, in the context of something that I believe is overwhelmingly negative for these islands. Thank you.

**Rt Hon Christopher Pincher MP:**

I wish Northern Ireland and its infrastructure and economy well, of course. I take your point about the difficulties that it has faced over the years. The most important foundation that both Ireland and Northern Ireland can have is peace, and the Belfast or Good Friday Agreement has been fundamental to that.

If I may, I will make a slightly political point just to reinforce the importance that the Conservative Party attaches to that peace process and the success that it has achieved both nationally and internationally. Of course Blair, Clinton and co were instrumental in delivering that, and Martin McGuinness and Ian Paisley too, but let us not forget that that process—that desire for peace—began with Bertie Ahern and John Major about five or six years earlier. All that I am trying to say is that we are as committed to it as anybody else is. Those who sometimes suggest that the British Government is not are, I think, inaccurate.

**Ms Delyth Jewell AM:**

Minister, thank you for your address. On the back of John Grogan's question, what would you say about the concerns that a number of people have raised—I should say that I am from the Welsh Assembly—about the advantage that the current deal gives Northern Ireland? I in no way begrudge Northern Ireland that; I would just like the rest of the UK to have the same advantage. In particular, concerns are abounding about the impact on Welsh ports and the almost unique disadvantage that it will put us at. How would you address those concerns?

**Rt Hon Christopher Pincher MP:**

Well, I have no doubt that ministers in the Welsh Assembly, in lobbying Welsh Members of the Westminster Parliament, the Wales Office and of course the Treasury, will have great success in ensuring that the voice of Wales and its economic importance are properly represented in the Government's deliberations and in the forthcoming budget. When I was starting out in politics, I was often told that not all good ideas start in the Treasury, but all good ideas can end in the Treasury, if the Treasury does not like them, so make sure that you effectively lobby the Chancellor of the Exchequer, and you may find that good things then come.

**Connétable Simon Crowcroft:**

Thank you, Minister. In the Crown dependencies, especially in Jersey, we are seeing a problem with the "Not welcome here" notices that are springing up in the minds of the European Union workers who have been coming to Jersey and Guernsey to support our tourism industry in particular but also agriculture. What ideas do you have to send a message to the European Union labour market, where people are now looking within their own borders for work? The problem is not only Brexit but the weak pound. How can we get that important source of labour flowing back into the UK and the British Isles?

**Rt Hon Christopher Pincher MP:**

I am interested to hear that point, and I am very happy to talk to you about it separately. From my perspective, in relation to the flow of people coming into the United Kingdom, certainly for example into London and into my constituency in Tamworth, where we have a fairly large fruit-picking operation in the rural part of the constituency, we have not seen any challenge or difficulty at all. We have been very clear with our EU settlement scheme that we want people who have made their lives here to feel that they are comfortable and safe here. The media have said that it is a generous scheme. I disagree with that—it is not about generosity; it is about fairness. People who have made their lives in the United Kingdom and who contribute to the United Kingdom have a right to feel safe here. I am told by ambassadors that the scheme that we have put in place is working very well. That sends a message more broadly that we are a welcoming, inclusive and tolerant country that wants people to come to Britain to work here and to succeed here.

An immigration bill will be brought forward for enactment in something like 2021. Therefore, there is a lot of time to debate it. Certainly, as we go through the white paper process and the scrutiny of the bill itself, your concerns and points should be properly aired. From my perspective, however, there are no significant issues that I have noticed already. The bill should enable us to ensure that we get the balance right.

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

We are coming towards the end of the session. Are there any final few questions that anyone would like to ask? I see that Al Brouard from Guernsey has a question. If no one else is waiting or has a pressing point that they want to ask the minister, Al Brouard will be the final speaker in this session.

**Deputy Al Brouard:**

Thank you, Mr Co-Chairman. The devil will be in the detail of any deal, if there is a deal. How will you take the conflicting and different views of the devolved Assemblies and islands into account when you get to the real crunch of how the deal affects people on a day-to-day basis?

**Rt Hon Christopher Pincher MP:**

That is a good question. In respect of a no-deal world, we have taken account very closely and clearly of the devolved authorities' concerns. I sit on the Cabinet's no-deal sub-committee, and I think that at about every other meeting we dial in representatives from the devolved authorities to ensure that their concerns are properly captured.

In respect of the deal itself and the future partnership that we will have to negotiate once we have left the European Union, there are perfectly well-established and, I think, good frameworks for discussion between the Governments within the United Kingdom. I am sure that, as we get into the nitty-gritty that you talked about, there will be further opportunities for that much more detailed scrutiny and consideration. We want to ensure that the deal by which we leave the European Union and then the future relationship that we have with the European Union work for all of the United Kingdom, based upon consent. If we cannot have that, it will not be a good deal.

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

Ladies and gentlemen, that concludes the session with the Minister of State. Chris, we thank you for the time that you have spent with us this morning. We are delighted that you have shown commitment to the British-Irish Parliamentary Assembly and we thank you for your time in answering questions. We know that these coming days will be pivotal, not only for the

people of the United Kingdom but for our long-term relationship with our friends in Ireland. The fact that we have a minister for Europe in the Foreign and Commonwealth Office who is committed to that relationship will be extremely welcome to all Members of the Assembly who are here today.

Without further ado, we should give Chris a round of applause and thank him for his attendance. [*Applause.*]

For the next session, I will hand over to Seán Crowe.

**ADDRESS BY THE PARLIAMENTARY UNDER-SECRETARY OF STATE FOR  
NORTHERN IRELAND AND SCOTLAND**

**The Co-Chairman (Mr Seán Crowe TD):**

I am now pleased to invite Robin Walker MP, Parliamentary Under-Secretary of State for Northern Ireland and Scotland, to give his address. I would like to welcome you to the Assembly today, Minister. We will hear your opening address and then, in the same format, there will be some questions from Members.

**Mr Robin Walker MP:**

Thank you very much.

**The Co-Chairman (Mr Seán Crowe TD):**

You are very welcome, Robin.

**Mr Robin Walker MP:**

Well, thank you very much, Chairs. It is great to be back at the British and Irish Parliamentary Assembly. I am delighted to be able to join you at this fifty-ninth plenary session and to have the opportunity to speak to you for the first time as a Minister in the Northern Ireland Office. I first joined the BIPA as a parliamentary private secretary in this department some years ago, and visited again during my time as a Department for Exiting the European Union Minister in the early stages of negotiations on EU exit. So, it is a real pleasure to have the chance to speak again at a time when we can, once again, be hopeful that these negotiations will bear fruit. At the outset, I want to thank the Co-Chairs, Andrew Rosindell and Seán Crowe, for their kind invitation to address you and the warm words of welcome, and also express huge appreciation for Edward Beale and the rest of the team for all their hard work in making this plenary session come to pass, without which it simply would not happen. I am delighted. I think, alongside the meeting I attended in Cheltenham, this is the closest that the BIPA has come to my own constituency in Worcester, and you are very welcome to my neck of the woods.

Today I want to talk about the strong and enduring relationship that the people of the UK and Ireland enjoy. I want to talk about how organisations like yours can help to deepen those bonds, and I want to talk about how we are working with our friends and neighbours, in all the work that we do, to restore devolved Government in Northern Ireland, and, of course, I want to talk about where we are now on exiting the European Union, following the historic deal reached last week, which Parliament will have the opportunity to vote on properly this week. This is, as I mentioned, not my first BIPA session, but it is my first since I was

appointed Parliamentary Under-Secretary at the Scotland Office and the Northern Ireland Office in July. I was struck, during my earlier visits to the BIPA, both as a backbencher and as a PPS, by how it brought together different parliamentarians from each of the crown dependencies and the devolved assemblies around the UK, as well as from Ireland, in a way that is unique, allows for good, informal contact between us, and allows us to learn from each other about one another's different systems. During my time at DExEU the experience from my time at the BIPA was really invaluable at underpinning my work with the devolved administrations and the crown dependencies, and, as the Minister responsible for the crown dependencies in EU exit, it was particularly useful to have got to know at least one of the chief Ministers of the crown dependencies through the BIPA. Now, as a Minister in two territorial departments, I am struck by the huge value of this institution in developing inter-parliamentary relationships within the UK, something that we need more of, as well as its crucial role in developing and reinforcing the special relationship between the UK and the Ireland. My predecessors, of course, have spoken highly of the work that the Assembly does and the good relations that are fostered by that work.

We can agree that the relationship between our two countries, of the UK and Ireland, is stronger than at any point since Irish independence. Recent events may have tested that relationship, but I believe we will emerge stronger from that, build on our relationship further, and find new and exciting areas where we can collaborate for our mutual benefit. The work of the BIPA is absolutely central to that, and, through your bi-annual plenary meetings, your Committee work, your events, inquiries and debates, you help to build the bonds that lay the foundation of strong working relationships between the UK and Ireland. So, thank you for everything you have done, you are doing, and, I am sure, will continue to do in years to come.

Now, you will be aware, as I am, and, indeed, as everyone with an interest in Northern Ireland will be, that Northern Ireland has been without an Assembly for over 1,000 days. Let there be no doubt the Secretary of State and the Tánaiste have been working very closely since Julian Smith's appointment as Secretary of State to bring the parties back together and resolve the remaining differences. I know that both of them have a personal passion in this mission, and they have invested huge amounts of time and personal energy in it. Even during my short time as a Minister in the NIO I have heard from countless businesses, councils, community groups and individuals how vital it is to get the Executive back up and running and to get decisions taken, and I am engaged in debates where it is painfully clear devolved Ministers are both missed and needed. My view is that the parties are, after months of discussions, not that far apart on the key issues. I think they could quickly come to an agreement on improving the sustainability and transparency of the institutions. What stands between the parties relates largely to issues of identity, language and culture, and these are not easy issues—we all know that—but it is a handful of such issues that stand in the way of a restored Executive and in the way of enabling Northern Ireland's politicians to get going on the issues that matter to people: schools, hospitals and more. I was very struck by a comment from the SNP spokesperson in a recent parliamentary debate that we had on this issue, who remarked that previous generations of Northern Ireland politicians had faced far greater barriers and broken through them through courage and goodwill.

My call this morning, on what we all recognise is a highly significant day, to Northern Ireland's politicians is very simple: do the right thing for the people you serve, do not delay, reach across that gap, resolve the remaining issues and get Stormont back up and running. Devolution is right for Northern Ireland, so that local decisions can be made according to

local priorities. It brings people together from both main traditions in partnership, working for the good of the whole community in Northern Ireland, and, speaking as a member of a Unionist party, I believe it strengthens the union in ways that no alternative arrangements could possibly achieve. So, I will continue to strive for the restoration of devolved Government with every ounce of energy I can muster. We owe the people of Northern Ireland nothing less.

In the meantime, the Government has taken, and will continue taking, steps to ensure good governance in Northern Ireland. If no Executive is formed before today's deadline, set out in the Northern Ireland (Executive Formation etc) Act 2019, the Government is under a legal duty to change the law in Northern Ireland on access to abortion services, to introduce same-sex marriage and opposite-sex civil partnerships, and also to introduce a new victims payment scheme. We are also taking action, which should have been taken by a power-sharing Executive, to provide a proper response to the Hart inquiry and some recompense to the victims of historical institutional abuse. Whilst every effort is being made to restore an Executive, we must also take appropriate steps to ensure that the Government is able to meet its obligations should an Executive not be formed within the statutory deadline, and that is why we recently launched an awareness campaign to ensure that people know how the potential changes to the law may affect them. Further information will continue to be provided if the duties come into effect tomorrow.

We have all seen the news that the Assembly is to be recalled today, and, whilst this is in many respects a welcome development, in the absence of an accommodation between the main political parties, sadly, it looks unlikely there will be a First Minister and a Deputy First Minister being appointed today. Now, I would be delighted to be proved wrong on that, and we all know, I think, from our recent experiences, that one thing we cannot necessarily do is predict the outcome of meetings of parliament, but I think it is unlikely and therefore I think it is highly likely these legal responsibilities on us will fall into place.

Finally, on EU exit, I want to use this opportunity to reaffirm our commitment to leaving the EU with a deal that works for the people of Northern Ireland and our wider commitment to the Belfast Agreement. I came to this group some years ago to make the case that this could be done and to argue strongly for putting our shared interests in the common travel area, in no hard border, and in protecting the arrangements at the heart of the peace process, at the heart of the negotiations. I have always been clear, as has my Secretary of State, that a deal is firmly in the interests of Northern Ireland, and that leaving without a deal would be a worse option for the UK as a whole, but particularly for Northern Ireland. I am delighted, therefore, that, as of last week, we have a deal that the UK and Irish Governments and all member states of the European Union have been able to support.

The deal reached by the Prime Minister and the commission creates a special arrangement for Northern Ireland, reflecting the unique circumstances there. It will guarantee and reinforce the peace process and avoid issues at the border. Northern Ireland will have no hard border with Ireland or Great Britain, and will remain clearly part of the UK customs territory. Northern Ireland will have access to the single market, but also be part of UK trade deals negotiated around the world. It will enjoy unfettered access to the UK internal market, as well as continuing to enjoy the benefits of North-South co-operation and the all-Ireland economy. The deal also contains previous guarantees around rights, including a commitment on no diminution of rights in Northern Ireland as a result of Brexit. I know from my engagements on these issues that this is a crucially important part of the agreement. The deal

protects peace funding and the workings of the single electricity market, and it respects the decisions of both UK and Ireland to protect and maintain our unique common travel area. Crucially, this arrangement will be underpinned by the principle of democratic consent, through the ability to leave the special arrangement via a democratic vote of the Northern Ireland Assembly, addressing one of the primary concerns of many, both in Northern Ireland and in my own party, at the time of previous proposed deals. I know that the UK and Ireland have engaged in some tough negotiations over the last few years, and I know that, in some of the wider politics, there have been strains and times when tempers have been frayed. I pay tribute, however, to the resolute focus of both Governments on achieving a result that protects the peace process, avoids a hard border, and recognises some of the unique challenges that border communities face, respecting the Belfast Good Friday Agreement on rights and identity. It is no coincidence that a crucial breakthrough in the overall UK-EU negotiations was the recent meeting between the Prime Minister and the Taoiseach in Cheshire.

*10.45 am*

Throughout the negotiations, the UK Government has had to respect the fact that the Republic of Ireland is determined to remain an active and committed member of the EU27, and the Irish Government has shown respect for the democratic right of the UK to self-determination. The UK-Irish relationship is a crucial one and will continue to be a crucial and positive one long after the UK has left the European Union. As a friend and neighbour of the EU in the future, our relationship with the Republic of Ireland, as our closest member state, will be just as important as it was when we were members together. As co-guarantors of the agreements, we will continue to work together to support progress in Northern Ireland, and as international partners in meeting shared global challenges, such as climate change, in which I know this Committee has taken a strong interest, and development. I know that there are representatives from many parties, and there will be a wide range of views as to the desirability of Brexit in the first place, in this room. I know that not everyone will be as positive about the deal as me, but I also know that it is our ability to work together and to respect and understand each other's positions that is a core strength of this institution, of the peace process that it has done so much to support, and of the unique relationship between the UK and Ireland that it safeguards. I look forward to working with parliamentarians from all across the British family of nations, from the Northern Ireland Assembly, from the Dáil and the Seanad, to continue to deliver progress in years to come. Thank you. [*Applause.*]

**The Co-Chairman (Mr Seán Crowe TD):**

Thank you, Robin. Do you want to stay there, or do you want to sit down?

**Mr Robin Walker MP:**

Whatever you prefer.

**The Co-Chairman (Mr Seán Crowe TD):**

It is up to you.



**Mr Robin Walker MP:**

I can stay up here if there is no space at the table, I think.

**The Co-Chairman (Mr Seán Crowe TD):**

Right, the first question is from Peter Fitzpatrick.

**Mr Peter Fitzpatrick TD:**

Thanks very much for coming in front of us today. The Northern Ireland Assembly has not been working since January 2017. It is over 1,000 days. Part of the job description of the Northern Ireland Secretary of State is to represent the people of Northern Ireland. I know that the Secretary also has to look after the welfare of the UK. I am very concerned at the moment, coming from the border town of Dundalk. I hear all these rumours about children in school in Northern Ireland having to take their own toilet paper in. There is talk of schools closing, unemployment, companies leaving the North, coming down into the South and going all over Europe, with the uncertainty of Brexit. I feel as though a lot more could be done to get the Assembly back up and running. I know that there is a disagreement going on at the moment between the DUP and Sinn Féin. I believe the DUP are sitting in Stormont today. Is there enough being done? Did the Secretary of State for Northern Ireland do enough? I know we keep talking about the Tánaiste and about the PM and everything else, but this should not be going on. In no other state in the world would people be allowed to be absent from work for over 1,000 days. In fairness, Brexit is probably the most serious thing that has happened. As I said, coming from the border, the relationship that we have with Northern Ireland and the relationship with the UK is something unique. Nobody wanted the UK to leave EU. What I am trying to say is: can you give me the up-to-date situation of what is happening? Is the Secretary of State for Northern Ireland meeting the DUP? Is he meeting Sinn Féin? He has a business background. This is something that should not be going on. I think it is an absolute disgrace that it has gone on so long.

**Mr Robin Walker MP:**

I would not disagree that it is a disgrace that it has gone on so long, and let me just say that I wholly agree that we all want to see the Executive restored. We all want to see the parties coming together to achieve that. The Secretary of State has been meeting with the parties this week, last week, and every week. He is absolutely focused on trying to get the talks to come to fruition so that we can address these issues. Clearly, we have also had the issue of the Northern Ireland (Executive Formation etc) Act 2019 and the deadline that, effectively, comes into force today. That should be a real opportunity for the parties to sit down to say, 'We want to take control of these issues, and we want to deal with these matters for ourselves in Northern Ireland', as they should be, as strand 1 matters. However, that, to date, has not led to that agreement, and we will continue to do everything we can to bring them back to the table. It is also the case that the UK Government has worked in parallel consistently, with the Republic of Ireland in this. The Tánaiste and the Secretary of State have consistently been making the same pleas to the parties to come back. But we must continue to try everything we can to get the Assembly and the Executive back into place. It does need to be done with a power-sharing agreement, and so that is one of the reasons why, to date, despite calls to recall the Assembly and despite what will happen today, it will only work if there is a power-sharing agreement and a power-sharing Executive in place.

**The Co-Chairman (Mr Seán Crowe TD):**

We have nine or 10 people now who have indicated to go, so can we, maybe, just stick to questions, rather than open statements? Reg, please.

**The Lord Empey OBE:**

Chair, I would just like to point out to the Minister that there are three or four of us in this room who were involved in the Good Friday negotiations and, if the same process that has been followed by the Government over the last couple of years had been followed then, we would never have had an agreement. There is no talks process; there are individual meetings, behind closed doors, with individual parties, but it does not amount to a process. Unless you have a proper process that is open and transparent, you will not put any pressure on any of the parties to agree. I have to say to you, I have listened to Ministers in Parliament and at meetings like this say, ‘This is our objective and we are working hard’, and I do not doubt that, but I am just telling you that the process is not the right process to get an agreement. It will not achieve one. That is why I think there needs to be a radical change.

I agree with Deputy Fitzpatrick there that it is scandalous that we have a situation where there is no Government, where the civil service is responsible to nobody and we are sitting, three years down the line—. Health waiting lists are outrageous, there are other problems going on, and we are messing about. I have to say that I think there needs to be a radical reshift and, while I was never in favour of an interlocuter being brought in, I have changed my mind on that and I think we have to look at that. But there is no proper process.

**Mr Robin Walker MP:**

Clearly, I do not agree that there is no proper process, but I do agree that we need to look at every tool in the box and we need to listen to those who have the experience of previous negotiations. So I would be very happy to talk to you, Lord Empey, and to talk to others to see anything more than can be done.

I think, in terms of independent interlocuters, it would need the support of the people coming together in order to achieve that. What we have already done, though, is to put a process in place where there are independent figures involved in terms of some of the senior figures of the Northern Ireland Civil Service being able to talk to the parties about a potential programme for government. I think that is an important part of a process that is there to try to ensure that a joint programme could be drawn up. But we must continue to look at all the options, and I absolutely respect the fact that, in the House of Lords, there is a great deal of experience and knowledge of this. I would be very happy to have further meetings to discuss that.

**The Co-Chairman (Mr Seán Crowe TD):**

Malcolm Bruce.

**The Rt Hon Lord Bruce of Bennachie:**

Thank you, and thank you, Robin, for your remarks. On the positive side, although I agree with Reg Empey that, actually, the politicians of Northern Ireland have desperately let down the people of Northern Ireland and are complaining bitterly that the legislation is going through Westminster that should be going through Stormont, the fact is you have made progress, which I think many people in Northern Ireland will appreciate had to happen. I think, on the historic abuse, you may indeed be leading the way for legislation that may be required across both the rest of the UK and, possibly, the Republic as well. So that is positive.

However, on the agreement, on the deal that was struck in the last week, which gives Northern Ireland a favoured position, for those of us who do not want to leave the EU and would rather be in Northern Ireland than the rest of the UK, how do you, as a Scottish Minister also, square that with Scotland, which voted more strongly for remain than any other part of the United Kingdom but does not get the advantages that Northern Ireland gets? How do you think that is going to play out? You will know that I am not a supporter of Scottish independence; I do not believe that it is either easy or desirable. Indeed, I just think it adds chaos to confusion. But the fact is that many people in Scotland are going to start saying, “We have been given no quarter whatsoever. Northern Ireland has been given something that we have been denied”. How can you justify that?

**Mr Robin Walker MP:**

Well, I think the first thing to reflect on is the fact that it was a UK-wide referendum. It is something that applies to the UK as a whole and it has been, right from the start of the process, essential that we take into account some of the unique factors affecting Northern Ireland as a result of the Good Friday Agreement, but also as a result of the common travel area and the arrangements with regard to keeping infrastructure away from the border. I think those are different between Northern Ireland and Scotland.

But, where I would not agree at all is that we have not taken account during the process of some of Scotland’s key interests. I have been involved, over many years, in the meetings with Mike Russell, who you will hear from later, and perhaps he will take the line that you have suggested—he might—but I have been involved in meetings with the Scottish Government, with the Welsh Government and with the Northern Ireland Civil Service to discuss some of their key concerns in the process. Many of those key concerns, if you look at the declaration on the future relationship between the UK and the EU, are addressed through that—things like the scientific co-operation, which is so important and membership of Erasmus. Many of these things that have been key priorities for the Scottish Government and for the Scottish Parliament we have included, and those are things that I think are in the interests of all parts of the United Kingdom to secure a deal for.

What we are talking about at this stage, of course, is the withdrawal agreement and getting that binding withdrawal agreement into place. I think it is in the interests of all parts of the United Kingdom—England, Scotland, Wales and Northern Ireland—to make sure that we have that transition period. Any potential difference between Northern Ireland’s situation and that of Scotland and other parts of the United Kingdom can then be minimised or reduced through a good negotiation on the future relationship. I think, actually, getting that future relationship right, so we have the minimum friction on all trade between the UK and the EU,

will be very important for the next stage. In order to get there, we need to make sure we get a deal.

**The Co-Chairman (Mr Seán Crowe TD):**

Declan Breathnach.

**Mr Declan Breathnach TD:**

Minister, thank you for your address, and cautiously welcoming progress towards a Brexit deal. I think we cannot forget the commitments to the Good Friday Agreement, 21 years on. I just want to ask you, Minister, that Good Friday Agreement clearly recognises the right of people in Northern Ireland to be British, Irish, or both. Can you commit and accept that there is a need to change the British Nationality Act 1981 to reflect the sentiments of the Good Friday Agreement?

**Mr Robin Walker MP:**

I am not going to comment on the specifics of the legislation, but what I am going to say is that we absolutely stand by those rights under the Good Friday Agreement for people to be British, Irish, both or neither, and, actually, I think it is very important that we respect the rights under that. It is why, not only the potential deal to be approved this week, but also the legislation itself, will have detail in it of the dedicated mechanism for protecting rights, and this is something we must ensure that we deliver. But I will look at the piece of legislation that you mention. It is not one that I am aware of the detail of, so I will need to look at that.

**The Co-Chairman (Mr Seán Crowe TD):**

Brendan Smith.

**Mr Brendan Smith TD:**

Thank you very much, Co-Chair, and I welcome the Minister's address. Minister, I would agree with what others have said. It is absolutely deplorable and unacceptable that the Executive and the Assembly will not have been functioning for almost three years. Of course, what is often left out of the commentary is the fact that the North South Ministerial Council cannot meet either. We know that the North South Ministerial Council met in plenary session—both the Irish Government and the Executive met twice yearly and, of course, there were ongoing meetings at sectoral level between different Ministers. At a time when we should be preparing for Brexit on an all-Ireland basis, the North South Ministerial Council could be a great player and mover in that respect, and it is deplorable that those opportunities will be missed.

Minister, you quoted the SNP spokesperson who said there had been greater challenges to the political system and Irish Governments and political parties in Northern Ireland rose to those challenges and overcame them. I was privileged to attend an event in Belfast in 2018 on the 20th anniversary of the signing of the Good Friday Agreement with Bertie Ahern, Tony Blair, President Clinton, George Mitchell, and party leaders spoke—and Paul Murphy, very eloquently, as well. The clear message that I got from that was there was a determination by each of those participants to understand the problems of the other side. There was

generosity in those negotiations. I think that has been missing in Northern Ireland in recent times, and we need to get back to that modus operandi, so we do. We were privileged to have Paul Murphy, who played such a key role leading up to the Good Friday Agreement, and subsequently as well, in putting in place those particular structures. The depth of that experience should not be lost. Too often in politics, when people go off the main stage, their knowledge, their experience and that expertise is often not taken good advantage of for the betterment of society as well.

Could I just refer to legacy issues? Three times at Dáil Éireann, we put unanimous motions, and we wrote to the British Government asking for an independent international legal expert to be given access to the British papers in relation to those horrific incidents—the mass murder of innocent people in both towns. The British Government—successive British Governments—sadly, have ignored that request. Minister, families of the victims and some people who were victims themselves who were injured and maimed—I am thinking of a family in my own constituency, whose young daughter was killed in the bombing in Belturbet in 1972—say to me, “Brendan, we are all getting older. We want to see the truth and justice before we go to our eternal reward”.

Unfortunately, legacy issues as well are issues that have not been given the attention that they need. I would appeal to you, Minister, to bring back a clear message to the British Government that the legacy issues have to be dealt with. They are a sore in society. And I think people with siblings or parents getting older, people are getting more anxious that they will never see the truth; they will never get the truth or justice will not be meted out in relation to those terrible atrocities. Thank you, Co-Chair.

*11 am*

**Mr Robin Walker MP:**

Let me start by absolutely agreeing with the first part of what you said, and agreeing that, fundamentally, we need to address legacy issues; we need to do so in a way that has the support of both communities, but allows us to move forward on these issues. And yes, it is absolutely essential that we have Northern Irish politicians taking part not only in the Assembly and a power-sharing Executive, but, actually, in the institutions that were set up under the Belfast Agreement to support North-South co-operation. I know, because I have attended, personally, the last few meetings of the British-Irish Council, and I know that that is something we have been able to keep going through this period. But, the North South Ministerial Council should be there—it should be doing its work, and we absolutely need to ensure that it is at the first possible opportunity.

I will take the message on legacy very, very seriously. I will look into that correspondence, but I think it is something that we need to address together and it is something that we need to ensure that we have the Assembly Members in Northern Ireland in their places so that we can address these issues properly, all together, as the British Government, the Irish Government and the Northern Irish parties in the Assembly.

**The Co-Chairman (Mr Seán Crowe TD):**

Delyth Jewell.

**Ms Delyth Jewell AM:**

Minister, thank you for your candour in responding to all of these very difficult but urgently important questions. The situation, then, at the moment is evolving all of the time. In terms of the legislation that is going through this week in Westminster, obviously, I completely appreciate that from the Government's point of view you will want the legislation to go through as it is drafted, but keeping in mind that we have been talking this morning about how, as you have acknowledged, there are unique benefits given to Northern Ireland in the current deal, I understand that there is likely to be an amendment put forward to the legislation that, if it were passed, would keep all of the UK within the customs union.

I know that these are hypotheticals, but, again, I have appreciated your candour so far this morning. If an amendment like that were to be passed, would the Government be minded, or do you think that the Government would be minded to accept a withdrawal agreement Bill with that customs union amendment, or do you think that you would pull the Bill?

**Mr Robin Walker MP:**

I honestly think you are asking me a question that is well above my pay grade. I think what is true is that the Bill will reflect the deal that has been reached between the UK and the EU. Actually, anything that stopped it from reflecting that deal would then not mean it was the ratification of the withdrawal agreement. So, I think we have to be clear that we will be putting to Parliament a piece of legislation that will contain aspects of the deal, but, fundamentally, it has to reflect the deal that has been negotiated between the UK and the EU 27.

On my understanding, changing that to a customs union would fundamentally change that deal. So, I am not going to attempt to give you an absolute answer—an absolutely definitive answer. That will be a question for higher powers than me, but, of course, what we are talking about here is a ratification process of a deal that has already been negotiated.

**The Co-Chairman (Mr Seán Crowe TD):**

Senator Ó Donnghaile.

**Senator Niall Ó Donnghaile:**

*Go raibh maith agat.* Mr Walker, thank you very much for your presentation this morning. I have only got around three questions, which I will try to get through very quickly in quick succession—

**The Co-Chairman (Mr Seán Crowe TD):**

Can you make it one and a half? [*Laughter.*]

**Senator Niall Ó Donnghaile:**

Yes. Mr Walker, I interestedly listened to your presentation this morning and was bemused by your very valiant efforts, I have to say, to present your Government as neutral arbitrators in the process in the North, as if you have no—

**Mr Robin Walker MP:**

I do not think that is what I said.

**Senator Niall Ó Donnghaile:**

—responsibility for a number of outstanding commitments to be fulfilled before legislation, as Deputy Smith readily acknowledged to be implemented.

My first question is that before the summer recess of the Seanad, colleagues and myself took through all stages of the Stormont House legislation that the Irish Government are responsible for processing. You referenced the need to bring parties together in relation to legacy, but, of course, all parties in the two Governments agreed the Stormont House mechanisms. The delay there, Under-Secretary, Robin, rests with your Government. So, perhaps you can inform us as to when that legislation, that responsibility that has caused much of the political disharmony in the North that has led to the collapse of the institutions will be brought forward and you will act in good faith.

The second point and question I wanted to ask, Chair: you said during the course of your contribution that the Brexit scenario guarantees and reinforces the peace process. I think you are monumentally out of tune with the vast bulk of people in the North if that is your perspective. You said it will guarantee no diminution of rights. That is just plainly wrong. And you said that you are confident of this as a result of your engagements with people in the North. I wonder who you have engaged with, and if you could maybe give us a short snapshot of that. I know one major lobby at home—a very pertinent and relevant lobby at home—the Irish language sector and community that have formed themselves under an all-encompassing umbrella that have sought to meet the Secretary of State—current, former, and the one before that—and they have been unsuccessful in getting that meeting with the Secretary of State. So, we have a massive issue of political compaction in the North, and yet, for all of your desire to try and resolve these, as outlined this morning, you have failed to meet the umbrella lobby and campaign group. So, you might tell us when you can slot that in or encourage your Secretary of State to do so.

And finally, Chair, I thought it was amazing, to be honest, Robin, that you did not reference the Emma de Souza judgment in the course of your contribution last week, perhaps because it exemplifies another failure on behalf of the British Government to fully implement and realise the agreement, because the Good Friday Agreement, as we know, allows people to identify, and, crucially, to be accepted as British or Irish or both. The Home Office and the Secretary of State have taken Emma de Souza to court three times—at great expense to the public purse, I may add—to run fundamentally contrary to the Good Friday Agreement. Now, in February this year, the former Prime Minister, Theresa May, announced a review into the citizenship clauses within the Good Friday Agreement and the failure by the British Government to codify in law that aspect of the agreement. In May this year, we were then told at this plenary that that review would be concluded rapidly, despite us seeing no terms of reference, no timescale for that review. So, perhaps you could maybe update us in light of the Emma de Souza judgment where that review is at and when we can actually expect the change in law that is required to ensure that Irish citizens like me, who are in the North, are able to have those rights codified in law—another responsibility that your Government can resolve. Thank you, Chair.

**Mr Robin Walker MP:**

Thank you. Let me just say on the legacy issues, of course we are determined and we are absolutely committed to the Stormont House Agreement and we are determined to work effectively to bring forward these matters, but it will have to be—it needs to be—with the politicians in Northern Ireland playing their full part in that process. And, so, we need to make sure we have an Assembly and an Executive in place. With regard to what you described as the Brexit scenario—

**Senator Niall Ó Donnghaile:**

Westminster is responsible for the Stormont House legislation. All of the parties in the North agreed the mechanisms.

**Mr Robin Walker MP:**

Well, let me just reflect on what you described as the Brexit scenario. What I was referring to was not Brexit but the fact that we are seeking to resolve this through a deal that has been approved by the UK Government and the Republic of Ireland Government and a deal that protects the key elements. So, I do not think your criticism was entirely fair on that front.

With regard to the people, I mentioned a list of some of the people with whom I have been meeting in Northern Ireland—individuals, councils, businesses, people across the board, but also the human rights organisations, the equalities commission and the Northern Ireland Human Rights Commission, who I met during the course of my work at DExEU. I recognise the importance of some of the key issues that they have been raising, and that is why some of those key issues will be addressed in the proposed legislation through the dedicated mechanism.

In terms of the Irish language, this is very clearly an issue that needs to be agreed for the parties to come together. The Secretary of State has absolutely been weighing into the parties to urge them to come to an agreement on these issues. I, personally—and I have to say, speaking personally—think that there is no reason to equate a language spoken and the heritage of that language with any political matters, and that we should view this as something that should be able to be resolved. My late father was the Welsh Secretary, who, as a Conservative and Unionist, introduced legislation that strengthened the Welsh language in Wales. I do not think that has done any harm, and I personally believe this is something that could move forward and the party should engage to move forward. It is very clearly, in terms of its implications within Northern Ireland, in Strand 1 territory and so it is a matter that we should get resolved on the basis of politicians representing Northern Ireland sitting in the Assembly and resolving this together.

On the issue of de Souza, what is not in question in any way at all under de Souza is the right of people to choose to be British or Irish or both. That is not in question at all. The specific judgment was in relation to the application of the settled status scheme, and there is no need for anyone to be in that settled status scheme if they are Irish because all their rights will be protected within the UK. But there is work going on on this. There is the review you referred to, and my Secretary of State is working with the Home Secretary and, obviously, they will report back to Parliament on that very shortly.



**Senator Niall Ó Donnghaile:**

Just a point of clarity, just very briefly. Of course, the Irish language Act was promised again by the British Government at St Andrews, and it was agreed at St Andrews. So the fate of the Act that was promised in 2007 does not rest with the Assembly—the Assembly is not required—it rests with the British Government, who promised it in the St Andrews agreement. Thanks, Chair.

**The Co-Chairman (Mr Seán Crowe TD):**

Okay. Thank you. We have five more questioners. I have to group some of them together, if that is okay. So, could I have the first three? Linda Fabiani, Russ Greer, and then Lord Kilclooney.

**Ms Linda Fabiani MSP:**

Thank you, Chair. I would like to follow on from what Malcolm Bruce was saying, Secretary of State, about Scotland facing an outcome that it certainly did not vote for. And as a nation within the UK—as a nation rather than a region—we find that quite a difficult thing to face with no concessions. Certainly we could not have predicted five years ago where we would end up now. I notice that you quite clearly said towards the end of your spoken contribution, Secretary of State, that you recognise, and what everyone else recognises, the UK's right to self-determination as a nation. I wonder, then, if you will recognise that right for Scotland as a nation for self-determination. As Secretary of State for Scotland, will you push those above your pay grade to agree the mechanism under the Scotland Act that would allow this to happen?

**The Co-Chairman (Mr Seán Crowe TD):**

Ross, are you on the same issue? Similar.

**Mr Ross Greer MSP:**

Not quite. The same issue insofar as it is about Scotland. Robin, I very much appreciated it when you came to give evidence in the Scottish Parliament, but the current situation we find ourselves in is a situation in which Committees of the Scottish Parliament have never found it harder to have UK Ministers appear before us and give evidence. It is beyond frustrating; it is insulting. We have had three Secretaries of State for Leaving the European Union, none of whom have appeared before a Scottish Parliament Committee, despite David Davis having made multiple commitments to do so on the record. We have had Ministers, the most recent was James Duddridge cancelling the day before he was due to appear before a Scottish Parliament Committee. It is extremely difficult for us to engage in this process in good faith when we are unable to engage with the UK Government because it simply will not appear before our Committees. I was wondering if you could reflect on that—reflect on that as a Unionist. You have more of an interest in strengthening the union than I do. It is incredibly difficult to do that; it is incredibly difficult for us to have any faith in the process at all if we are literally unable to speak to UK Ministers about it from across the relevant departments.

**Mr Robin Walker MP:**

Ross, I take the point. I will come back to Linda's point in a moment. I absolutely take the point and what I will say is, I have given evidence to the Scottish Parliament on a number of occasions through Committees; I have given evidence in the Welsh Assembly. I wish I had had the opportunity to give the evidence in the Northern Ireland Assembly, but unfortunately, that opportunity has not been there for the last few years. But, yes, we do need UK Government Ministers to be prepared to answer questions in those. I am very happy to feed that back to colleagues and to take that message back, but you will recognise, I think, that we have been living through some unique parliamentary times, and one reason why perhaps James Duddridge may have had to cancel a meeting will have been being on a three-line whip and the number of contentious votes we have had over recent weeks and months. All of our diaries have been turned upside down by that process and we have had to sometimes make rearrangements. So within the confines of what we can do, absolutely, I will encourage all ministerial colleagues to reach out and attend the Committee meetings that they are invited to in devolved Parliaments.

*11.15 am*

With regard to the question of Scotland's self-determination, of course we respect that—that is why there was a referendum in 2014. It is actually why this issue was put to a once in a generation, once in a lifetime vote and that vote was decisively in favour of Scotland remaining in the United Kingdom. I do not accept the narrative that Scotland's concerns have not been listened to in that process. I have myself been part of the ministerial forum on EU negotiations, I have attended a huge number of JMC(EN)s in which we have engaged with the Scottish Government. Of course we do not share all the same political priorities with a view to this process, but that engagement has always been done in a tone of respect, and there is a great deal that we actually agree on, including making sure that we protect the common travel area, making sure that we meet our obligations under the Good Friday Agreement, and making sure that we have an ambitious future relationship that includes scientific co-operation, cultural interchange and many other parts of that relationship that are hugely important.

So, I am afraid I do not think that this process means that there should be another referendum in Scotland. I think we should actually listen to the results of referenda whether they are on the union or whether they are on leaving the European Union, and we should respect them.

**Rt Hon the Lord Kilclooney:**

Minister, thank you very much for your presentation. I fully support your appeal to get devolution re-established at Stormont, and as one of the co-authors of the Belfast Agreement I realise how important it is to achieve that objective. But one has to recognise that you are appealing to an audience in which the elephant is not in the room. The largest party in Northern Ireland is the DUP, and their voice is not here today. Some of them are probably at the Stormont Assembly trying to stop direct rule on the issue of abortion. Others are probably at Westminster trying to bring down your Government. But we cannot make progress without the participation of the largest party in Northern Ireland. Whether we like them or not, they are the largest party and we need their co-operation, and we need their agreement. They represent the largest group of people in Northern Ireland.

On the deal with the European Union, there is one specific issue that is troubling increasingly over the last 48 hours the business community in Northern Ireland, and I have a business in Northern Ireland employing 200 people. Householders and businesses are burdened with considerable energy bills, including 5 per cent value added tax on their bills. That is a big burden on businesses in Northern Ireland, and on homes, private families. We are now told that if the United Kingdom reduces VAT to zero on energy, from 5 per cent to zero, then in Northern Ireland under EU rules it will still remain at 5 per cent, and we will therefore be at a disadvantage to businesses in the rest of the United Kingdom. Increasingly, business is getting alarmed.

**Mr Robin Walker MP:**

So, on energy—and first of all, let me just totally agree with what you said about the need for the DUP to be engaged in this process, and the need for us to talk to the DUP. We have sometimes been accused of being too close to the DUP in the past. I think it is clear, however, that we have to engage the representative parties in Northern Ireland in the process and bring them back to the table.

In regard to the specific issue of VAT, my understanding is if there are derogations that Ireland has on VAT, then Northern Ireland will be able to apply for them, and if there are decisions of the UK to change exemptions on VAT, those will also apply in Northern Ireland. But I will happily look into the specific matter he raises and come back.

What is important, and I think what all sides have been agreed on, and actually I think the DUP agree with as well, is that protecting the single electricity market and the benefits of a shared market in energy is in the interests of Northern Ireland, the Republic of Ireland and the UK, and I think it is important that part of the agreement that we have reached is specifically to protect that single electricity market. That is good news for consumers, wherever they are in Northern Ireland, and, indeed, good news for consumers in the Republic.

**The Co-Chairman (Mr Seán Crowe TD):**

I have two more speakers. I am closing the panel, so Cathal Boylan and Paul Coghlan.

**Mr Cathal Boylan MLA:**

Thank you, Chair. As the only Member of the Assembly who is here, and I am not taking offence at some of the previous commentary, but I will ask the Minister, being co-guarantor of the Good Friday Agreement, whether he could, in future commentary, remind people that there was a deal in March and it was reneged on. We had a deal in March that was reneged on. So, that is for any commentary he is making, to anybody in the future.

The point I do want to make is—and I listened to Lord Bruce earlier on about Members letting the people down—we want to get back into Government. What I will say to the Minister and Members: what rights do you want us to leave out? On the earlier complexities, you talked about the issues that are holding it up. Which of those rights do you want us to deny the people to get back into Government? Clearly, it is a rights issue, and people keep talking about language rights, but there are a number of issues there, so either way you look at it, you are going to be denying some people for us to get back into Government. We want

to get back into Government. There are other people who are not here today who should be here, and there are people playing charades at the minute in the Assembly at this point in time. So, Minister, you instruct the people and remind the Members which of the rights you want us to renege on so that we can get back into Government. Thank you.

**Mr Robin Walker MP:**

I would say very straightforwardly that we do not want people to renege on rights; we want to protect rights, and we want to protect rights under the agreement. That is why the legislation that we are bringing forward includes specifically a dedicated mechanism to protect people's rights. But it is also a matter that requires the elected Members representing Northern Ireland to be in the Assembly, working together on these things. We all want to see that end, and I respect the fact that you do as well.

**Senator Paul Coghlan:**

*Go raibh maith agat*, Co-Chair. Robin, given the ongoing stalemate in the North of Ireland, when can we expect to have the judicial report and findings of the so-called cash-for-ash scheme? It might help provide a shake-up, or, indeed, a bit of a shake-out? Thank you.

**Mr Robin Walker MP:**

I am afraid I do not know the answer, because, obviously, we do not control what judicial decisions or timings are. But I think what we do need to do is to actually ensure that we are working with all the parties in Northern Ireland to bring people together and to move forward to having a functioning Assembly and Executive. That is what our focus has to remain fundamentally on doing.

**The Co-Chairman (Mr Seán Crowe TD):**

With your permission, Members, I did not see that Lord Dubs wanted to get in. Apologies to the next speaker.

**The Lord Dubs:**

Thank you. Very briefly, may I endorse what Lord Empey said about the need for an interlocutor? We would not have got the Good Friday Agreement without George Mitchell. A lot of other people, as well, played a key part. Surely, we need somebody else. The Government is linked to the DUP much less closely today, but the Government is linked to the DUP. It is very difficult; we need an independent person, surely, to bring the parties together.

Secondly, while the civil servants are doing a good job, they are nervous. They are bound to be cautious, because they have no political cover to help them. Could we, at least, restore the Assembly Committees, not with the power to make decisions, but to be a sounding board for opinion in Northern Ireland, which would at least give the civil servants some sort of cover and give the Members of the Assembly some influence on events?

**Mr Robin Walker MP:**

I agree, I think the Northern Ireland Civil Service is doing a fantastic job in the circumstances, but the circumstances are not good enough. They need to have political leadership and political cover in place. My understanding is that, constitutionally, without the election of a Speaker, a First Minister and a Deputy First Minister, you cannot have the Assembly Committees meeting. But I am very happy to engage with colleagues in the Lords who have a huge amount of knowledge and experience on these issues and to take their points back to my Secretary of State. I do recognise that, in this room, we have a huge amount of valuable knowledge and experience of how previous agreements were reached, and I am always happy to listen to that.

**The Co-Chairman (Mr Seán Crowe TD):**

Robin, thank you very much for your address here this morning. Clearly, this conversation is going to continue, but it was really helpful and informative for the Members. Thank you very much. [*Applause.*]

**ADDRESS BY THE SHADOW SECRETARY OF STATE FOR FOREIGN AND  
COMMONWEALTH AFFAIRS**

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

We now move on to the next session. I am pleased to welcome the shadow Secretary of State for Foreign and Commonwealth Affairs, the right honourable Emily Thornberry MP.

**Rt Hon Emily Thornberry MP:**

I am delighted to be here today; thank you so much for inviting me. I am here as the official representative of the Labour Party to state its unequivocal and unstinting support for every aspect of British and Irish co-operation and of the Good Friday Agreement.

It is wonderful to be here in the Forest of Arden, a place so steeped in history and the setting for Shakespeare's "As You Like It", written exactly 520 years ago. Shakespeare may have told us in that play that all the world is a stage and all men and women merely players, but I believe that all the men and women here today have a pretty important role in the week or weeks to come, as we wrestle the biggest political choice that is facing our generation: whether or not to proceed with Brexit under the terms of the current proposed deal. While this is the opposite of a partisan gathering and an occasion for unity rather than disagreement, to my mind Brexit increasingly cuts beyond any party loyalties and national identities and becomes a simple question: what is best for the future of our children, for the future of Britain, for the future of Europe and, most importantly for us here today, for the future peace and prosperity of everyone who lives on the island of Ireland? If you ask me what the best outcome is for Britain, for Ireland and for Europe, and for our children wherever they live, I make no apologies for saying that it is to put that final decision back to the British people and for the UK to remain in the European Union.

I know that we have heard the Federation of Small Businesses in Northern Ireland say that it welcomes Boris Johnson's deal, but my problem is that his deal is predicated on the idea that it is possible to negotiate a free trade deal with the European Union in the next year or so, while simultaneously negotiating free trade deals across the rest of the world. Those propositions

cannot both be true, which means that we are going to end up in a year or so's time in the exact same position that we find ourselves in now: coming to the finish of a period of negotiation and ending up without a deal at all, with the resulting chaos at every British port and airport and on the Northern Irish land border. If that sounds like scaremongering, we just need to remember what happened in the conversation between Michael Gove and the Tory MP John Baron, who says that he was assured that that was the plan and gave Boris Johnson his vote as a result. I cannot go along with that, and I do not know how any Labour MP could go along with that or any MP who cares about our country's public services and economy or the continued good health of the Good Friday Agreement.

You heard words today from the Parliamentary Under-Secretary of State for Northern Ireland and the Minister of State for the Foreign Office reassuring you that everything is going to be fine if we just trust in the deal that has been proposed. Unfortunately, I believe, as Shakespeare wrote in "As You Like It":

"It is to be all made of fantasy,

All made of passion and all made of wishes".

When we face a decision of this importance, it cannot be based on fantasy, passion and wishes; it cannot be based on legislation rushed through the Houses of Parliament in five days. It can be based only, as Ireland has consistently shown, on a genuinely informed assessment of the options and the public getting the final say. That is what I believe must happen next. Not only do I hope that the outcome will be a decision to remain but I will be at the vanguard of that campaign to remain. Unlike last time, when the issue of Northern Ireland came up only when Ministers were doing visits to Belfast, this time it needs to be front and centre of our debate. We must be outspoken in our determination to maintain and strengthen peace and prosperity on both sides of the border.

There is another reason for second referendums mattering so much. We need to get past Brexit. For four years now, it has sucked all the life out of our political debate in Britain. It has reshaped support for our political parties and—I know I said that I was going to avoid any party politics here today—it has ended up with Boris Johnson as Prime Minister. As the person who shadowed him for the entire two years that he was Foreign Secretary—believe it or not, the only ministerial job that he had before this one—I will just say, to put it as politely as I can in this non-partisan atmosphere, I never thought that I would see him as Prime Minister. Let me quote again from "As You Like It"—perhaps this will put it more politely and eloquently:

"O, that's a brave man! He writes brave verses,  
speaks brave words, swears brave oaths and breaks  
them bravely".

In other words, having shadowed Boris Johnson for two years, I learned one crucial thing: if he makes you a solemn pledge, start preparing for the opposite.

Through the entire time, I also tried to focus on other vital foreign policy issues—to their credit, many Conservative MPs tried to do exactly the same: the wars in Yemen and Syria, the chaos in Libya and Afghanistan, the abandonment of the Iranian nuclear deal, the increasing annexation of Palestine, the massacres of the Rohingya and the deterioration in respect for human rights in countries across the globe, from the Philippines to Egypt and from Cameroon to Venezuela. Despite all our efforts, every debate and discussion we had ultimately returned to Brexit. With the greatest respect to Christopher Pincher, who is already proving himself a highly assiduous Minister of State at the Foreign Office, ever since the 2016 referendum Britain

has stopped occupying the role that it needs to play on the global stage. It is in danger of losing the role that it has played alongside Ireland and other progressive European countries in standing united as one continent and exerting one collective power against countries which undermine the world order, whether it is Russia invading Crimea, Turkey attacking the Kurds or Donald Trump starting trade wars with Europe and stoking conflict with Iran.

*11.30 am*

But there is one other thing—one elephant in the room—where our attention is not where it should be because of our preoccupation with Brexit. As I said at the outset, I appreciate that Brexit is the biggest political decision facing this generation of British politicians, but it pales into insignificance compared with the biggest political challenge that every politician in every country faces: the looming threat of reaching the point of no return on climate change.

In August I returned from a visit to Australia and New Zealand, where I met parliamentarians, Ministers and shadow Ministers whom many of you will know, including Jacinda Ardern. What was abundantly clear in every meeting I had was that these politicians were dealing not just with the prospect of a future climate emergency but with the reality now—whether flooding, wildfires, the increase of deserts or, indeed, the refugee crisis that they may well face when rising sea levels threaten the Pacific islands.

I had been told in advance by all my Antipodean advisers and experts that they would want to talk just about Brexit, but when I got there they actually wanted to know the opposite: “Why on earth are you guys talking just about Brexit?”. They did say that we were off our bloody rockers to be leaving Europe, but that is by the by. The point was that they were saying, “Why on earth are you leaving?”, but they also wanted to talk about the climate crisis. They were asking us why we were not talking about Yemen, Syria and the Middle East. I explained to them what I have said to you: when one issue sucks all the oxygen out of the political debate, no one can take a breath to speak about anything else.

That is why I believe that, as central as Brexit is to our immediate futures—and certainly to the events of the next week—we need to find a way past this debate and through this impasse. Tory Ministers may disagree with me, but I believe that that can happen only when we go back to the British people and ask them to take the final decision based not on fantasies and wishes but on the cold, hard facts of what Brexit will actually mean. Once we get through that debate and the British public take that final decision—I will campaign with all my heart to ensure that we remain—I hope we get back to a place where we are not debating infrastructure on the Irish border, potential breaches of the Good Friday Agreement or anything else that means a threat to peace and security on the island of Ireland, but instead debating how we can best continue working together as members of the European Union to be a bulwark in standing up for human rights across the globe; to stand together and oppose a descent into war in Iran; to stand together and lead Europe in recognising the state of Palestine; to stand together in the fight against climate change and spread the concept of a green new deal across the world; and to stand together and recognise that, for all the bitter and horrific history of relations between our two countries, we have enjoyed 20 years of peace and reconciliation that can never be thrown away but must never be put at risk.

My brother, who is currently working in Dublin, is very proud of his Anglo-Irish roots. He also considers himself to be a European first, but I have said I will not talk any more about Brexit. Let me tell you about my grandmother, Lila. I will always remember my Irish grandmother,

who lived in Belfast. She came from the Protestant tradition and detested sectarianism. I think about her every morning because my husband brings up a pot of tea, and the teapot is covered with a tea cosy she made for me. When we occasionally talked about politics, I would say something like, “Where do you stand on the Troubles, and what’s going to happen next?”. She always said the same thing: “I’m British and I’m Irish, and I love them both the same”. I know that many people on both sides might fundamentally disagree with that, and I respect their views, but—whatever we do this week or in the weeks to come—I hope we remember people like my grandmother who just wanted peace, togetherness and love, not a return to violence, division and hatred.

I looked through Shakespeare’s “As You Like It” wondering whether my grandmother might have chosen a quote to sum up her feelings about both the countries to which she felt she belonged. I found this one:

“Hereafter, in a better world than this, I shall desire more love and knowledge of you”.

I hope that at this gathering we can all work together for that better world.

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

Thank you very much, Emily Thornberry. I call Nigel Evans MP for the first question.

**Mr Nigel Evans MP:**

Thank you very much, Emily.

**Rt Hon Emily Thornberry MP:**

Hi, Nigel.

**Mr Nigel Evans MP:**

Hello, Emily. If you think your new position on a second referendum—which, by the way, is totally opposite to your previous position, and also totally opposite to the view your party took even in the 2017 general election, but let us put that to one side—is so good and so popular, why are you trailing so badly in the opinion polls, way below Boris Johnson?

**Rt Hon Emily Thornberry MP:**

Nigel, I think we need to stand back and just be as responsible as we can about this. The morning after the referendum, I woke up completely broken-hearted that we had lost the referendum. I had campaigned with all my heart and soul to remain in the European Union, but I felt we had to pick ourselves up and make the best of a very bad situation. I felt that the answer was to look at the 52% and the 48% and try to work out the message our country was giving us. It seemed to me that the best way to proceed was to leave the European Union, which would please the 52%, but to remain as close as we possibly could, which would please the 48%. It seemed to me that the appropriate way of proceeding as proper statespeople in those circumstances was to try to keep our country united.

I can assure you that for nearly three years the Labour Party tried to assist the Government to leave the European Union, but you would not listen to us. We gave you six tests; we spent six



weeks negotiating with you; we did everything we could. We said: “Be in a customs union. Be close to the single market. We have to have alignment of workers’ rights, environmental controls and consumer protections”. Frankly, if you had done as we had been pleading with and imploring you to do, we would not be having the difficulties we are having on the island of Ireland now. We did everything we could, but as the years have gone by and the centre ground has been burned away, after three and a half years it is now only right that we ask the British public, “Did you vote for this chaos? Did you vote for what Boris Johnson’s deal really means now? You were given every single promise, every single positive, of leaving the European Union. You had it all wrapped up as one bundle, whereas we now know that there need to be compromises, and you can’t get everything”.

So now that there is the compromise deal, we need to find out from the British people: “Do you want this?”. If they do, then, fine, we will go ahead with it, but I do not think that they do. Before we take such a major decision, what is wrong with putting it back to them? If Boris is so pleased with himself, if he thinks his deal is so great, ask the people again and then you can have a democratic mandate to do this. As our economy is compromised, as we compromise peace and progress in Northern Ireland, and as we compromise the union, at least we will know that this is what the British people went into with their eyes open.

**Mr Nigel Evans MP:**

Why are you flatlining in the opinion polls?

**Rt Hon Emily Thornberry MP:**

We have to be very careful about having a general election which is in the end a referendum. When you look in the opinion polls at who wants to remain and who wants to leave, you see that a majority of people want to remain. That vote is in turn splintered, but the important point for our country—as opposed to the party-political sniping—is that the majority of people in the UK want to remain, yet we have a Government who insist that we leave and who threaten us with crashing out. We do not know exactly where the parties may be at one stage or another in a four-way marginal in a general election. The attempt is to make it not a general election but an election over one policy. We have not had a general election on one policy since the Boer War. It would be entirely wrong to have a general election on one issue. The way to proceed is to have a general election on the fact that we are tripping over people sleeping in the streets, that we have massive uptake in the use of food banks, that not enough money is being spent on the National Health Service or that we have begging letters from our headteachers asking for money for pencils. Let us have a general election on that, but if we are to decide on Brexit, let us not have that in any way fractured through a general election where there are many other issues. If we want to decide on whether we should remain in the European Union, let us have a referendum on it.

**Ms Joan Burton TD:**

You are very welcome here this morning, Emily. I want to take up the point that you just referenced. What is the policy of the British Labour Party in relation to having a referendum on the terms of the exit either in the course of a general election, which might be just about that, or subsequently? How do you see that relating to Northern Ireland and Scotland, both of which clearly disagreed with leaving the European Union? Do you feel that workers’ rights and environmental rights are sufficiently protected in the secondary part of the current

agreement? Might environmental rights become degraded, with that in turn affecting the island of Ireland? I assume that there are a lot of similarities between agriculture and food markets in Scotland and the island of Ireland. What is the situation in terms of Scotland? What is the British Labour Party's stance in respect of the SNP's approach?

**Rt Hon Emily Thornberry MP:**

I speak as an MP for a constituency in London, where of course there are more Londoners than there are in Scotland and Northern Ireland. We voted overwhelmingly to remain in the European Union. I have spoken to constituents of mine who have wanted to put up a wall around the M25 and declare a city nation in London, because London will be badly affected by us leaving the European Union. That goes without saying, but sometimes it is not said that all kinds of areas voted to remain.

It is important that, as circumstances change, people are allowed to change their mind. Not a single person born in this century was allowed to vote in the referendum. It is about their future. Since such a long time has now gone by, that is a strong reason for having another referendum. Since the facts and the compromises necessary have become more obvious, that is another strong reason for there to be a referendum. I am confident that the majority of people will agree with the majority of people in Northern Ireland, Scotland, London, Bristol—and so it goes on—and know that it is in our country's interest in the end to remain in the European Union. That is why I am pushing it as hard as I am.

Obviously, if we won a general election, we would want as an insurance policy to negotiate a better deal than that which the Conservatives have so far negotiated. Everyone knows that we would begin on a completely different basis: that we should be a in customs union, that we should be close to the single market. That would give a completely different type of relationship. We have spoken to representatives of the European Union over the years; they know exactly what we would want, and it would be a relatively easy deal to agree. If we win the general election, we will put in a referendum the choice between that and remaining in the European Union. I still feel that, with any choice that anyone is given in the end, there is no deal better than the one that we have at the moment, which is being in the European Union.

*11.45 am*

**Mr Martin Vickers MP:**

Emily, you are confident that there would be a remain decision if there were to be a second referendum. I can assure you that that is most definitely not the case in Cleethorpes or in the adjoining constituency of Grimsby, where I live. Every time you or one of your senior colleagues pop up on TV and say that you would campaign for remain, that is another bundle of votes that move from the Labour Party in Grimsby to the Brexit Party or the Conservative Party. People are angry and frustrated that the first decision was not carried out, so there would almost certainly be a lower turnout in a second referendum, but let us suppose that 16.4 million people voted to remain and that was enough to win. Do you seriously think that the 17.4 million people from the last referendum would just curl up, go away and accept it as a final decision? It is for the birds.

**Rt Hon Emily Thornberry MP:**

I agree that we are a divided country. Where I do not agree is that the right decisions have been made over the past three and a half years to try to unify us as a country. The way it has been managed has been a disaster and a failure of politics and of this Government, who should have reached across the aisle and tried to work with us all, but they did not. They took a more and more extreme version of what Brexit could be, and that has continued to divide us. I know how divided we are, but we have to move forward.

Saying that Boris Johnson's deal will get Brexit done is, as a friend of mine said at the weekend, like the idea that you can get having children done by simply going through childbirth: "Let's get childbirth done, so that we can get back to staying out late at night and having exciting holidays". You have a child after that, and the responsibility remains. Even if Boris Johnson's deal gets through, we know we will need to be negotiating a free trade agreement with the rest of Europe and working out how on earth that will work, as well as trying to negotiate free trade agreements with the rest of the world, which we will not have once we have left the European Union. We know that Brexit will dominate your and my political life until we retire. It will go on and on. If people really want Brexit done, they would be well advised to vote to remain.

**Senator Paul Coghlan:**

Emily, it is good to hear you setting out your stall on remaining and the case for another referendum, but many commentators we have been reading seem to think that your leader is privately a Brexiteer. I accept what you are saying about British society being divided; maybe the parties are divided as well.

In another context, you mentioned that when Britain has left it may be possible to do a free trade deal in a year—I do not know whether you mentioned the States—but my understanding of World Trade Organization rules is that it could take two to three years, for instance, to do such a deal.

**Rt Hon Emily Thornberry MP:**

I accept that; you are absolutely right. The current Government want it both ways. Through one side of their mouth, they argue, "It's going to be really easy to have a free trade agreement with Europe, because we've got the same rules and regulations as the European Union", and through the other side of their mouth, they say, "We need to leave the European Union so that we can have different rules and regulations, be in charge of our laws and in some way diverge". We cannot be independent and diverged and easily get a free trade agreement with the rest of Europe, for a start.

Then there is the issue of how on earth, in this fantasy world, we would be able to have, let us say, chlorinated chicken from America coming into the UK, then perhaps wanting to be used as an ingredient in food production in Northern Ireland. Exactly how that is then exported, or not, to the European Union is so complex. How it cannot have a chilling effect on trade I do not know. Please do not ask me to make any sense of it; it makes no sense.

**Mr Ross Greer MSP:**

I have two questions, one domestic and one international. On the domestic front—we touched on this in the previous discussions—the Brexit process has brought intergovernmental relations within the UK to, or arguably past, breaking point. The Joint Ministerial Council model has not worked. Devolution was not set up for a crisis of this kind. I am interested in what the Labour Party's proposals would be for structural reform of intergovernmental relations in the UK.

My international question is on Syria, which you brought up. I am the chair of the Scottish Parliament's cross-party group on Kurdistan. Might you be inclined to use your good offices to encourage the UK Government to send some emergency relief funding to the Kurdish Red Crescent to ameliorate the situation in north-east Syria?

**Rt Hon Emily Thornberry MP:**

I did not answer the personal point about the leader of my party. It has been said many times, but let me just say it again. It would be right to say that Jeremy Corbyn historically was against us being in the European Union, but before the last referendum he thought about it and his view was that he would give Europe seven out of 10. Some people said that was not right and he should have given it 10 out of 10, but he was being honest. Seven out of 10 is a pretty good reflection of how an awful lot of people in the UK felt about the European Union, and those such as David Cameron who were giving it 10 out of 10 were not being terribly honest. At least Jeremy was being honest about it. People who say he did not campaign do not understand how Jeremy campaigns. He went up and down the country and addressed meetings. He did not spend all his time in television studios—he leaves it to the likes of me to do that—but he does the kind of campaigning he does, and it would be wrong to say that he did not campaign full-throatedly for remaining in the European Union.

I am afraid I do not know enough to be able to give you any assistance of any great usefulness in relation to how any co-operation between the nations works, so I cannot help you.

I can help you on Kurdistan, though. Those people who thought that somehow or other America moving its 1,000 troops was not going to result in the Turks coming over the mountains were just fooling themselves. Those people who did not realise that it would result in the Kurds turning in desperation to Assad and asking for his help had just not been focused on the issue for more than five minutes to try to work out how that dynamic was ever going to work. I am appalled at what has happened; we all are.

In the end, what we need to do—what we have always needed to do—is, through negotiations, get all foreign troops, and all those groups funded by foreign powers fighting proxy wars, out of Syria. Some of the worst atrocities are done by the jihadi groups funded by an awful lot of the surrounding neighbours. There is no way we can have any progress until we have set up a proper constitutional conference, to which the Kurds should be invited. Until now, the Turks have been vetoing their presence at that. I am pleased to hear from the British that we will support the Kurds being at that constitutional conference. Clearly, until and unless we get a negotiated settlement in Syria, there is no future. We also have the whole question of how we stabilise Syria sufficiently to allow for essentially half the population of Syria that is now living outside Syria to come back in. Of course, that includes the area of north-east Syria that the Kurds have been largely dominating since getting rid of al-Qaeda.

**Mr Brendan Smith TD:**

You mentioned Brexit understandably dominating all your parliamentary work. In our own Parliament, both in our Dáil and Seanad, it is similar: it has consumed us. For all its deficiencies and deficits, our Parliament is working very constructively among opposing parties. We have worked at committee level and in Dáil and Seanad plenary sessions to protect Ireland's interests. One thing that is probably missing from the debate—and, from what I have watched, in your Parliament as well—is that Brexit is not just about trade tariffs and trade deals. It is about people. You remarked about your grandmother in Belfast. What she and her generation want to see is peace—people getting on and living. It is very important that we get more into the narrative of how Brexit will impact people as they go about their daily lives. It is not just about gross national income, growth, trade, commerce, tariffs or quotas. That is very important.

I mentioned earlier to the Minister of State that, whatever legislation needs to be enacted for Britain to leave the European Union, we are very conscious that there was a common travel area prior to our membership of the EEC in 1973 and that we must ensure that those systems are in place to assist people going about their everyday business and that minimum disruption is brought to people. We all know that obstacles to people going about their daily lives can lead to other trouble; we do not want to see that.

As a person who represents two southern Ulster counties and who grew up on the border during the Troubles, I have to say that with the Good Friday Agreement we were literally liberated. The proof is north and south of the border and in relations between our two countries. We cannot afford to lose any of that substantial progress. Of course, there is a lot more work to be done to maximise the potential of the Good Friday Agreement as well.

**Rt Hon Emily Thornberry MP:**

I could not agree with you more, Brendan. That was really well put. In my own constituency, knocking on doors on Sunday, I met a British man and his young wife, who is going to have a baby in January. He said, "Meet my Danish wife. I've told her not to bother with settlement and so on. She'll be fine, won't she?". I said, "Well, she probably will". Then she came to the door, and I said, "I really think you should put in the application". You could see the relief on her face. Until then her husband had been telling her not to bother. There she was, a young girl, pregnant, about to have a baby, not sure whether she was going to be chucked out, wanting to listen to what her husband said but also deeply and profoundly worried. This is the life that people have right now as a result of Brexit. Of course, you are right. They thought they would be able to move backwards and forwards and have a family, that they were all Europeans together and that there would not be a problem. Of course, we have had it for so much longer between Ireland and Britain. As the burgeoning Anglo-Irish community knows, we have always benefited from it.

**The Viscount Bridgeman:**

Emily, surely one of the lessons of the last three years is that parliamentary democracy and referendums are not easy bedfellows; my party must take responsibility for some of that. Is it therefore wise for your party to advocate feeding on that anomaly with another referendum? Going on to that, what will the questions in that referendum be? Martin Vickers here said that

the electors of Lincolnshire and you have different suspicions for what it would come out with. It will be a very close result. Will this not be another really big step into the unknown?

**Rt Hon Emily Thornberry MP:**

I agree with you so much about referendums and parliamentary democracy. It has been very difficult. As I said, when I woke up after the referendum and said, “Right, we are going to have to get on with it”, the 74% of my constituency who voted remain were not at all happy with me and told me at great length, over hundreds and thousands of emails every week, just how unhappy they were. But I had a responsibility as part of the national leadership team of the main opposition party to try to do the right thing by way of my country.

As time has gone on, we have decided that what is best for our country is something else and that we need to have another referendum—not because we do not take on board your point, but it seems to me that once you have had a referendum, the only way we can address the issue is by having another referendum, so that people do not cry foul. We can have a referendum on the same terms—essentially put it back to people and just get them to have the final say. Doing it through parliamentary democracy would be quite difficult. If you get one result in a referendum and want to have an affirmation or to have that result overturned, it seems to me you can do it only through another referendum; in other words, if we are going to stay in the European Union, we have to win another referendum, and that is why I am in favour of having one.

Exactly what the question would be, Karin might be able to correct me if I get this wrong, but Labour’s policy is that we have—is it a “viable deal”?—a viable deal versus remain. In other words, something that has been passed through the European Union and could be implemented versus remain. At the moment, the viable deal would presumably be Boris Johnson’s deal if it passes through Parliament. Then I imagine there will be an attempt to put a referendum on that, on the withdrawal agreement, so that we can take it back to the people.

*12 noon*

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

Are there any further questions?

**Mr Chris Ruane MP:**

I agree with John Baron, the Conservative MP who said this latest deal contains the ability for a Conservative Government to drop out of the European Union in a year’s time. I agree with Emily that a confirmatory vote is the only way to break this deadlock. Where I disagree with you, and am more in line with Lord Bridgeman and Martin Vickers, is in thinking that this will not definitely be an easy referendum. I think it will be on a knife edge, but it should be put to the people—not for party-political reasons or for frustrating Brexit, but as a means for the population of this country to give their final sign-off to which way this country is going to go for the next 30 or 40 years. If it wants to leave that European bloc—the most enlightened and richest bloc the world has ever known—and go towards an American system with two weeks’ holiday, deregulation and what have you, it should be down to the people to decide and sign that off with a confirmatory vote. We were told that 76 million Turks would come in and invade the country if we stayed in the EU. We were told there would be £350 million a week for the

NHS if we left. They have had three and a half years to look at it—the information has been presented to them—and they should have the sign-off. If this is the greatest deal that has ever been done, according to Boris Johnson, why is he so terrified of putting it back to the people?

**Rt Hon Emily Thornberry MP:**

I agree that it will not be an easy referendum. I think that remain will win, but it will not be easy. That is the kernel of the answer as to why Boris Johnson will not put it back for a referendum or is doing everything that he can to stop it. He is trying to engender anger in the British people, or at least in 35% of them. It is a 35% policy. He is trying to eat the Brexit Party and capture 35% of the vote, which he believes will deliver him a majority Government. That would be a travesty. A general election should be on general issues. If he wants to hear what the public think about Brexit, he should have a referendum. He should not be dishonest like this and try to manipulate the issue of Brexit for his party-political advantage. You are absolutely right: it is too big an issue; it is of huge importance to our countries and to future generations. It is such a major decision that it needs to be done entirely responsibly.

**Mr Darren Millar AM:**

Thank you, Emily, for your speech. I listened carefully to what you said. One of the important things about the referendum debate that took place back in 2016 was that people were told that it was a once-in-a-generation, once-in-a-lifetime decision. Twelve months on from that decision—of course, the decision across the UK and in Wales, where I live, was to leave the European Union—there was a general election. People were given the opportunity to vote once again for political parties on their Brexit position. Both your party and my party, the Conservatives, campaigned to deliver on the referendum result. Effectively, there have been two opportunities for the public in the UK to have their say on this issue of Brexit. Your party is now advocating a further referendum without having implemented the outcome of the first. It would be the only referendum ever to be held in the UK the outcome of which was not implemented, which I think could cause a constitutional crisis. It seems to many people that you are trying simply to overcome that initial referendum result back in 2016, which was to leave.

I have heard the argument made that we need another referendum because people did not know what they were voting for when they voted to leave—there were many different types of leave that could have been advocated. However, one thing rejected in the referendum was the notion of remain. Everybody knew exactly what remain looked like: it was continuing with the same relationship with the European Union that we had at that time. Given that that was rejected, why on earth would you put that question back to the people in terms of: “Do you want to remain?”. Everybody knew what it was, and they still rejected it. They still then voted for parties in that general election in June 2017 which said that they would deliver on the outcome of that referendum.

**Rt Hon Emily Thornberry MP:**

I find the way in which this narrative has been developed about the general election really interesting. I think that future generations of politics students will look at it, because they will find it fascinating. Theresa May called the general election because she claimed that she wanted a mandate on Brexit. She claimed at that stage that hers was the only party that would deliver a proper Brexit. If you remember, that was supposed to be a dividing line. It is right that we

went into the general election saying that we wanted to deliver on the result of the referendum but only in accordance with our six tests and our type of Brexit. Afterwards, the narrative switched, so that we were all supposed to have been saying the same thing. If we had all been saying the same thing, you would have listened to what we were saying about the best way of leaving the European Union. We said it for three years and you did not listen. That is why we have ended up in the situation that we have, where people are as divided as they are and why we need to go back to another referendum. I think that it was your previous Prime Minister who said: “When the facts change, I change my mind”. That is absolutely right. We have to do that.

The point that you made about, “Well, people knew what remain looked like and they rejected it” is superficially attractive but, of course, they did not know what leave looked like and now we do. You kind of make my point for me, which is let us have a decision between two things where we know what they look like. During the referendum, every positive about leaving was bundled up in one. You cannot have everything. You cannot have an easy trade relationship with the rest of Europe where there are no barriers, no tariffs and no regulation as well as be free to be a swashbuckling, buccaneering country that can have free trade agreements with the rest of the world—unless we are like Singapore. Singapore has free trade agreements with everybody, but it is a very different society from our own. All these contradictions now become more apparent to the British public. I am not saying that they did not know what they were voting for, but they have the information that they have now. Frankly, we are all great experts on Brexit now in a way that, if we are really honest, we were not as much at the time. Three and a half years on, we now know what leave can look like under Boris Johnson. Are we going to do that? Let us ask the people. If Boris is so confident, why does he not ask them? Why does he not just do it and find out what the people say? I think it is because it will unravel, it will become increasingly clear that it is not in our interest to leave and we will end up voting to remain. That would be in the best interests of our country. Let us at least be sure before we take this stupendous step that will affect not just Britain but Ireland, the rest of the British Isles and, frankly, Europe, too. We should do this. What are you afraid of?

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

We have come to the end of that session so I thank the Shadow Secretary of State.

#### **ADDRESS BY THE AMBASSADOR OF IRELAND TO THE UNITED KINGDOM**

*12.09 pm*

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

We will move on to our next session, which is an address by the Ambassador of Ireland. I hand over to Seán to chair the next part.

**The Co-Chairman (Seán Crowe TD):**

I want to extend céad míle fáilte to Ambassador Adrian O’Neill, who is here with us this afternoon. I know that we are all looking forward to hearing him share his views on UK-Ireland relations. Ambassador, you are very welcome.



## **The Ambassador of Ireland to the United Kingdom (Adrian O'Neill):**

Thank you, co-chairs, for your welcome. I am delighted to join you again for a second time in my capacity as ambassador. I am both concerned and relieved: concerned because I follow such an eloquent speaker as the shadow Foreign Secretary but relieved in the knowledge that your due diligence may be tempered by the fact that lunch is to follow this session and you might not be too hard on me.

I want to offer 10 to 12 minutes of opening remarks, after which I will be happy to take contributions from Members of the Assembly. I want today to focus more on the future than on the past. Of course, we have to discuss Brexit and what has happened over recent days, but, as you know, the primary task of embassies and of a parliamentary assembly such as this is to promote good relations and understanding. No matter where we end up on Brexit, this constructive task remains, and it is important that we remain focused on it, no more so than now, when we have all been seeking to steer the UK-Ireland relationship through a period of some uncertainty and turbulence.

When I met you last year, the major challenges facing us were of course Brexit and the lack of a functioning Executive and Assembly in Northern Ireland. Those two issues still dominate the agenda today. The fact that a Brexit deal was reached at the European Council last week is to be welcomed. Despite predictions to the contrary, hard work and determination led to a revised protocol on Ireland and Northern Ireland, where all sides compromised in the interest of an orderly Brexit. The EU 27 compromised; the UK Government compromised, and, yes, the Irish Government compromised. The arts of politics and diplomacy brought positive results.

For us in Ireland, difficult though the process has been so far, we believe that our core objectives, which remained clear and consistent throughout, were achieved. Recognising the unique situation on the island of Ireland, the revised protocol on Ireland provides important assurances that the Good Friday Agreement will be protected in all its parts, including avoiding any hard border on the island, protecting North-South co-operation and the all-Ireland economy, and maintaining the common travel area between these islands. It also protects the integrity of the single market and customs union and Ireland's place in them. The protocol also provides a legally operable solution, providing certainty that, at the end of the transition period, the benefits of an open and invisible land border and the all-Ireland economy can continue to be enjoyed. We believe that these arrangements will work well for the people and economy of Northern Ireland.

Importantly, the protocol explicitly affirms the constitutional status of Northern Ireland as set out in the Belfast/Good Friday Agreement. It also affirms that the principle of consent will continue to apply; namely, that any change to that constitutional status can come about only through the consent of a majority of the people of Northern Ireland. It allows for the existing level of North-South co-operation to continue and that any expansion of that co-operation will be only by agreement between the Northern Ireland Executive and the Government of Ireland, as per the Good Friday Agreement. The protocol also gives a real democratic voice for the people of Northern Ireland through a vote in the Northern Ireland Assembly on the continued operation of the special arrangements provided in the protocol. These are inclusive arrangements in which the democratic representatives of all the people of Northern Ireland will have their say.

*12.15 pm*

After Saturday's vote in the House of Commons, we know that more business has to be done before we have certainty on the outcome. The necessary ratifying legislation will have to be progressed through both Westminster and the European Parliament. In this context, the European Council must now consider the UK request for an extension to the exit date.

On Northern Ireland, I had hoped this time last year that the devolved institutions would soon be back up and running. Alas, this is not the case, and the 1,000-day mark since their collapse passed by last month. The Irish Government are deeply concerned at this continuing vacuum, as are the British Government. The Tánaiste and the Secretary of State for Northern Ireland met again in Belfast last week to discuss how to advance a positive outcome to the talks and they continue to engage with all the party leaders to find a way forward.

The public outcry at the appalling murder of Lyra McKee in April rightly demanded a response, and the two Governments commenced an inclusive, multi-party talks process in May. There has been constructive engagement by all the five political parties in the talks process since then. Progress has been made on a number of contentious issues, but, five months later, an overall agreement has not yet been reached.

While the substance of these issues is difficult enough to resolve, the wider context of Brexit has also compounded the challenge of reaching agreement. Finding final agreement on the outstanding issues will require genuine dialogue and courageous leadership by the party leaders. In saying that, I am conscious that the political representatives here from Northern Ireland have more direct experience and understanding of the challenges than I have.

The two Governments recognise that reaching agreement is difficult but believe that it can and must be achieved. The absence of an Executive and Assembly is having a polarising impact on the people of Northern Ireland on a day-to-day basis and is leaving a political vacuum that elements with destructive agendas will seek to fill. The Irish Government will continue to do everything they can, working with the British Government, to restore to full operation the devolved institutions and the North-South Ministerial Council, thereby complementing the continuing constructive work of the British-Irish Council, the British-Irish Intergovernmental Conference and, of course, this Assembly.

So, Brexit and the peace process in Northern Ireland remain our immediate challenges, but I also said at the outset that our collective task is the overall Ireland-UK relationship. I know this is a major focus for this Assembly, which has been an important custodian of that relationship. Notwithstanding everything else going on, we need to work non-stop on that wider relationship. Let me give you some examples of the areas that I and my embassy colleagues have worked on since I last spoke to the Assembly in London last year.

First, as part of the Brexit process, we have worked to protect and maintain the common travel area, whether in a context of deal or no deal. I suppose that one piece of good news is that, irrespective of the outcome of the Brexit negotiations, both Governments are firmly committed to maintaining the operation of the common travel area. That is of tremendous importance and relief to the Irish community here in Britain.

Secondly, in terms of the future relations between the Governments in Dublin and London, work is being advanced through the British-Irish Intergovernmental Conference on what bilateral structures and forms of co-operation will be needed in a post-Brexit environment. Having been at Thornton Manor the week before last when the Taoiseach and the Prime Minister met, I know that this bilateral relationship is very important to both of them. If our

Ministers and officials are henceforth not to meet at EU meetings, our Governments need to see more of each other in Ireland and in Britain. Robust and effective arrangements for dialogue and co-operation are therefore needed across government ministries on both sides of the Irish Sea.

But there is more, including well beyond Dublin and London. The Irish Government have expanded our embassy in London and reopened our consulate in Cardiff, with enthusiastic support from First Ministers Carwyn Jones and, now, Mark Drakeford. Our consulate-general in Edinburgh continues to work with the Scottish Government on intensifying political and economic relations between Scotland and Ireland. Recognising the potential of the northern powerhouse here in England, we are also working on establishing another new consulate in the north-west, where Enterprise Ireland has also recently opened its own office.

The last year has also seen a series of high-level visits to Britain. President Higgins was in Birmingham and Liverpool in February and met Mayors Steve Rotherham and Joe Anderson. The Taoiseach remains an assiduous participant at summit meetings of the British-Irish Council, in the Isle of Man in November and, in the summer, in Manchester. When in Manchester, he had a good meeting with Mayor Andy Burnham. He has also held three constructive meetings with Prime Minister Johnson in as many months. The Tánaiste, Simon Coveney, is a regular visitor to these shores, and our Finance Minister Paschal Donohoe has developed a close working relationship with Chancellor Javid. Within political parties in the UK, there are welcome efforts to promote relations with Ireland, with the well-established Labour Party Irish Society now joined by the Liberal Irish group and the Conservative Ireland Association.

This is all positive, forward-looking work and it is being reciprocated on the UK side. For example, in the Foreign Office in London and the British embassy in Dublin, a large team is now devoted to relations with Ireland—I am delighted to see that my UK colleague, Ambassador Barnett, is with us today. They, too, are investing in this crucial bilateral relationship, as are the other Administrations across these islands.

But our relations are about far more than Governments, offices and meetings. The people-to-people dimension is crucial, with trade, business, education, sport, culture and the Irish community in Great Britain at the core of our vital relationship.

Finally, I am conscious that there are up to 10 parliamentary chambers represented in the British-Irish Parliamentary Assembly. This Assembly provides a spine of connectivity for relations between politicians across these islands. All of you here today are invested in our relationship and experienced in the work that it has taken in recent decades to bring it to this positive place. But relations always need investment and renewal. As we anticipate likely elections on both sides of the Irish Sea in the not-too-distant future and therefore, most likely, some changes in personnel, we must work collectively to involve the next generation of elected representatives in our respective legislatures, informing and explaining to them just how important is this work of bridge-building which is at the heart of the British-Irish Parliamentary Assembly.

Thank you for everything that you are doing for the totality of relations across these islands and for your attention this morning. I am happy to take questions.

**The Co-Chair (Seán Crowe):**

Thank you, Adrian. Our first question is from Paul Murphy.

**Rt Hon the Lord Murphy:**

Thank you, Co-Chair, and thank you, Adrian, for an optimistic-ish speech about what is ahead of us. I do not want to comment on the contents of the agreement, but I want to say a word or two about how you got to it. For some years now, including last year—when I may have asked you the same question—there has been a greater need for bilateral negotiations between the Government of the United Kingdom and the Government of Ireland on the details of how to deal with Northern Ireland and the border. I detected over the years, for obvious reasons, that Ireland saw itself as part of the 27, but Latvia, Slovenia or Denmark, as important as those places are, know nothing about the issues that affect the border and the Good Friday Agreement, so the fact that the Taoiseach and the Prime Minister met moved things on positively. Your comment that you see a greater role for proper bilateral negotiations and agreement between the two Governments is therefore welcome—late, but it is happening.

My second point is on the restoration of the institutions. I understand that rights are crucial to the agreement, but I also know that the establishment of the institutions—I chaired strand 1, which led to the establishment of the Assembly and the Executive—is a vital part of it, too. All parts of that agreement work together, so there needs to be greater intensity about the negotiations. To be fair to him, I think that the Secretary of State for Northern Ireland has been more intense than his predecessors, but Lord Empey and Lord Dubs mentioned earlier that there is still a case for an independent chair or interlocutor. There is a case for a proper structure for the talks. However structured they are now, they are not good enough, because they have not achieved anything—a little bit, but not much.

I hope that in the weeks—not months—ahead, overshadowed as they will be by Brexit, we do not forget that intense negotiations of a sort that led to the Good Friday Agreement are now necessary to bring about the restoration of the institutions. I repeat: those institutions are as important to the integrity of the agreement as are the issue of rights or the other parts of the agreement. I know that it comes down to trust, or the lack of it, at the end of the day, but it is also up to the two Governments, as the co-guarantors of the Good Friday Agreement, to get these things sorted out pretty quickly.

**Ambassador Adrian O'Neill:**

Thank you, Lord Murphy. I agree wholeheartedly with you on the place of the institutions in relation to the Good Friday Agreement. The power-sharing institutions are at the heart of it. The partnership that they represent is key to Northern Ireland being a stable and sustainable society, and Northern Ireland working, and we have to get them back up and running.

There has been an intensity of effort by both Governments during the past two years in relation to trying to get these institutions back. Simon Coveney is such a frequent visitor to Belfast at this stage that it goes unremarked and unreported in the media, but he has spent a huge amount of time over the past two years working on this issue with Karen Bradley and now with Julian Smith. With the new Secretary of State in particular, he is working extremely well to try to get these institutions back.

On the substance of the issues on which they have been working, an awful lot of progress has been made. If we did not have the complicating factors of Brexit and perhaps the proximity of elections here in the UK, I think the substance of the issues could be bridged without huge difficulty and we could get the institutions back.

The two Governments have major responsibilities in relation to the agreement, but, at the end of the day, it will be about the parties, particularly the two larger parties. We cannot impose an agreement on them—the two Governments at best are facilitators of that agreement—and they must take those final steps. Unfortunately, perhaps as a result more of the wider environment rather than of the substance of the issues at hand, it has been difficult to get them over the line. If we manage to find a way through Brexit and an orderly Brexit is achieved that protects the interests on all sides, I would be reasonably confident that, in that kind of environment, rapid progress could be made on getting the institutions back up and running.

*12.30 pm*

**Margaret Murphy O'Mahony TD:**

Ambassador, I thank you for your presentation and the work that you have done. Well done. I commend you on saying that you were looking to the future rather than to the past. As we enter a new chapter, the future is very important to the constituency that I represent, Cork South-West. When people think of Brexit, I think that they are inclined to think of our northern counties and often forget about the very southerly ones.

We are very much connected to the UK through farming, fishing and tourism. Of the three, fishing is often forgotten about. Sixty per cent of our mackerel is caught in UK waters, as are 40% of our lobsters; 35% of our total fish catch is in UK waters. Any change to that will obviously have huge significance. I often think of Brexit as a couple you are friendly with who have split up, but you need to keep in contact with both. We in Ireland and Cork South-West need to keep up good relations both with the UK and with Europe. I wanted to comment more than anything else, but do not forget us down in Cork.

**Adrian O'Neill:**

I think it would be impossible for any of us to forget Cork—even if we were so minded. In a certain sense, Ireland has had twin objectives since Brexit first became an issue on the landscape that we had to deal with. Ireland has made its own decision in relation to its relationship with the European Union. We will stay at the heart of the European Union. EU membership has transformed Ireland for the better. Recent surveys of opinion in Ireland show that over 90% of those surveyed wish to maintain Ireland's membership of the European Union. Our destiny is in the EU. In the context of the Brexit negotiation, which ultimately is a negotiation between the UK and the EU 27, not between the UK and Ireland, Ireland has to try to protect our vital national interests.

On the other hand, we also have a hugely important strategic relationship with the United Kingdom, which is really important to us, and has been a really harmonious, mutually beneficial relationship. In relation to the trade dimension, for example, yes, Irish exports to Britain are not what they were. I think in 1973 when both countries joined the European Union, Ireland exported 50% of its exports to Britain. That now is down to something like 15% or 17%. But in relation to agri-food it is still 35%. The trade relationship with Britain is still hugely important to us. But for Britain, Ireland is the UK's fifth-largest export market. In fact, the UK

enjoys quite a significant trade surplus with Ireland. There is a reciprocal benefit here. As I say, that is a vital relationship. We want to maintain it. We want that to be positive and harmonious for the future. One of the difficulties and challenges of the past few years has been: how do we try to reconcile those two objectives? How do we try to advance them both at the same time, when there has been a certain degree of tension between the two of them? But I hope, once we get agreement on Brexit and find a way through, there will no longer be a tension. We will be able to advance both at the same time: our continued membership of the European Union while at the same time advancing our bilateral relationship with the UK and developing, broadening and deepening that further.

**Mr Nigel Evans MP:**

Ambassador, thank you for your hugely constructive contribution today, particularly telling us what you are doing in places such as Cardiff and the north-west of England. I have a foot in both: I represent a north-west constituency but I come from Swansea. When I am go to the Council of Europe and I chat to other MPs there and they tell me that they have been to Britain, I always ask them where. For those who tell me they have been to London, I have to inform them that they have been to London, they have not been to Britain. You know the diverse nature of the United Kingdom. In my north-west seat I am surrounded by a number of Labour constituencies, which all voted leave, so it is always good to get outside London and actually listen to what people say outside the Westminster bubble.

I am like you: I want to get on with Brexit, I want to make it as good as it possibly can be, for the EU 27, including Ireland, and the rest of the UK. I am sure you do not need reminding but it is always good to restate it: Parliament forced the Prime Minister on Saturday by the Benn Act—and we all know how that came about—to ask for the extension. But in reality, of course the Prime Minister does not want that extension. If you want to make progress on Brexit, the best way to do it is by the Irish Taoiseach vetoing any request for an extension to Article 50. That will focus the attention of MPs back in Westminster. We got the Lisbon treaty through in five days. We can get this through in 10 days, which is roughly what we have. Leo Varadkar has lots of friends in the United Kingdom—about 17.4 million—who would be really pleased if he vetoed the extension request.

**Adrian O'Neill:**

Thank you for that. It is way above my pay grade to give you the kind of commitment that you would ideally like. What I will say is—it is factually the case that—the request has been received. President Tusk is now consulting other members of the European Council. No date has yet been set for a meeting of the European Council to consider that request, but I suspect it will not be in the early part of this week. I think the European Council will wait a little time to see what happens in relation to developments at Westminster. Then of course the final decision will be taken by unanimity. In taking that decision, the members of the European Council will be mindful of the fact that we have had two major negotiations now, and two agreements reached, and they will obviously be taking close account, in a certain sense, of the precise context in which they are being asked to make their decision. Ireland has indicated in the past that we are open to considering that request but it will be in the context of where we find ourselves at the time when the decision is actually taken.

**Senator Terry Leyden:**

You are very welcome, Ambassador O’Neill, and well done on the work that you are doing here in the United Kingdom representing Ireland.

Nigel Evans, that is very wishful thinking. There is no way that the Irish Government are going to get involved in this situation at this level. My advice to you is: get back to London and vote the way you want to vote, because your vote is crucial. It is probably of more significance than any vote that you have cast in the House of Commons before.

I want to congratulate the chair, both Andrew and Seán, and the secretariat on organising this British-Irish Parliamentary Assembly here in Warwickshire—very successfully in the circumstances. It is a historic period to be here all together discussing Brexit, yet we have colleagues here who are going back to the House of Commons for a crucial vote. I think that the agreement is as good as it will get in the circumstances. I would prefer it if the United Kingdom was in the customs union; I would prefer it if the United Kingdom and the Republic of Ireland were treated as a special unit within the European Union, but, besides that, this is where we are at the moment, and I think that the Government generally and the Opposition welcome the agreement. The agreement will take some time to work through, so there will be a lot of changes for the Governments in the meantime, but when it comes to the negotiations regarding trade, I am very happy that we have Phil Hogan, the Irish Commissioner, in charge of all trade in the European Union. That gives me great assurance that he will be very sympathetic to both the United Kingdom and Ireland.

On passports, how intensive is the work at the moment? You may not have the numbers straight off, but I know that you were dealing with thousands of applications from people in Northern Ireland, who are of course entitled to a passport automatically, and from families of Irish people in Britain, who are also entitled to passports. That is very important. I am certain that the population is going up with the number of passports, though not necessarily with resident citizens. On the other side of the coin, a considerable number of Irish people are applying for British passports, just to have a little assurance when they are travelling through airports and so on. They are entitled to joint passports, so it is quite positive that we are working together in that regard.

I know that we have passed legislation regarding social benefits, social welfare and all that. There are arrangements between the United Kingdom and Ireland. As ambassador, can you assure pensioners in Ireland who are receiving social benefits from the United Kingdom that that will continue and, likewise, those here in the United Kingdom who are receiving pensions from Ireland that they, too, will continue to do so?

Free travel, free movement—they are all there. That is the best that we can expect at this point in time. I would not be optimistic that there will be another referendum, but that is a matter for the Government of the United Kingdom to decide. We could re-run that race. We know this information. Nevertheless, we are where we are, and I hope that the proposal will go through the House of Commons and then we can get down to negotiations.

**Ambassador Adrian O’Neill:**

Thank you, Senator. On passports and citizenship more generally, the position is that if you are born in Ireland and if you have a parent born in Ireland you are automatically a citizen and

therefore you can apply for a passport straightaway. If you have a grandparent born in Ireland, you have an entitlement to Irish citizenship, but you must apply first, so it is a citizenship application.

The number of passport applications here in Great Britain has basically doubled since before Brexit. In 2015, we had about 45,000 applications in Great Britain; last year, we had more than 90,000. On citizenship applications, we had a relatively small number back in 2015—I think that we had about 600; that was people who had a grandparent born in Ireland and wanted to apply for citizenship—whereas, last year, we had 6,000. The number of citizenship applications has therefore gone up by a multiple of 10 and the number of passport applications by a multiple of two.

On your question relating to social security and entitlement to pensions, you are quite right that the common travel area is not just about the right to travel; it is also about the right of access to public services in both our countries—Irish citizens here in Britain and British citizens in Ireland. I think that the figure for British citizens in Ireland is estimated at 100,000—I am looking to Ambassador Barnett to nod affirmatively; I think that he is. It is estimated that 700,000 people born on the island of Ireland are in Great Britain. It is not just about their right to travel; it is also about their right to public services when they are here, and that includes rights of social security.

**The Co-Chair (Seán Crowe):**

There are two more questioners. Do you mind if I take the two of you together?

**Karin Smyth MP:**

Thank you, Chair, and thank you, Ambassador. Apologies for going in and out during the beginning of your talk. We were on a train and then not on a train; at some point later, we will be on a train. It is one of those days. Thank you again for the work that you do here with us, helping us understand what people are thinking and educating us all as British politicians as to the views coming out of Ireland.

I want to ask the opposite question to that asked by Nigel. It may also be above your pay grade. Should the customs union amendment be successfully made to the Bill when it is presented, what is the view from Ireland and the European Union about that possibility being opened? We lost the customs union amendment by seven votes in 2018 and by three votes in March. It has always been my view, and I have said it repeatedly on Irish media, that there is a majority in Parliament for a customs union. That would effectively change the deal that has been done.

*12.45 pm*

**Chris Ruane MP:**

I, too, apologise for being out for most of your talk. We were working on an extension: our own extension to be here to listen to the rest of your talk. I want to thank you for restoring the position of consul-general to Wales; I am a Welsh MP. It is lovely to have Denise Hanrahan as the consul-general in Wales. I know that she has been up and about in north Wales; she has been Holyhead. I want to extend an invitation to you, as the ambassador, and to the consul-general to come up to north Wales. We have three north Walian members: Darren Millar AM,



Ann Jones AM and me. There are important ties between north Wales and Ireland, with the port of Holyhead the second busiest port in the United Kingdom. We are also part of the Trans-European Networks system, from Dublin to Holyhead to London to Europe. It upgrades to HS2, to make sure that that link to Holyhead is included. There are cultural and historical links between north Wales, and we want fully to apprise you of these on a visit.

**Adrian O'Neill:**

Thank you. To answer Karin's question, you are right that that is also above my pay grade, and quite speculative. It is always the case that the EU has been negotiating with the UK Government. It does not negotiate directly with Parliament. I suppose that in the kind of scenario you outlined, the very first question would be: what will be the response of the Government to such a change if such an amendment was successful? If the Government sought to transact that with the European Union, what would that involve? In that regard, there would be the question: would such a change impact on the revised protocol, which has just been negotiated, or would it have only to be reflected in the political declaration about the future relationship? The answer to that question will be important in terms of the likely response of the EU. If it was the former, I think that would probably present more difficulty. If it was the latter, I suspect that that would be easier to engage with.

I would also make a point about the collective willingness of the EU 27 to reopen—again—these matters. It is difficult to anticipate where they would be on that. It certainly was the case that when we were in negotiations earlier this year, the position of the task force and Mr Barnier was that if the UK Government wanted to include customs union membership in the political declaration, that could be pretty easily achieved. But things have moved on. We just had a very difficult negotiation. Whether there would be the same appetite on behalf of the EU 27 to reopen matters again is difficult to anticipate.

In relation to Chris's question—in fact, it is something which goes back to Nigel's—about visiting north Wales and indeed other parts of Great Britain, one reason why I really look forward to some kind of orderly conclusion to the Brexit negotiations is that that might allow me to spend a bit more time out of London than I have been able to do in the first two years I have been here. I am very conscious of the point that Nigel made that Great Britain is not just London. One thing that we are very conscious of in the embassy, in terms of reopening the consulate in Cardiff and trying to advance the opening of a consulate in the north-west of England, is that we need to get beyond this London-centric perspective in the relationship. I certainly would look forward to the opportunity to visit north Wales. Chris is right: the connections are very deep. Historians maintain that actually the Norman invasion of Ireland in 1189 was not really a Norman invasion, it was a Welsh invasion, so you are responsible for the 800 years, Chris.

I also pay tribute to the work that Chris has done over many years in recognising that people-to-people connection in terms of the contribution that Irish people from both parts of the island have made to Britain over very many years. Chris was responsible for a wonderful event in the Speaker's House about a fortnight ago where we had an opportunity to celebrate that. So thank you for that, Chris.

**Rt Hon the Lord Kilclooney:**

Ambassador, you are very welcome to our Assembly. On the agenda, your title is the Irish Ambassador to the United Kingdom, and of course the Belfast Agreement confirmed that Northern Ireland is part of the United Kingdom. How often have you visited Northern Ireland?

**Adrian O'Neill:**

I have not had an opportunity to go there in the two years that I have been in post. I suppose one of the main reasons for that is that we have an office in Belfast and have a team of colleagues there who are very assiduous in engaging with all sides of the community in Northern Ireland. Thus far there has not been a natural opportunity for me to visit.

**The Co-Chairman (Seán Crowe TD):**

Ambassador Adrian O'Neill, again I thank you on behalf of Members for your honesty and willingness to engage with Members here this morning. Thank you very much.

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

Ladies and gentlemen, we are going to have the family photograph. That is going to be in the courtyard of the hotel immediately, so do not go to lunch. Please go to the courtyard for the family photograph now. The courtyard is at the front of the hotel, where the stag statue is. We will meet there in a couple of minutes.

In addition, I apologise on behalf of the British Members of Parliament. Because of the potential votes in the House of Commons, sadly we all have to leave, but the good news is that now we do not have to leave till 5 pm. We were thinking we might have to leave now, but I have had it confirmed from our Chief Whip that we do not have to leave until 5 pm. So all of us will be here this afternoon. We apologise that we will not be here this evening or tomorrow. My role will be jointly carried out by Lord Murphy and Lord Dubs. I thank them both for filling in for me while I go back to London.

**The Co-Chairman (Seán Crowe TD):**

Straight after the photograph, lunch will be held in the Cast Iron Grill, where you had your breakfast this morning.

*The sitting was suspended at 12.54 pm.*

*The sitting was resumed at 2.40 pm.*

**ADDRESS BY PAUL LYNAM, BRITISH IRISH CHAMBER OF COMMERCE**

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

I bring the Assembly to order for the afternoon session and welcome Members back. The next speaker to address us is Paul Lynam, who is head of sectoral policy at the British Irish Chamber of Commerce. I ask Paul to come forward. [*Applause.*]

**Mr Paul Lynam:**

How are you? Thank you very much for having me.

As I look out, I see that this is an absolutely beautiful place, and I am regretting my decision to stay in the Holiday Inn in Birmingham last night. However, I used the opportunity wisely. Over the weekend, I visited my nephew, who is studying in the University of Birmingham. He was born, raised and bred in England, but he is half English and half Irish, and he is very proud of his identity. For his sins, he has chosen the Irish rugby team and the Irish football team to follow. That may not have been the best decision for him. However, he is fully comfortable in his skin. A lot of that has to do with the work that you guys in the British-Irish Parliamentary Assembly do, the work that people who came before you did, and the work that others in this room and beyond it have done.

I note the work of Ambassador Barnett and Ambassador O'Neill and the relationships between Ireland and the UK that have been built up over many years. I give you credit and acknowledge you for that. Long may it continue.

I thank Ed Beale for inviting me here and acknowledge the work that the BIPA continues to do as an organisation. Collaboration and building up the neighbourly relationship between our two countries have never been as important as they are right now, and it is important that we keep going at that.

For those of you who do not know, the British Irish Chamber of Commerce has one distinct goal: to maximise the trade and the economic relationship between the two islands. Our *raison d'être* is that simple, and we work towards doing that.

I do not need to remind everybody in this room of the importance of that trade and that economic relationship but, given their scale, it is probably worth reiterating yet again. Some 400,000 jobs—200,000 on the island of Britain and 200,000 on the island of Ireland—and €70 billion-worth of trade every single year are involved. That trade and those jobs are not just monetary figures plucked out of the sky; they matter to communities and households throughout our two countries.

It is important to remember that not only do we trade a lot with each other, we also invest a lot in each other. UK companies invest €61 billion a year in the island of Ireland. On the flip side, Irish companies invest €95 billion a year. The relationship matters.

The British Irish Chamber of Commerce did not support Brexit, but we respect and understand the democratic decision of the British people. The referendum result has kept us busy. We have spent three years working with our members to ensure that they can be prepared as best they can be. They have actively participated in our Brexit preparedness group. They have gone to Brexit events throughout the two countries that have been organised by Her Majesty's Revenue and Customs and the Revenue. They have looked at their currency strategy and started to calculate their tariff obligations. They have looked to their supply chains and have tried to get to the nitty-gritty of the facts of doing trade worth €70 billion a year and what Brexit will mean to them in every Brexit scenario and outcome.

The British Irish Chamber of Commerce has numerous technical events with stakeholders from both sides of the Irish Sea to work through our collective concerns and identify opportunities. They range from a port and transit forum to looking at the single electricity market on the island of Ireland.

Although larger firms and more regulated sectors might be prepared for Brexit and smaller firms might do their best to prepare, that does not mean that they would survive a potential Brexit shock that a no-deal Brexit might result in for thousands of them.

2.45 pm

Even in the best foreseeable outcome, an agreed close economic and trading relationship between the European Union and the United Kingdom will involve new customs procedures. Let us take Ireland as an example: 91,000 Irish traders trade with the UK, 68,000 of which are small to medium-sized businesses. It is estimated that 60,000 of those will be dealing with customs for the very first time. Let us again take Ireland as an example: import and export declarations will rise from 1.6 million to 20 million; transit declarations will rise from 36,000 to 4 million; and safety and security declarations will increase from 100,000 to 25 million.

Tariff barriers aside, the Centre for Economic Performance estimates that the possible introduction of non-tariff barriers alone will lead to a fall in income per capita of between 2.5 and 4%, while the Organisation for Economic Co-operation and Development says that,

“crossing the border, documentation, customs compliance requirements, lengthy administrative procedures and other delays can increase transaction costs”

by anywhere between 2% and 25% of the value of traded goods. The UK Treasury says that every hour of delay anywhere on the border can lead to a 5 per cent reduction in trade.

It is for those reasons that a full comprehensive deal between the UK and the EU is essential to maintain the UK-Irish trading relationship. The British Irish Chamber of Commerce set out four tests for any trade agreement. Does it eliminate the need for physical infrastructure on the border on the island of Ireland? Will it enable the trade in goods and services to largely continue, as much as possible, without tariff and non-tariff barriers? Does it protect the integrity of the EU single market? Will it provide—this is perhaps the most important test—for a transitional period for businesses to prepare?

The chamber welcomes the revised agreement that was agreed between the EU and the UK last week. The most repeated mantra of our members is about clarity and certainty. Although no deal that takes the UK out of the EU will ever be perfect for our members from a business perspective, we welcome and support the new deal. However, even if it is passed, that will be only the beginning. We estimate that a future trade agreement could take years to negotiate, which will not be an easy process. Long, drawn-out discussions will be needed on tariffs and quotas, customs, regulatory alignment and state aid, to name just four areas. Whatever happens, I know that businesses on both sides of the Irish Sea and North and South of the Irish border are keen to continue the trade with one another and to grow that trade even further.

I have been heartened by one aspect of Brexit, though—it has acted as a catalyst for new ways of thinking. Where previously there might have been ad hoc trade agreements and business arrangements, we are now seeing sectors taking more strategic approaches to working together. President Clinton, who I often quote, put it best when he said:

“We all do better when we work together. Our differences do matter, but our common humanity matters more.”

The chamber has been delighted to act as an anchor between different sectors across the UK and Ireland to foster collaboration in a renewed spirit of relationship.

On the port and transit sector, as I said earlier, the chamber has hosted two important forums. We brought together the ports from the UK and Ireland, freight hauliers and transit providers to talk about the challenges that any sort of Brexit arrangement will bring about, to share our knowledge and to look at best practice for the future. That gave various partners insider knowledge, and it was essential for preparing for Brexit on both sides of the Irish Sea.

On energy and the environment, by working with Energy UK and the British Embassy, we have worked to bring partners together to look at the future: not only the future of the single electricity market and the internal energy market in the EU, of which the UK is currently a

member, but at our shared climate challenges and how we can face them together and learn from each other.

On financial services, which were often touted during the early stages of Brexit, neither Ireland nor the chamber adopted a predatory approach. We worked with the City of London to talk about co-location and about solving firms' problems. We did not want a firm to simply move to Ireland and close down in the UK, which would have led to job losses. It works both ways: Irish businesses need to have a footprint in the UK market of 60 million people, and UK businesses must maintain a footprint in the EU market of 450 million people. The relationship in financial services continues to grow.

However, there are few sectors in which collaboration has increased in the past three years by more than it has done in the higher education and research sector. Previously, the sector has been taken for granted in terms of its relationships within the EU structure. Eighteen months ago, we met in the Tower of London and brought together vice-chancellors and presidents of universities and heads of research to look at potential areas of collaboration, and I am heartened by the response that has taken place. There is now a funders forum, through which all the agencies of the UK and Ireland have come together and signed a declaration of intent that they will work together more closely. Joint professorships have been put in place. Professor Seamus Davis now spends half his time at the University of Oxford and half his time at University College Cork (UCC). Of course, we are delighted with the formal agreement of the Common Travel Area, which ensures that UK and Irish students will be taken as home students on an equal basis.

I am also delighted to hear that institutions are taking the initiative. The University of Birmingham recently signed a memorandum of understanding and a memorandum of agreement with Trinity College Dublin. That is just one of many memorandums of understanding that are being signed.

It has been a long three years. For the most part, businesses prepared as best they could. We have a long way to go and we are far from being out of the woods but, if we keep our heads and get into the habit of collaboration, this relationship will not only be maintained but will continue to flourish. My first event for the chamber, three years ago, was a visit from the then trade minister, Lord Price, and I was struck by the words that he said that day. He said that trade builds trust, trust fosters peace, peace brings prosperity and, through prosperity, we all benefit. Thank you. [*Applause.*]

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

Thank you very much, Paul. That was excellent. The first question is from Delyth Jewell.

**Ms Delyth Jewell AM:**

I will draw on what Paul Lynam said towards the end of his contribution. My masters was in Celtic studies, and I was wondering how you could ascertain the economic value of Celtic studies or the study of language to the Irish or UK economies. Do you do any work with the Irish diaspora or with other countries in the world that have universities at which Celtic studies are taught?

**Mr Paul Lynam:**

Collaboration does not need to be economic, as you can imagine. However, we have identified Celtic studies, heritage and culture as an area of potential collaboration between Irish and UK universities. In our pre-budget submission to the Irish Government and in our submissions to the UK Government, we have asked for the establishment of a UK-Ireland research fund that identifies partners and areas in which we can work together. People could bid for the funds

competitively, and the money could be half matched by the Irish Government and half matched by the UK Government, in order to preserve the collaborations that exist. Culture and heritage were identified as areas of collaboration.

**Mr Darren Millar AM:**

Tourism is an important industry for Wales on which there could be a lot more co-operation with partners in Ireland. Tourism is extremely important to the economy of the north and the west of Wales, in particular. Many opportunities may have been missed to get people crossing the Irish Sea backwards and forwards to take advantage of the beauty of both places and the attractions that they have to offer. To what extent has that issue been discussed by your organisation? What appetite is there among your members to take something forward?

**Mr Paul Lynam:**

That issue is discussed quite a lot. We have a culture, arts, sports and tourism committee, and we have a very good relationship with the Welsh Government's representative in Dublin, Kathryn Hallett, who is quite engaged with that committee. Tourism is flagged up quite a lot.

One of the biggest issues that Irish businesses and travellers find is that there are not enough flights between, for example, Cardiff and Dublin. There is a question about whether generating demand would lead to more flights, but it is also the case that people cannot travel if there are not the flights giving easy access to Cardiff, as there are to London. Dublin to London is the second busiest air route in the world. There are numerous flights to Cardiff and Glasgow. There is a disadvantage, which is a point that I raised with the Secretary of State for Digital, Culture, Media and Sport, Nicky Morgan. It is a good question.

**The Lord Empey OBE:**

This week marks the 20th anniversary of the establishment of IntertradeIreland. Given that the total imports from Northern Ireland to the Republic account for only 1.6% of total imports, and that statistic has not changed much over the past few years, what are we not doing that would increase that level of activity? Exports from the Republic to Northern Ireland also account for only 1.6% of the total. Why are those figures so low?

**Mr Paul Lynam:**

One of the areas that we want to look at is the development of what we hope to call the Dublin-Belfast economic corridor because, to be honest with you, it is not just the figure for Ireland to Northern Ireland that is incredibly low.

I will say that those figures exclude a lot of the processing that goes on, especially in the agri-food sector, where, in effect, we operate as an all-Ireland economy; it is the same with waterways and tourism. Quite a lot of small trade takes place around the borders, as you know better than I do: 750,000 deliveries go from Northern Ireland to the Republic; 450,000 deliveries go from the Republic to the North; and there are 30,000 people crossing the border. It is not totally insignificant, but it is not properly captured in the trade statistics. However, you are absolutely right—the headline figures are below where they need to be.

There needs to be a joined-up approach to increase not only North-South trade and South-North trade but Irish trade with Scotland and with Wales; that trade is growing, but more needs to be done. We are looking at different corridors of trade that should be expanded.

**Ms Ann Jones AM:**

I may have misunderstood your response to my colleague Darren Millar's point about north Wales tourism; if so, you can correct me. You talked about people flying into Cardiff, but

people who are coming to north Wales would never fly into Cardiff from Dublin or Belfast because they would then have another four and a half hours to get to the north Wales coast. It is the port of Holyhead that is important to us. If you intend to fly, you go to Liverpool or Manchester, which can also be a problem. It is about thinking about the links and understanding that the port of Holyhead has quite a pivotal role in our tourism industry.

**Mr Paul Lynam:**

I totally accept that point. I have been to Holyhead loads of times; we had one of our ports forums in Holyhead. Not only is it important in terms of tourism, it is economically important for the island of Ireland as well, giving us a land bridge. Your point is valid and excuse me, I misunderstood the question—I thought that it was about links to Wales generally, which certainly need to increase.

**Mr Aengus Ó Snodaigh TD:**

On the current deal that is before the House of Commons—and we will see where that comes or goes—you mentioned that there was a need for clarity and certainty. Would the fact that every four years, there could be a change in the dynamics on the island be a distraction or an impediment for companies that are investing or are planning to invest in the North, especially if the company is a multinational that is planning for the future? Such companies usually plan for a lot more time than five or six years.

**Mr Paul Lynam:**

I completely agree. You are absolutely right. It could affect decisions if people feel that the regulatory alignment has no longevity and that the rules may change on them every four years. I think that that factor was raised in the original deal that looked as though it was being proposed, before we eventually got to consent by majority decision. Again, it is probably best to stay away from the politics and stick with business, but it is a business question. If you feel, as a general point, that the regulatory regime could change on multiple occasions, it will affect where you invest.

*3 pm*

**Mr Brendan Smith TD:**

I welcome the work of the British Irish Chamber of Commerce. I have participated in a number of meetings at which some of your colleagues were present.

My question is about something that is slightly outside your remit, but I am sure that you are coming across it. I have a concern about whether some of the smaller businesses and enterprises are properly prepared for a new trading arrangement. Many of them are just getting by and they do not have the resources to prepare. The weakest part of the economy is the central border area, particularly the Cavan, Fermanagh, Tyrone and Armagh area. That region, both North and South of the border, is heavily dependent on the farming and agri-food sector, construction products and engineering. It is also heavily dependent on exporting product either North or South or to Britain.

I have a concern that, in many instances, it is the smaller enterprises that will be affected. The economy that I have just mentioned is very much made up of small businesses that have worked hard to build up good businesses. Is the reach out getting to the smaller companies? Is that assistance, be it through advocacy groups, representative organisations or statutory agencies, getting to the smaller players? I would like a particular emphasis on that, because they are the backbone of the typical rural economy that I have just mentioned.

**Mr Paul Lynam:**

It is a two-part question. The reach out work has been wide ranging for some time, especially in Ireland, and there is quite a lot happening. There have been a few campaigns in Cavan and Monaghan and generally across the border region. However, you can prepare all you like for Brexit and know that you are going to need a customs clearance agent but, if your margin is 3%, 4% or 5%, you cannot afford to take on a customs clearance agent and the complexity that that brings.

For instance, on the Irish Government's loan scheme, some of the feedback that we got was, "I don't need a loan—it will not do it for me because, if I had hired a customs clearance agent for 31 March, what would I have done with them for the following seven months?" We have also been told, "We couldn't afford to do it." Margins will be impacted.

In our pre-budget submission to the Irish Government, we asked for the establishment of a Brexit mitigation fund. We outlined all the things that need to be put in place. Although we welcome the contingency fund, it will be interesting to see how grants will be deployed for businesses that are viable but impacted by Brexit and how that determination is made.

To answer your point succinctly, the campaign has been wide ranging. Everyone knows what is happening but, because of some of the bureaucracy of filling out grant forms or getting loans that may not even do it, the approach will not work for small businesses. We will see what happens with the €1.2 billion that has been allocated. We have asked for that and we are happy to see it, but let us see its implementation.

**Mr Brendan Smith TD:**

Could I make one further point? I think that you may have mentioned this previously. People who are trading in the area that I represent and who are selling products locally to our neighbours in Fermanagh and Tyrone, or vice versa, do not regard that as exporting; they regard it as selling locally. The economies have, thankfully, become interdependent. There is a huge interdependence in those sectors in that region and throughout the border region. That may not be captured enough in the analysis of the problems that will hit smaller enterprises in particular.

**Mr Paul Lynam:**

In agri-food, there is an awareness of the integrated nature, as I think I said in response to a previous question. In other sectors, in terms of small-scale trade, which is the bread and butter of some of the towns on the border, I agree that more of a spotlight needs to be put on them.

**Senator Paul Coghlan:**

In answer to Lord Empey, you mentioned some small trade items in addition to those slight official figures. Smuggling is pretty huge. What is your view on smuggling? We have several organised crime gangs operating on both sides of the border. What is your view on the volume of that?

**Mr Paul Lynam:**

It is hard for me to put a figure on it. Obviously, the border groups against smuggling have done a very good job of highlighting the problems that already exist. Of course, there would be a fear that, without proper safeguards, smuggling may increase post-Brexit. Revenue is fully aware of the issue and is working on it. However, from my perspective, it is not flagged up down in Dublin as often as it should be.



**Mr Cathal Boylan MLA:**

Thank you for your presentation, Paul. Over the past number of years, businesses—including in my area—have been thinking about relocation, because they are concerned about the process. Do you have any information about relocations? Have you had discussions about that?

**Mr Paul Lynam:**

Yes. Literally dozens of businesses from London have set up in Dublin. They have not simply closed the shutters in London, which is great; rather, they have opened a presence in Ireland. What was important—the Central Bank kept a close eye on it—was ensuring that there was no brass plating and that there was legitimate investment in the city and the country. Quite a lot of jobs have been created on the back of that, which has put pressure on Dublin’s housing stock.

That has happened but, as I say, in many cases, businesses in London did not close down; rather, there has been co-location.

**Mr Cathal Boylan MLA:**

Has that also happened from Northern Ireland to the South?

**Mr Paul Lynam:**

I do not think that that has taken place or, at least, not to the extent that businesses have moved from Northern Ireland to the South. There is definitely an opportunity for Irish businesses to get a foothold in the UK, too.

**Ms Joan Burton TD:**

Do you have an estimate of the likely extra costs, particularly for the small businesses to which you have referred? I find that a lot of proprietors are really nervous, whether their business is a small family one or a step up from that. Have you identified whether there will be a need for any extra documentation, for instance? I realise that there should not be a need for that in the short term, but will there be any additional forms? If Brexit happens almost to World Trade Organization rules, there will be a lot of extra declarations. I am constantly asked about that.

I agree with previous comments about the risk of smuggling, as there is a lot of it. There was a Government task force on smuggling about four years ago—before Brexit was confirmed—which achieved a certain amount. Senator Coghlan is correct that it is acknowledged that a significant number of gangs or gang-type structures operate along the border. They have carried out or been associated with some pretty dreadful punishment beatings and other violent acts. I say again to colleagues, particularly those from England, that one of the great fears is that Brexit will give rise to more such acts.

In the short term, it would be helpful if you could identify the extra costs and what they would comprise. Does anything additional need to be done, particularly with regard to supporting people such as hauliers?

**Mr Paul Lynam:**

Whether there is the softest of Brexits or a hard Brexit, customs formalities will take place that do not take place between what are currently EU member states. The figures that I quoted show the scale of the increase, based on Brexit—never mind a hard Brexit—happening. Those estimates are just from the Irish perspective; from the UK perspective, the increase will be significantly larger. The number of import-export declarations will increase from 1.6 million to 20 million, transit declarations will increase from 36,000 to 4 million and safety and security declarations will increase from 100,000 to approximately 25 million.

To export from the EU to a non-EU member state, an economic operators registration and identification (EORI) number is needed; you cannot even think about exporting without an EORI number, and the same will apply to exporting from the UK to the European Union. It is being touted that 85 per cent of businesses now have an EORI number, but that is not correct. In fact, 85 per cent of the total value of UK-Irish trade is done by businesses with an EORI number, but probably barely more than half the total number of businesses involved have an EORI number. It will put small businesses under incredible pressure.

Filling out an export or import declaration is a complex process and people need to have a customs clearance agent, but there are not enough of them. If we had a no-deal Brexit, we would find ourselves in big trouble on 1 November.

On your question about hauliers, the UK Government introduced a support grant for hauliers about nine months ago, but I do not know what the take-up has been. We asked for something similar from the Irish Government in our pre-budget submission and, in fairness, money has been put aside for additional supports for hauliers. We will see what happens there.

Progress has also been made in relation to problems that we identified with customs expertise. We will see where Skillnet gets us. Skillnet is an online platform that allows people to upskill in particular areas, as well as physically providing training. It identified a need for training with regard to customs, which I think has now been up and running for about a month. We will see how that goes—it may have been provided later than we would have liked.

The cost to a business will depend on its scale, on whether it needs to have a full-time clearance agent or can put the work out to a clearance company, and on the demand.

**Ms Joan Burton TD:**

In that context, are we talking about roughly €200 per transaction? With customs clearance, we are talking about legal tax documents, so people cannot just fill in the documents casually—like VAT returns, they have to be done properly. In Dáil Éireann, the head of Revenue, who is also the head of customs, came in to speak to the Committee on Finance, Public Expenditure and Reform, and Taoiseach about a year ago. He told us that there are 1.5 million to 3.5 million third-country documents in Ireland per annum but that he expects that to increase to a minimum of 20 million per annum.

If we put a cost of €50 on the documentation that arises and on getting the system up and running, that might be reasonable for a small firm, but if people do it through a consultant or a high-level accounting service, the charges would be a lot higher. That is terrifying people who do their accounts on the dining table on a Sunday afternoon, or at weekends when they are taking a bit of a break. The reality for many smaller businesses—particularly small agri-food start-ups—is that they tend to be very in-house, or in-home.

**Mr Paul Lynam:**

Yes. I emphasise again that that will happen in any Brexit scenario, which is why we have consistently stressed the need for a transition period so that everybody can get their ducks in a row over a period of time as best they can, although it might be too big a hurdle for some companies.

**Mr Declan Breathnach TD:**

I compliment the British Irish Chamber of Commerce on its work. Anybody who uses the Border corridor—the M1 corridor—will see thousands upon thousands of small traders in construction or other sectors moving south. Has the issue of e-tendering been addressed in the context of the deal, including reciprocally with the small traders—the number will probably

not be as large—who operate into the North? I have raised that numerous times, but it seems that nobody is answering the question. I suppose the obvious answer is that, if a trader has a base or a company in each of the jurisdictions, it should not be an issue. However, people are saying that it will be an issue. Have you looked at that?

**Mr Paul Lynam:**

Can I get back to you on that? When somebody is asked a question, it is important that they give the correct answer, so I will go to our Brexit team on that. I do not recall anything in the withdrawal agreement that will cover that, but I will ask the Brexit team and get back to you on it. I have your email address.

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

Ladies and gentlemen, on your behalf, I thank Paul Lynam for his presentation. Thank you, Paul, and good luck with your endeavours as we approach the time of change for both Britain and Ireland. We thank you for your attendance today. [*Applause.*]

*3.15 pm*

Later this afternoon, we will consider committee reports. If anyone wants copies of the reports that are to be presented, they are on the press table at the back. Please collect them if you would like them in advance of the presentations.

As you know, UK MPs have to go back; sadly, I think that they have already gone—in fact, I think that I am the only one left, and I will have to go fairly shortly. I will officially vacate the chair, and Paul Murphy will take my place. He and Lord Dubs will share the role this afternoon and tomorrow morning.

I thank you for your attendance and wish you every success for this afternoon and the rest of the plenary. I look forward to seeing you all at the next plenary in Ireland early in 2020. I will hand over to Seán Crowe, who will chair the next session.

**ADDRESS BY THE SCOTTISH GOVERNMENT’S CABINET SECRETARY FOR  
GOVERNMENT BUSINESS AND CONSTITUTIONAL RELATIONS**

**The Co-Chairman (Mr Seán Crowe TD):**

Members, I would like to, on your behalf, extend a warm welcome to Michael Russell MSP, Cabinet Secretary for Government Business and Constitutional Relations from the Scottish Government, to address the Assembly. I think we met in September, Michael—it was the last time in the Steering Committee. You are very welcome. [*Applause.*]

**Mr Michael Russell MSP:**

Thank you very much, and thank you for your welcome. As you said, I had the pleasure of meeting a number of you in Edinburgh, I think, earlier in the year, and I am delighted to be here now. I have never been a member of this grouping, but in two incarnations, as Linda Fabiani’s successor as external affairs Minister, I was a member of the British-Irish Council, and I am again, in the job into which I have fallen—not a job which anybody would have volunteered for, I have to say, given that I have been dealing with Brexit for the last three and a half years.

It is a pleasure to be here. I think this is absolutely the first time I have been in Arden, or

anywhere near the Forest of Arden. I am meant to be in recess in the Scottish Parliament this week, and the first week of recess last week I spent almost entirely at our party conference, and as the second week will be spent entirely on Brexit business, I shall manage two hours with you this afternoon. It reminded me of, as it would do, a line from *As You Like It*—nobody can come to the Forest of Arden and not quote *As You Like It*—but the line leapt to my mind from Touchstone the fool, when he said:

“Ay, now I am in Arden; the more fool I; when I was at home, I was in a better place: but travellers must be content”.

So, I hope you will be content when you hear what I have to say. I want to start with the thought of a hierarchy in Brexit—a hierarchy of the effects of Brexit upon the various parts of these islands, because I heard some of the previous presentation and there were parts in there where people were looking forward, at least to stability, and certainly, perhaps, not to the terrible outcomes that a ‘no deal’ would have produced. I have been a part of the Scottish team working on ‘no deal’ preparations for almost a year now, and a ‘no deal’ would be a disaster, and I am glad that the Scottish courts—of course, of whom we think very highly—have decided that a ‘no deal’ should not take place.

But there is a hierarchy for those involved. Ireland and Northern Ireland, whilst not benefiting, in Northern Ireland’s case, from continued membership of the EU, which is what Northern Ireland voted for and what would be the most beneficial outcome, in my view, for all parts of these islands—there is no such thing as a good Brexit, and I say that after three and a half years of being involved in this subject—but Ireland and Northern Ireland will suffer least out of this, and Northern Ireland will have the principle of consent respected by the settlement. It is somewhat ironic to hear UK Government Ministers saying that there should not be a second independence referendum in Scotland five years after the first, but the period selected in the agreement in which Northern Ireland could change its mind is four years. I think that does begin to open up some of the inconsistencies in the agreement.

You then, of course, have the situation in Wales. Wales did vote marginally for Brexit, and we have to accept that, but I think we also know from constant polling thereafter that Wales no longer supports Brexit. So, Wales, having voted for it but now changed its mind, will also be dragged out if the withdrawal agreement Bill goes through.

Most of England, with the exception of London, voted for Brexit, and in those circumstances, maybe it is right that most of England have what they voted for, although, again, I have to say, there is no objective empirical evidence that this will do anything but harm, and there is considerable evidence that people have changed and are changing their minds.

But in that hierarchy, Scotland suffers worst, because Scotland voted not to leave the EU—not once but twice. You may scratch your heads, and think when was the second occasion. But in the independence referendum in 2014, one of the most telling arguments that was used again and again was that, if Scotland voted ‘yes’, then it would not be in the EU. And I know how telling that was. I did a public meeting in every single one—almost every single one—of the village halls in my Argyll and Bute constituency, which has 23 inhabited islands, amongst other joys, and I know how effective that argument was. So, it is quite legitimate to argue that, on two occasions, Scotland has said it wanted to remain in the EU, and yet the present withdrawal agreement means there will be no active consent by Scotland to be removed from the EU, and that will be very damaging to Scotland.

Let me give you an example—again in the Highlands and Islands of Scotland, an area I know

particularly well. The Highlands and Islands has a workforce of just about 300,000 people. About 20 per cent will be retiring, leaving the workforce, within the next five to 10 years. And there is nobody to replace those people—there is no natural growth in the population in the Highlands and Islands of Scotland. We are, if I may put it indelicately at this time in the afternoon, not breeding enough. Therefore, the only possibility for increasing the workforce in the Highlands and Islands of Scotland—the most marginal part of Scotland, part of my constituency, which is suffering enormous depopulation as it is, all down the west coast of Scotland, we will not have people to fill the essential jobs within that area of Scotland—. And that applies, actually, to the whole of Scotland. Two weeks ago, the Scottish Government published an interactive online map, using 7,000 data zones, to show the effect of Brexit. The effect will be severe wherever you are in Scotland, but in the rural west of Scotland, it will be worst of all. And yet, the people of Scotland will not be given the opportunity, under present plans, to consent to those changes.

We are in an active period—things are happening every moment of every hour. Today, as I speak, the Scottish courts have opened again, and Lord Carloway, in his judgment this morning, has not closed the case against the Prime Minister under the Benn Act, but has kept that case open, so that all parts of the obligation on the Prime Minister are fulfilled. The obligation was not just to write a letter, but to negotiate and accept an extension. And Lord Carloway has said the case cannot be closed until the extension is negotiated and accepted. And there has now been a request from the UK Government for a legislative consent motion from the Scottish Parliament—and I believe from the Welsh Assembly too—for the withdrawal agreement Bill. Therefore, it is likely that the Scottish Parliament will have to come back from recess at some stage—it is not definite yet, but likely—in order to consider that legislative consent process. I do not want to gainsay or guess the Scottish Parliament, but I think it is highly unlikely that the Scottish Parliament will agree to a legislative consent motion in those circumstances. Then it remains to be seen whether the UK Government will impose its requirement to leave the EU upon the Scottish Parliament. It would only be the second time, in 20 years of devolution, that that had happened.

But let me focus down again into this issue of consent, because it is exceptionally important. The First Minister of Wales and the First Minister of Scotland have written to the Prime Minister, and to Donald Tusk, today—letters that have just been published—arguing for a longer period to consider the Bill, but also arguing on the issue of consent. And it is a very simple argument: the people of Scotland did not consent to leave the EU; the people of Scotland have a right to be heard in what is going to be, undoubtedly, the major change to their future in our lifetimes; and the people of Scotland, under Scottish constitutional law, are sovereign. We do not accept the concept of parliamentary sovereignty—that has not been the basis of Scottish constitutional law ever; sovereignty lies with the people of Scotland. Therefore, the people of Scotland have to be asked whether they wish to take this step or not. And in our view, that could have come in a UK-wide referendum, though if that were, again, to repeat the result of the 2016 referendum, it would even deepen the crisis. But it should now come in the granting of what is called a section 30 Order—that is an Order under the Scotland Act 1998—to allow Scotland to hold a referendum on the constitution, and a simple question: ‘Do the people of Scotland wish to remain part of the Brexit process as it moves forward, in Brexit Britain, or do they wish to be independent within the EU?’ And the work the Scottish Government is doing is to prepare ourselves for the eventuality of independence, to look at the chapters of accession in the EU, to make sure we are compliant—we have been a member for 45 years, so I see no reason why we should not be compliant, but to make sure we are compliant—and to prepare ourselves for what is the normal status for a small country

within Europe. Eleven of the 27 members of the EU are the same size or smaller than Scotland. There is nothing exceptional in what the Scottish people are now considering. It is, indeed, absolutely normal.

So, our message here to you today is that we hope to continue to be part of this gathering, but in a changed state. Given that Brexit changes things for the worse, it will undoubtedly be worse. We wish to change things for the better in Scotland, and that is what our sights are set on. It has been the most difficult period of, certainly, my political life, and, I think, of anybody's political life, but we are confident that we can continue to move forward and should move forward in a confident manner, and that is what we will do by our preparations for accession and also by insisting upon the right for Scotland to choose. I am happy to answer questions. [*Applause.*]

**Rt Hon the Lord Bruce of Bennachie:**

Thank you. You will not be surprised that I agree with half of what you said. I completely with your analysis of what the impact of Brexit in any form, and certainly a hard Brexit, will be on Scotland. I do think you slightly gloss over the constitutional resolution, however, which is, basically, asking, 'Does Scotland want to be an independent country within the EU?' The answer that many people would give is 'yes', but that is not easily delivered. Scotland would have to leave both the UK and the EU. I know that you are trying to argue that we could stay in, but all the evidence suggests that would not be the case.

**Mr Michael Russell MSP:**

I am not trying to argue that.

**Rt Hon the Lord Bruce of Bennachie:**

Well, can I put it the other way: how will you persuade the people of Scotland that spending several years—I do not know how many—outside both the UK and the EU would actually benefit Scotland and benefit the Scottish economy?

**Mr Michael Russell MSP:**

With the greatest respect, I think your sequencing is defective. I think it is not inevitable that Brexit will take place—not inevitable. I still think there is a possibility that it will not. I happened to meet Jo Swinson at the airport in Glasgow this morning and I know she is continuing with her colleagues, just as Ian Blackford, our Westminster leader, is continuing, Jeremy Corbyn is continuing, and Plaid are continuing, to fight this issue. If the UK does leave, however, then there will be a period of time, regrettably, when we are outside the EU as part of the UK. That is a time in which we organise and put our referendum, and then, if the people of Scotland decide to become independent, over a period of time we become independent.

During that time, we will also be involved in the negotiations for accession. It is entirely normal to do those things in parallel. Indeed, some might argue that one of the problems that the UK got itself into was the sequencing of negotiations with the EU. In addition, you have to be well prepared for it. I fully accept that we would have to meet the full acquis, and therefore the 35 chapters of accession have to be met in full. However, we are already

compliant in the greatest degree, and, one would argue, perhaps considerably closer to the EU and the *acquis* than previous applicants for membership, and those that deal with matters that are presently not within the purview of the Scottish Parliament we are mindful of and are working on.

So, I think that is a process of accession, where you work your way out of the UK and you work your way into the EU, which is managed well on both sides. The objection to that, then, is, ‘But look how difficult Brexit was.’ Well, Brexit has been handled in the most incompetent way you could possibly imagine. There may well have been a good way to leave the EU. It is not a good objective to have, but there could have been a good way to do it. The good way to do it was not the Theresa May way to do it: to spend the first 18 months refusing to write down what you wanted for fear that somebody would dissent from it on your own side, and then finally to write it down in the Chequers agreement, by which time people did dissent from it and resign from the Government. So, this was an appallingly incompetent way to do it.

It was also very wrong for Theresa May at the very beginning of the process—this was perhaps the fatal flaw—not to sit down with Jeremy Corbyn, with Tim Farron, who was leader of the Liberal Democrats then, with Nicola, with Carwyn, at that stage, around a table and ask, ‘How can we all get something out of this? How can we all find an agreement that will allow the UK to leave the EU in a way that has, if not the support, at least the tacit acceptance of the devolved administrations?’ Instead, there was a desire to pander to the hard right and only the hard right and to ignore the devolved administrations particularly. That was a fatal flaw, and it has been made even worse by the incompetence of the present Prime Minister.

*3.30 pm*

**Ms Delyth Jewell AM:**

Mike, you will not be surprised that I agree with your analysis. The Shakespeare quotation that you used, when you said that travellers must be content, is a really wonderful way of putting the situation that we have to find ourselves in, regardless of whether we consider ourselves to be travellers in the Brexit process—because that is still in flux—or are among those of us who do want different parts of the UK to become independent. We are still in a state of flux in many ways. Looking at the current constitutional settlement that we have, and inter-governmental relations at the moment, I think all sides would agree that they are quite hierarchical and are quite balanced in Westminster’s favour, in terms of the JMC(EN). Do you think that it is possible for the settlement that we have, or that set-up, to be reformed while we are travellers?

**Mr Michael Russell MSP:**

It is a really good question. I have worked very closely, as you know, with the Labour Welsh Government, even though I am a Nationalist—and you are a Nationalist—and I have done it on the basis that we are travelling together on this journey, even though we have different ultimate destinations. Both Mark Drakeford and I gave lectures earlier this year at the Institute for Government in which we looked at inter-governmental relations through individual perspectives and looked at ways in which the arrangement should change. I think that it would not be difficult—in fact, it would not be difficult at all—for Wales and ourselves

to agree on how the present structure should be reformed. There is no doubt at all that Brexit has been too heavy for devolution to bear. Devolution is a very delicate dance of the Parliaments around the concept of Westminster sovereignty and that delicate dance, unfortunately, collapsed when Brexit came along.

So, how do you reform that process? There are ways to do it. You should put it on a statutory footing. You should have an independent dispute resolution mechanism. The present dispute resolution mechanism, for those that do not know, is that, if you have a dispute with the UK Government, they are judge and jury in their own case. There was the case of the £1 billion for Northern Ireland. When the Scottish and Welsh Governments objected to this and said it breached the normal financial procedures, the UK Government said, 'Nothing to see here, move along please, because we've decided to do it anyway'. So, it is possible to reform it. Now, that is not adequate for me, because I think what Brexit demonstrates is the basic structural instability and the fact there are better ways for the parts of these islands to relate to each other.

Those relationships would continue. I was born in the Nationalist hotbed of Bromley, part of greater London. I am not, in any sense, against our neighbours. My mother was English. My grandfather's proudest boast was that he had once bowled out W.G. Grace at cricket. Now, given the chronology, W.G. Grace would have been somewhat arthritic by then, but, even so, this is not about being anti-English or not wishing to have relationships, it is wishing to adjust those relationships into relationships of equality, because those relationships of equality will be relationships that last. Now, the problem with the UK Government at the present moment—one of the many problems of the UK Government—is it cannot accept that. It cannot bring itself to change, and we have seen an incredibly slow process of accepting the need for a new inter-governmental situation. The review was accepted by the Joint Ministerial Committee plenary more than 18 months ago, almost two years ago. It has got virtually nowhere. I am the longest serving member now of the Joint Ministerial Committee on European Negotiations. The cast changes every six months and we have no commitment to changing the architecture of relationships. That is poisoning the system. Supposing there was a withdrawal agreement Bill and it got through, and there was a period of transition, what involvement could the devolved administrations have if the current inter-governmental architecture remains in place? It would be entirely grace and favour, there would be no rights of access, and, from what I have seen, we would be expected to sign on to the negotiating position without even having agreed it. That is impossible. So, we need to make progress on this, but there is no sign that the UK are willing to do so.

**The Co-Chairman (Mr Seán Crowe TD):**

Does anyone else want to make a contribution? Are there any more questions? Reg.

**The Lord Empey OBE:**

I would like to ask the Minister about the first part of his address about population, the implication being that, if we leave the EU, it would be impossible to replace a lot of the jobs in the west of Scotland. Is it not possible, whenever an immigration Act is being drafted, for there to be a provision in it, where there are clearly skills shortages in certain areas of the country, to incorporate that in that Act to ensure that the labour shortages that he envisages in his particular patch can be alleviated by provisions for where there are clearly shortages and likely to remain shortages in the future?



**Mr Michael Russell MSP:**

There are two answers to that. One is the sheer bureaucracy of that system; it was a system we had before freedom of movement and it was an abject failure. Given the amount of time and effort that was required to get people into areas and into positions in which there were skill shortages, by that stage, the business had gone bust. You will find that freedom of movement is the best way of doing it, because it is remarkably unbureaucratic. If you go to the fruit farms of the east of Scotland, you can see the transformation that has taken place where is a mobile labour force. Some of those people come in almost permanently—they will work in fruit picking in the summer, and they will work in fish factories in the winter—but they are very mobile, and they bring that. At a time of labour shortages across Europe, particularly an agricultural labour shortage across Europe, this is a good system. It is the best system you could have.

But the second objection to that is the Migration Advisory Committee. The Migration Advisory Committee has been an utter disaster for Scotland from the beginning. The Migration Advisory Committee will not accept the existence of a distinctive Scottish economy, let alone distinctive regional economies within Scotland. So, the Migration Advisory Committee's advice constantly to the British Government has been such that it has been impossible to get particular labour shortages in Scotland targeted, as a result of which, those shortages have continued to exist, even in areas where the influx of European workers has not been able to affect it. The best system that exists is freedom of movement, and it is not just best for businesses, it is best for individuals who live and work in Scotland, England, Northern Ireland and Wales. The reality is that it gives opportunity to young and old alike. It allows people to go elsewhere.

You can boil down the arguments for being in the EU into some very simple things, and one of them is the freedom that exists to go and work where you wish. Another one is the basic concept of peace. The EU is an extraordinary structure. It is not perfect, but it is an extraordinary structure, because what actually took place was that, in the late 1940s, the victor nations, after two world wars in Europe, reached out their hand to the vanquished nation and said, “Never again. Never again.” They build it upon a basis of peace. That alone should be enough for us to ask, “Why on earth would we walk away from such an arrangement?” I heard Martin Schulz make that point in Berlin at a dinner a couple of years ago, and he talked about the experience of his own family, and how his own family had been shattered by the second world war. It made him such a profound European, because it did not happen again. I related profoundly to that, because my own father, at the age of 19, volunteered and found himself on the beach at Dunkirk with a bullet through his knee—19 years old, a wee boy from the douce seaside town of Troon. How terrified he must have been. That did not happen to me when I was 19 and it did not happen to my son when he was 19. So, let us boil this down to its essentials, and the essentials are that this is a foolish, retrograde step and we should not have any truck with it. [*Applause.*]

**Deputy David Johnson:**

Just to pick up on the last point, I am from Jersey, and we have a requirement for seasonal workers, both for the agricultural and hospitality industries, and there seems to be a fairly informal way our getting our quotas. We are subject to immigration rules, of course. I am just wondering: the system in force, if it doesn't work in Scotland, could, I would have

thought, be suitably amended to allow you to do what you want to do as much as we do.

**Mr Michael Russell MSP:**

We are always working in compromises. The ridiculous nature of the amount of time we have to spend reinventing the wheel in Brexit to make up for what we would already have is a matter of huge regret to many of us. You could, however, choose to devolve migration to the devolved Administrations. There are structures where that takes place in the world. In Canada, for example, there is a degree of shared responsibility for migration between the provinces and the federal Government. There is a similar sort of arrangement in Australia. We have argued that as a temporary measure you could, in actual fact, do that. You can restrict the rights of migrants to move from one place to another by ensuring that there is either a codicil on their national insurance number or a restriction on their passport and you can actually attract the people that you want to attract. The province of Quebec, for example, in Canada does it for the aerospace industry, which they built at one stage and they built it by targeting migration. But that is not on offer either. If you were dealing with a rational UK Government that was prepared to discuss and negotiate, some of these points could be resolved. They are not resolved because there is no rational discussion of these matters. Migration has been a touchstone issue for the modern Conservative Party. It is not in Scotland, for a variety of reasons. And, therefore, there is an immense lack of flexibility on the issue of migration.

**The Co-Chairman (Mr Seán Crowe TD):**

Ross.

**Mr Ross Greer MSP:**

Thanks, Chair. It is not a question from me, just a brief point to back him up on the question that Reg asked around population in specific sectors. I was on the Scottish Parliament Committee that took evidence from the chair of the Migration Advisory Committee to the UK Government and we asked specifically about tourism and agriculture, two major industries in Scotland that are massively over-exposed to changes in immigration, and his response was to tell us that some industries, some sectors, would simply have to contract. Those are two of the biggest industries in Scotland—huge amounts of jobs and entire local economies that exist on the basis of them—and the Government’s main immigration advisor told us in response to our concerns, ‘They will just have to contract.’ That is the situation that we are faced with at the moment. My region borders Mike’s. It is massively over-exposed to this and we simply do not have the powers and we do not have faith in the people who hold those powers to design a system that is based on our needs, because they have explicitly told us the opposite.

**Mr Michael Russell MSP:**

I made the same point to Brandon Lewis when he was immigration minister at a Joint Ministerial Committee meeting, and having heard my plea on behalf of the Highlands and Islands council, somebody said they had the same problems in the construction trade in his constituency of Great Yarmouth. A fifth of the land mass of the UK losing its population because they cannot fill the positions that are required is somewhat different, but the lack of understanding of that is profoundly worrying.

**The Co-Chairman (Mr Seán Crowe TD):**

Okay. Is there no-one else? Okay. Again, on your behalf, can I thank Michael for his interesting and informative address?

**Mr Michael Russell MSP:**

Thank you.

**The Co-Chairman (Mr Seán Crowe TD):**

I look forward to maybe continuing this conversation afterwards. Thank you. [*Applause.*]

## **PRESENTATION OF COMMITTEE REPORTS**

**The Acting Co-Chairman (Rt Hon Lord Murphy):**

We now come to the Committee reports and updates. We will hear the presentation of reports and updates from the Chairs of Committees A and C. Committees B and D will provide updates and present their reports tomorrow morning. I first call Deputy Breathnach to provide Committee A's update and present its report on illicit trade on the border.

*3.45 pm*

### **Committee A (Sovereign Matters)**

**Mr Declan Breathnach TD:**

Thank you. The report from Committee A deals specifically with illicit trade on the border. The full report has been sent to Members, but I will give a quick summary. The Committee last published a report on cross-border police co-operation and illicit trade in March 2015, which itself followed an inquiry undertaken in 2009. In May 2019, the Committee agreed to hold a new inquiry into illicit trade on the border. The Committee wanted to explore two items specifically: whether progress had been made in the four years since the previous report, and how the UK's decision to leave the EU was likely to affect cross-border police co-operation and illicit trade.

The Committee appointed four rapporteurs, who, alongside the Chair, Senator Frank Feighan, led the evidence-gathering process: me; Senator Paul Coghlan; Sir Jeffrey Donaldson MP; and Nigel Mills MP. The Sub-Committee held meetings in Belfast, Crossmaglen, Dundalk and Dublin, and we spoke to representatives of the Police Service of Northern Ireland, Her Majesty's Revenue and Customs, An Garda Síochána, the Revenue Commissioners and Retailers Against Smuggling.

The Committee reached eight main conclusions. First, it is clear that the PSNI and An Garda Síochána continue to co-operate extremely closely and effectively on cross-border criminal justice matters. It is also apparent that the depth of co-operation between the police forces, as well as with other agencies, has improved even further since the Committee last undertook an inquiry into cross-border police co-operation, which, as I mentioned, was in 2015.

Secondly, while overall levels of illicit trade have been consistent over the last five years, it is apparent that there has been significant success in reducing fuel laundering since the introduction of the new fuel marker in 2015. However, we were concerned by reports that criminal groups are resorting to dangerous methods as they seek to bypass the fuel marker, and it was felt that there must be stronger penalties for those who engage in this crime.

Thirdly, the Committee was concerned by reports that the strong and effective collaborative relationship between the PSNI and An Garda Síochána could be undermined were the United Kingdom and the European Union unable to agree a formal withdrawal agreement, particularly with regard to data sharing and the transfer of criminal suspects between jurisdictions. We therefore call on the UK and Irish Governments to ensure that existing levels of cross-border co-operation in criminal justice matters are maintained, or replicated, under all circumstances.

Fourthly, the Committee notes that illicit trade exists wherever there is divergence in tariffs and prices between jurisdictions and there are opportunities for organised criminals to make significant profits. That has been true on the island of Ireland in the past and will continue to be in the future, regardless of the UK's withdrawal from the EU. However, the Committee calls on the two Governments to ensure that law enforcement agencies are given appropriate resources to adequately address any increase in smuggling.

Fifthly, the UK and Irish Governments should review whether existing criminal sanctions offer a sufficient deterrent to organised criminal illicit trade on the island of Ireland. Minimum and/or mandatory sentencing laws for illicit trade should be considered as part of that review.

Sixthly, it is concerning that existing legislation in Northern Ireland makes it difficult for the PSNI to prosecute landowners who enable criminal activity on their property. In that regard, officials should be permitted to seize land, or place restrictions on its future use, where criminality is found to have taken place.

Seventhly, the UK and Irish Governments should launch a public information campaign to discourage ordinary people from purchasing illicit goods, which should be based on three themes: making the connection between counterfeit goods and the harm caused to people who are abused in order to bring them to market; emphasising the harm caused to the consumer by poor quality goods; and highlighting that consumers are financing organised crime and, potentially, terrorism.

Lastly, the police rely on intelligence and the support of the local community to tackle illicit trade. Policing is most effective when it is representative of the local community, so elected community representatives must work more closely with law enforcement agencies, particularly as they seek to tackle organised criminal activity across the border.

The Committee hopes to pursue the issue of the common travel area as its next undertaking. Thank you.

**The Acting Co-Chairman (Rt Hon Lord Murphy):**

Declan, thank you very much for a very full report on a very important issue. Are there any comments from the floor?

**Senator Ian Marshall:**

Did the Committee consider the glaring omission in the very comprehensive Prosperity UK document about alternative arrangements, which contains no reference to the illegal trade across the border?

**Mr Declan Breathnach TD:**

No, it did not, but I am familiar with the report you refer to and I have read it myself. That was not an item that was discussed, but I think it is something that needs to be noted.

**The Lord Bew:**

I thank Declan for outlining very clearly the work of Committee A. I want to make one comment about his point that we have decided to work on the common travel area. It is very important to look at the way the common travel area works. We also had a brief discussion about the possibility of working on human trafficking, which, according to the PSNI, is an increasing issue. As a member of Committee A, my view is that it is right that the Committee works on the common travel area rather than human trafficking, but of course one of the issues is the possible exploitation of the CTA by criminals involved in human trafficking. I just wanted to add that footnote to Declan's excellent report.

**Mr Declan Breathnach TD:**

It is important to compliment those who were involved in producing the report—I am only presenting it—whom I mentioned earlier. I agree with Lord Bew. Reference was made this morning to the various agencies stopping vehicles in unusual places. This is part of the issue of trafficking and the danger that people are moving between the two jurisdictions, which may continue to increase, but the Committee has decided to focus on the common travel area. Hopefully, we will deal with issues of illegal movement and human trafficking.

**The Acting Co-Chairman (Rt Hon Lord Murphy):**

If no other Members wish to speak, I ask the plenary formally to adopt the report of Committee A.

*Report agreed.*

**The Acting Co-Chairman (Rt Hon Lord Murphy):**

Thank you. I commend the members of the Committee for producing such a thorough piece of work. The joint Clerks will arrange to send the report to the British and Irish Governments.

**Committee C (Economic)**

**The Acting Co-Chairman (Rt Hon Lord Murphy):**

We move on to the update from Committee C and the presentation of its report on revitalisation of our high streets. I call Joan Burton to present the Committee's report to the Assembly.

**Ms Joan Burton TD:**

Thank you very much. This was a very interesting undertaking, at a time when we are all conscious of the fact that shopping is changing and that many retailers face huge difficulties in traditional town and high street settings due to competition from online trading and other changes that have happened to business. I thank everybody on the Committee who had input into the report and was so positive about it. I also thank all the people who gave evidence to the Committee and told us stories about their cities and towns, the difficulties they faced and, in a number of cases, how they were helping to make a turnaround.

The Committee concentrated on a number of cities of significant size—Newcastle in the north-east of England, Dublin and Belfast—and some smaller towns, small city areas and coastal towns, including Newcastle in Northern Ireland and Stockton-on-Tees in the north-east of England. In terms of the Republic, I thank my colleague Mattie McGrath TD for bringing groups from Tipperary town, which has long been quite depressed from a high street point of view and is the capital of Tipperary. Newcastle in County Down, which is a seaside town, is a very interesting case study of a town that had been a jewel from the Victorian era on but had found the going much more difficult in recent decades. By coming together as a town and a community, along with public investment and support from both local councils and regional funding mechanisms, it has managed to change its situation significantly.

In terms of learning, the problems around the high street are well known. They include competition from out-of-town retail parks and online shopping; rates and the rising cost of doing business for small traders; access in and around town centres; car parking; and quite a lot of other things, including, at times, issues of antisocial behaviour and police presence in towns so people feel comfortable and safe.

The report makes 27 separate recommendations in three groups. The first group is practical action that local government, business groups and communities can take now to help the high street. It stood out that in some of the cities that had been significant recipients of Government support and had become business improvement districts or cities, such as Newcastle, that had been really helpful to get the ball rolling. The second group of recommendations feed into recommendations that may have been made at the level of national or regional Governments, who are conscious of high street issues as well. The third group deals with the whole area of regeneration and revitalisation, which most people in politics are pretty familiar with because they affect everywhere.

We set out a number of practical ideas from the case studies in the report. Obviously, quite a number of cities and towns have already adopted them; in other places, some of the ideas may be new, but I think everybody who participated in the study felt they learned something. For instance, it is important to take into account what nowadays is called experiential shopping. In other words, when you go to town to shop, you might not be doing a large family shop; you might be getting your hair or your nails done, or buying a particular item, perhaps for a wedding or another event. If you can tie that, along with some late hours shopping, into people staying in the town to have a coffee, lunch or dinner, and perhaps then, if it is later in the evening, going on to a show or some other activity, you really can extend the shopping day on a high street and make it both commercially oriented and sociable. A lot of better-managed large-scale shopping areas are moving towards that, and, in some cases, they are also developing small local markets for local producers and local services.

The other issue that came up time and again was making the high street attractive through planting and providing open spaces where people can safely sit down for a while, and just encouraging people to come in. I suppose the most conflicted area is the issue of public transport and car parking: car parking needs to be available if someone is making a big purchase, but public transport needs to be available too, including later at night.

All in all, while nothing here is new to anybody, there are some ideas that have been successful, which we hope can be passed on. Quite a lot of towns in Ireland came and told their stories through local retail organisations when we were in Dublin. We also had a great deal of advice from city councils such as Newcastle, Belfast and Dublin about what they had found worked.

**The Acting Co-Chairman (Rt Hon Lord Murphy):**

Thank you very much indeed. Are there any comments?

*4 pm*

**Connétable Simon Crowcroft:**

I have responsibility for St Helier, the capital of Jersey. We are very lucky in Jersey that we do not have competition from out-of-town shopping, because if you tried to do that you would just drive into the sea; there is nowhere else to go. Of course, we do have online shopping, with the ridiculous situation of increasing numbers of people ordering their groceries online. It seems to me that one of the effects of that, which perhaps is not talked about enough, is the inevitable increase in traffic, with short trips being made by vans, often to drop off fairly small items. I just wonder what knowledge you have of the growth in the haulage industry in that respect— at least until this is all done by drones, which is probably some years away.

Secondly—this relates to earlier comments about the effects of Brexit—our retail industry in Jersey is suffering the same problems with recruitment as hospitality and agriculture: people who used to come to the island to take up work in shops simply do not feel they are welcome. They do not feel they have a long-term future in a British destination. For retail, to invest is to invest in training, and in customer care in particular, which is vital to making the retail experience enjoyable and different from online. That is being cut off at the knees because there is not that supply of potential recruits.

**The Acting Co-Chairman (Rt Hon Lord Murphy):**

Deputy Burton, do you want to respond now?

**Ms Joan Burton TD:**

I think a lot of people will recognise what Simon says. You also have the issue in tourism areas of wanting to strike a balance between locals and tourists. However, by and large, in a lot of small towns in Ireland, the tourism is very welcome.

On the consequences of online shopping, particularly in terms of people having parcels and so on posted and delivered in vans, I do not think any detailed study has been done. However, certainly in the Republic, it has become a major new source of business for the post office,

because a huge amount of snail mail has just gone forever. Our post office has been very keen to capitalise on that, and a lot of its employment is going over to that.

Similarly, on training people for shop work, once upon a time there were apprenticeships in shop work. In fact, it is still an area where, in a lot of cases, somebody can go into an entry-level job and, if they are interested and relate to it, become a manager relatively quickly. However, if you want to sustain that, it would be helpful, particularly if there are a lot of migrant workers, for people to become qualified so the job they are prepared to take at 20 still has potential—if people want them to stay—when they are 30 or 40 and perhaps raising a family.

I would also say that a number of studies have been done worldwide, particularly in the US, on the effect of introducing a living wage. Contrary to what is said by people who argue against it because of concerns about wage increases, in the US cities that have adopted it, it has had no negative effect; in fact, it has created a more secure employment base. From that point of view, together with training and qualification, a living wage is quite helpful to achieving stability. Another problem facing high streets is a financial market approach to things such as stock market valuation for big companies. A lot of companies, such as the Co-op and Debenhams in the UK, have lost value because the market in many ways has just lost faith in the possibility of the regeneration of high streets.

This is a very complex issue, and I am sure a lot more will be written about it, but our relatively modest study sought to share experiences. If you can get local buy-in—if you can get local communities involved, if you can get local people and newcomers working in decent rather than grotesquely exploitative jobs and if you have a sense of community around it—it does seem that you can do an awful lot to bring people back to the high street. However, it requires a lot of co-operation, and it also requires investment, at either national or local level, through Government or regional or local councils. The councils also have to make a trade-off between the fact that the high cost of rates can be very inhibiting, particularly for start-ups, and the fact that rate income from businesses is obviously a very important source of funding.

**The Acting Co-Chairman (Rt Hon Lord Murphy):**

Thank you, Joan. I call Mattie McGrath.

**Mr Mattie McGrath TD:**

Thank you, Co-Chair. I thank Joan and the team, and everybody who was involved in this pretty exhaustive investigation. They were not able to come to Tipperary, but I thank them for meeting groups from Tipperary in Dublin. Tipp town has been very rundown and neglected for decades, and a lot of its issues were listened to and are in this report. The Government have since yielded and appointed a taskforce to look at Tipperary town specifically, but you could compare it to many rural towns in southern Ireland.

I was delighted to be able to attend Newcastle in County Down. The regeneration that has gone on there is spectacular. Obviously, there has been huge investment from both the national level, I think, and local councils. We met inspiring people who worked for the district council. Indeed, we moved on to Belfast as well; we had huge engagement there in City Hall and did a walkabout in the city centre to see the revitalisation that has gone on there. There are models and templates, and we need to look at them and perhaps apply them to areas of different sizes.



I was not able to go to Newcastle this side of the water—I didn't make it—but, again, it is very important to examine those places and consider the reasons for their revitalisation.

I thank the chambers of commerce and the different people who came from Tipperary, who told us honestly about their views and their concerns. A lot of it has been down to poor planning through the decades, with out-of-town shopping centres being granted planning permission. It happened in the United States and here in Great Britain, and we followed suit in our 26 counties. That caused the centre of town to be bereft of people and footfall, and there is then a huge problem to try to get tourists in and take out some of the parking spaces. We are looking at that in Clonmel at the moment, and it is very difficult, because the small businesses—the rate payers: the employers, the taxpayers, the VAT payers, who keep the vibrancy in the town centres—are under enormous pressure from online, as Deputy Burton mentioned, and indeed from the changing demographics. I have youngsters myself, and they are online all the time. It is so much simpler to shop online. I agree that, especially with the issues concerning climate change, there is an issue with the vans delivering things around the country. The big superstores are doing it as well. There are a lot of challenges, but the report is worthwhile reading and engaging with. I thank BIPA for undertaking it and look forward to seeing some positive ways of implementing some of the ideas in it.

**The Acting Co-Chairman (Rt Hon Lord Murphy):**

Thank you very much. Would you like to comment, Deputy Burton?

**Ms Joan Burton TD:**

I will just say something about one of the examples that is given. The rapid expansion of Amazon has posed a very big threat to traditional bookshops, but the point was made that where bookshops arrange things such as readings or small events that parents can bring children to, you can begin to rebuild in people the idea that visiting a local bookshop is something that is nice and pleasurable to do—you can rebuild that habit—and the shop is going to do better out of that. Buying all your books online does not offer you that kind of service or community orientation. It may be that we have reached peak online buying of books.

Local authorities and regional and national Governments should look at ways of supporting specific small businesses and start-ups. That should include hubs, because a lot of people, when they are starting up a business, work from a hub. That may involve repurposing high street premises, and there are a number of examples of that in the report.

**The Acting Co-Chairman (Rt Hon Lord Murphy):**

Thank you, Joan. I call Linda Fabiani.

**Ms Linda Fabiani MSP:**

Before I come to my substantive question, let me make a quick comment about bookshops. Like with so many other things, there are always unintended consequences. The comment about bookshops sounded really interesting. Yes, have events and have families along, but it strikes me that that may end up in a bookshop being in direct competition with a local authority library that is trying to get people to come along and read with their families. Certainly in my area, the library opens late at night for people.

I just wonder sometimes if we do not recognise that times are changing. While some of these initiatives are wonderful and I can see that, in specific places, they can work, no Government or local authority has the funds to do that everywhere, and it is not going to happen. I wondered whether there was a recognition in some of the evidence the Committee took and among some of those who wrote the report that times are very different. Young people in particular do most of their shopping online. You go into shops now and young people working there say, “Oh, well, you’ll maybe get it online.” Times have changed. Was there a recognition that, in some cases, town centres have to change as well, that they are going to become more service oriented, and that perhaps local authorities and public agencies should start thinking about siting their own services in smaller units in town centres rather than in monoliths on the edge of town?

**Ms Joan Burton TD:**

I would not disagree with any of that. However, this requires us all to think and, in a lot of cases, to make personal choices to use local businesses and local services rather than just automatically to start pressing buttons and ordering online.

**Senator Paul Coghlan:**

Forgive me, Co-Chair. Do I understand that we are taking items 10, 11 and 12 together? I was caught on the hop. I wanted to make a comment on the report of Committee A, but I was outside the door, thinking that that would not come until 4 pm.

**The Acting Co-Chairman (Rt Hon Lord Murphy):**

We have already done Committee A.

**Senator Paul Coghlan:**

Are you taking items 10, 11 and 12 together, then? The report is on the Programme of Business under item 11, you see. I wanted to make a brief statement and to compliment Deputy Declan Breathnach, who presented the report, I gather.

**The Acting Co-Chairman (Rt Hon Lord Murphy):**

Paul, if you want to make a comment, make a comment.

**Senator Paul Coghlan:**

Thank you. I will make a very brief comment with regard to Crossmaglen and South Armagh. I compliment Declan. I was one of the four rapporteurs. There is a problem in—

**Mr Cathal Boylan MLA:**

I think I will leave the room at that point.

**Senator Paul Coghlan:**

And Cathal—forgive me, Cathal.

As we know, there are particular problems in Crossmaglen and South Armagh. As was mentioned in the report, all the CCTV cameras that were erected there, bar the two on the police station, were broken beyond repair. The police there are sparse. They cannot patrol unless they are in patrol cars. Essentially, policing in Crossmaglen and South Armagh is not pro rata with the rest of the North. We talked about smugglers earlier, and God forgive me, maybe some of my own people—cousins—are involved, for all I know. We have to face up to the fact that these people in that area are pretty much able to carry on with impunity. That is what I wanted to say. I compliment Declan and my other colleagues on Committee A very much. Thank you, Co-Chair.

**The Acting Co-Chairman (Rt Hon Lord Murphy):**

Thank you, Paul. Declan, I know you will have taken that into account—especially the compliment at the end.

**Mr Declan Breathnach TD:**

I omitted to thank the various officials who helped with the report.

*4.15 pm*

**The Viscount Bridgeman:**

Deputy Burton, you mentioned bookshops. I confirm that the quality ones do provide these marvellous facilities, such as for children. Those additional services are not available to the vast bulk of retailers, and Amazon seems to be absolutely unstoppable. Retailers had the advantage of saving on postage, but Amazon has now solved that with Amazon Prime, which means tiny items can come with no postage. Its progress is unstoppable. Will you comment on how that is affecting the cities in your report?

**Ms Joan Burton TD:**

It is self-evident that Amazon is an enormously powerful retailer. I suppose it was known initially for books, but now you can buy anything bar the kitchen sink from Amazon, and it is also taking on the role of supplying to companies. It has become vast.

The high street is a public open space, so we need to imagine how to repurpose it and make it events and experience-oriented. That may involve Christmas lights, a spring festival or attractive flowers, but it should be a place that somebody wants to go, maybe bringing their family with them, perhaps to do a small bit of specific shopping or even for a special occasion rather than to do a traditional big shop.

That is certainly one of the areas in which the high street has potential, whereas the online experience is simply a singular experience, where you order whatever you want to order and it then either suits you or does not, in which case you have the hassle of sending it back. A lot of retailers now allow you to collect your online stuff in the shop so you can try it and send it back. It can be quite complicated to send it back. Certainly, the high street has a problem, but good planning can make a difference. That is what the stories in the report say. Also, you have

to revamp areas every so often, and you have to have good service. The combination of those things is what becomes attractive.

**The Acting Co-Chairman (Rt Hon Lord Murphy):**

Thank you. I call Senator Ó Donnghaile.

**Senator Niall Ó Donnghaile:**

Let me start by saying that it would never be like me to try to call out my esteemed colleague, Senator Coghlan, but we need to be careful when referring to Committee A's report, because they are valid points to make. Smuggling happens along the length of the border and on both sides of the border, so we need to be careful that we do not saddle one area or community with that. A lot of good work happens in Crossmaglen and other areas to try to tackle and face down people who inflict crime on those communities. I think that is an important point to make.

On Committee C's report, I want to add a word of thanks to our Chair, Deputy Burton. One of the things we found was that, while there is a deficit in terms of powers needing to be as close to the ground as necessary to deal with all that, there was a universal acceptance among Members and all the people we met that the nature of high streets and how people shop has changed fundamentally. However, we also found, right across the board, that when there was a collaborative approach and a willingness to think creatively and construct creative initiatives, that had a tangible impact on our towns and cities, and it had evolved beyond the issue solely of retail into tourism, into animating spaces and into cultural and tourism activities.

In Belfast, rather unfortunately, it took the experience of the fire in the Primark at Bank Buildings to pull together around the table that kind of collaborative approach to animate and draw people into the city. In some instances, footfall in Belfast city core was down by about 60% in the period immediately after that fire. I suggest to colleagues who are interested in this field and are working with partners and stakeholders in it that what we should try to take from the report is the idea that we should not necessarily wait for the emergency or the event to happen but use best practice experience to stimulate town centres and city centres while we can.

**The Acting Co-Chairman (Rt Hon Lord Murphy):**

Deputy Burton, do you want to comment on that?

**Ms Joan Burton TD:**

Just to thank everybody for their co-operation. I thank in particular the groups, the town planners and the leaders of various projects in different cities, including the friendly people—they are called different things in different cities—who are there to help and perhaps guide visitors, but also simply to be a friendly face and perhaps to turn around the reputation of an area that has suffered a bit. That is something we can do.

We did not have time to look at this area, but on younger people and shopping, what they do like is markets and the feeling of having €20 or €50 to spend at them. Okay, adults may think they are buying rubbish, but they can have a bit of a free wander around and it is a growing-up experience, so that certainly has a lot of potential. A lot of city authorities, certainly in the

Republic, including Dublin, can be extremely negative about markets, whereas Christmas markets will be doing a huge amount of business right around Europe in the next eight weeks. Important though it is, the level of market trade is very low in the UK and Ireland compared with continental Europe. Perhaps, Co-Chair, you will recommend that we should all go to a Christmas market—or at least those of us who still shop. It is notable that that area of trade has really picked up. Of course, a fair amount of it is tourism, but it is pretty popular.

Let me say one last word. When I was in Government after the terrible crash in Ireland, one of the ideas that came forward was to market the west coast of Ireland as the Wild Atlantic Way. It is exactly the same west coast as it was before the marketing, but the year after it started, I was at a St Patrick's Day event in either New York or Chicago and people said to me, "I'm going to do the Wild Atlantic Way." I thought to myself, "This has really, really caught on"—and so, in Ireland, it has proven. It has not replaced other economic problems, but it has been an enormous boost generally. It has also boosted green tourism, in the sense that initially it was a car-driven experience but now increasingly it is about creating greenways along the Wild Atlantic Way where people can safely walk or bike. I think the UK is ahead of Ireland on that, but it has proven to be extremely helpful and regenerative to a lot of the small towns along the way, particularly in areas such as Donegal, which have not been attracting large-scale investment by businesses, for a variety of reasons. It has been really helpful as well to Derry and the area beyond becoming very much a weekend holiday destination; again, it has a little bit of that to it. I do think there are positives out there, and I encourage colleagues to have a look at them and to share our experiences. Perhaps we can make improvements for different communities.

**The Acting Co-Chairman (Rt Hon Lord Murphy):**

Thank you. I have inquired with the Clerks whether the Steering Committee should consider a visit to the Munich Christmas market, but I think that would be a bit out of order. That is the best recommendation of the day, though.

Can I ask the plenary to formally adopt the report of Committee C?

*Report agreed.*

**The Acting Co-Chairman (Rt Hon Lord Murphy):**

That is agreed. I again commend the Chair and the members of Committee C for their work on completing the report. The joint Clerks will arrange to send it to the British, Irish and devolved Governments. I think the last hour, in dealing with the reports of the two Committees, has shown where the detailed, comprehensive work of this body is done: in the Committees. I again commend both Committees for their work. We need to do some technological set-ups for the next session, so I suggest that we take 10 minutes or so to have a cup of coffee.

**The Co-Chairman (Mr Seán Crowe TD):**

Just before you go, we had a discussion at the Steering Committee about the reports, which we feel are not being utilised enough. We are keen for people to go back to their various Parliaments and Assemblies and feed these recommendations into the enterprise committee or whatever, so this work does not just happen in a bubble but is structured, and so reports that have had a lot of work put into them and contain really good ideas are not just left on a shelf.

Perhaps people could put their thinking caps on, bring these recommendations back to their own areas and try to develop them in their own regions, Parliaments or Assemblies. Would people be up to that? [MEMBERS: “Hear, hear.”] There will be more Committee reports tomorrow, so, again, let us start doing that and start thinking strategically. Thank you.

*The sitting was suspended at 4.27 pm.*

*The sitting was resumed at 4.45 pm.*

4.45 pm

## **NORTHERN IRELAND CHANGE AND DEMAND: IS ANYONE LISTENING?**

### **The Acting Co-Chairman (The Lord Dubs):**

In Andrew Rosindell's absence, I have been asked to take the chair for this particular session. You probably know that the MPs have had to rush back to Westminster, and then they heard, having left here, that there is going to be no vote in the Commons. But there we are, that is politics at the moment; the Speaker did not allow the full debate today in the Commons. So, they need not have gone, but they had to go because they did not know that in time.

It is my great pleasure, now, to chair this session. We are going to have Dr Claire Pierson, Lecturer in Politics, and Professor Peter Shirlow, Director and Chair of the Institute of Irish Studies, University of Liverpool address the Assembly and respond to questions. I suggest we have both presentations, one after the other, and then we can take the questions in one go.

I should say I heard Peter Shirlow at the British-Irish Association and it is on the basis of the presentation he gave there that I was anxious that we should have a chance to hear him here. I am sorry, Claire, I do not know what you are going to say, so I cannot give you that same sort of build-up, but thank you very much for being here—over to you. *[Applause.]*

### **Dr Claire Pierson:**

Hi, thank you. Thanks very much for inviting me to speak. I am going to give a very brief overview of issues of gender-based violence, and then I would welcome any questions you have from that.

For me, gender-based violence takes three main forms in Northern Ireland. We often de-link it from issues to do with conflict and peace building. The three areas I am going to discuss are domestic violence, sexual violence and reproductive violence, which I would conceptualise as lack of access to abortion and the state restricting abortion access for women.

If we look back to when reporting of domestic violence started in Northern Ireland, in 1995, there were 6,000 incidences reported; if we look to last year's statistics, it was around 30,000 incidences. So, although we might not think the increase in domestic violence is a positive, it is unlikely that more domestic violence is happening, but more is being reported, and that is a positive. That can be attributed to several things, firstly that more people feel confident in the police in terms of reporting. In particular, women in Catholic and nationalist republican areas report that they feel more confident in terms of actually reporting violence to the police. So, there is more trust in policing and justice responses but there also are still issues with how the police respond to violence and how women can report gender-based violence.

In some research I have undertaken on domestic violence, a small-scale study with women's groups in west Belfast, many women reported that when they had reported domestic violence their partners had then been recruited as informants to the police. Whether this is mythology that has been built up around the police and domestic violence or whether it is true, it will report

women's ability to report domestic violence if they think there is going to be any sort of response from the police.

Another is a legacy of paramilitary control. Many women in studies have reported that their partners have either said they have links to paramilitary groups or factually do have links to paramilitary groups and have used this to stop women reporting domestic violence to the police.

If we look at how we have responded to domestic violence, we are quite behind the rest of the British context. We have only had domestic violence disclosure schemes, where you can ask about a partner's history of domestic violence, being introduced last year, and we still do not have legislation for coerced control. Many women have reported that non-physical acts of domestic violence are dealt with much less effectively by the police. I have quotes from research that say if you do not turn up with bleeding wounds you are not going to get a positive response. And we know from the lack of sitting of Stormont that funding for domestic violence services has been highly reduced.

I am going to talk a little bit about sexual violence. In terms of reporting rates to the Police Service of Northern Ireland (PSNI), we have seen a gradual increase year on year. Again, this is not necessarily a positive thing, but it is unlikely that there is more sexual violence happening but that women feel more confident reporting sexual violence.

However, one of the big blockage areas is between reporting and actually getting to court and getting a positive outcome. Of 820 reports made to the PSNI in 2016-17, only 15 people were actually convicted of an offence. That is a 1.8% prosecution rate, which is incredibly low.

The Gillen Report that was undertaken last year into sexual offences in Northern Ireland points out that, on average, a sexual assault prosecution will take twice as long as any other prosecution. So, it is, on average, 1,000 days, as opposed to 500 days for other serious crimes. There is a large-scale drop-out rate between reporting and getting to prosecution rates. Almost half of the people who report sexual offences drop out at some stage along the prosecution procedure.

Our conviction rate for sexual offences in general is falling, from just over 70% to around 60%, and one of the things that is pointed out quite strongly in the Gillen review, that is quite specific to Northern Ireland, is attitudes towards sexual assault and attitudes towards rape in particular. If we look at the Convention on the Elimination of Discrimination Against Women (CEDAW) Committee investigation into Northern Ireland's abortion laws, one of the things it pointed out was that Northern Ireland has incredibly poor sexual health education in schools, with it mostly being provided either in religious education or by religious groups, and one of the key recommendations is to improve Northern Ireland's sexual health education. I would argue that would also contribute to destigmatising and countering these myths against rape and sexual assault.

We also have the problem that in the last year we had a high-profile rape case, which has been referred to in the media as the Ulster rugby rape trial. How that case was reported in the media and how the complainant was treated during that trial potentially will put more victims of sexual assault off reporting any incidences of the crime.

The final thing I want to talk about is reproductive violence, in terms of legal reform of abortion and access to abortion. This is something that is ongoing right at this minute, so I can only give



you some potential indications. If we get through today, it is likely abortion will be decriminalised. There is a lot of mythology around decriminalisation. This idea that it will mean some kind of free-for-all in terms of abortion access: it will not. It is a very grey area in terms of where we are now, but if abortion is decriminalised, it is likely there will be a consultation period. Within the consultation period, it is likely the majority of women will still have to travel to England and Wales to access abortion but will have this paid for them, their travel and their booking made for them, and potentially, in cases of foetal anomaly and sexual crime, abortion would be able to be provided in Northern Ireland. It will still be regulated – decriminalisation does not mean deregulation – by the Royal College’s guidelines on abortion and also the National Institute for Health and Care Excellence guidelines.

I would argue that no matter what happens with decriminalisation and the ongoing consultation, we need to bear in mind that there is widespread public support for abortion law reform. Abortion will continue to happen. Women will continue to travel, around a thousand per year. We will see the stop of prosecutions, which served very little public interest. I think with the consultation procedure we need to bear in mind issues that we have seen in England and Wales, things like protests outside clinics. We see that in Manchester and in London, in Ealing. This can restrict access to abortion and also issues of clinical guidance and clinicians refusing to perform abortion. So, though we may see decriminalisation, we may have a lot of issues with women being able to access abortion safely and locally within Northern Ireland, and I think that has to be a key aspect of any reform procedure and any consultation procedure.

The key takeaways for me are that we need to look at gender-based violence more holistically in Northern Ireland, in particular with regard to our conservative gender roles and gender stereotyping, and also the legacy of violent conflict and what that brings to gender-based violence. I think the positives to take away are that people are more willing to report this crime, it has been destigmatised, but there is a huge blockage in getting positive justice outcomes for people who have been victims of gender-based violence and there is also a lack of will to comprehensively deal with issues of gender-based violence. Thank you. *[Applause.]*

### **The Acting Co-Chairman (The Lord Dubs):**

Thank you very much. We will take questions after we have had the second presentation. I know they are different, not on the same theme, but I think we can handle that and it would be fairer to our colleagues who are doing the presentations. Peter.

### **Professor Peter Shirlow:**

Thank you very much. As Alf said, this is a presentation I did at the British-Irish Council, and Senator Marshall was very kind to invite me to the Senate last week and I did the same presentation. I do have more than this; I have other presentations. This will be the third time Ian has heard this and the second time Alf has heard it, so either it is very good or I have found a cure for insomnia. *[Laughter.]*

I think what Claire has just spoken about is really important, and it is what I want to talk about as well. It is how do we start to use evidence to frame debates in Northern Ireland?

Brexit has really thrown into sharp contradiction a lot of contentions and a lot of suppositions which I do not think are as evidential as they seem. In the last two weeks, for example, we had an article two weekends ago: loyalists are going back to violence because of the backstop. This

was based upon an interview with somebody who said they had heard that from somebody else. The week before, we had an article in the press saying loyalists were starting to support a united Ireland. This was based upon a sample of one person. So, we have academia, we have parliamentarians, we have a Civil Service, we have vast amounts of data and analysis that we have to look at, and I think it is critically important.

For those of you who were in Liverpool in 2016, this was the first iteration of this data and this is the most recent version of it. What I want to do is go through this survey that we have done. They are conducted after elections, they are conducted across Northern Ireland and they are conducted in households. The whole basis of those surveys is to test social attitudes, the constitutional question and attitudes towards the Assembly et cetera.

I know Republicans talk about a new Ireland and I know people talk about a new Northern Ireland, and I think one of the things we really have to have confidence in is that the Good Friday Agreement has most certainly delivered a generation of young people who, if we remove the constitutional question, are on the same page socially. So, there have been significant important developments that have come out of the Good Friday Agreement, which you would expect when you take away violence. When you take away militarisation, it creates a different sense of movement and social mobility.

The key thing I really want to get across today is that Northern Ireland is not a dysfunctional place, it has dysfunction. There are lots of people who are involved in cultural activities, economic activities and intercommunity activities. We recently mapped an exercise and found 10,000 intercommunity projects in Northern Ireland. There is a big significant shift that has taken place in this society, so here is the evidence for that.

One of the problems, of course, is that in a society like ours, which is based upon conjecture, we know that when information is lacking it will gladly fill in the gaps. So, how do we use evidence to start to get beyond conjecture? How do we get that to start to frame more positive debates and conversations?

I have set this up as a series of questions, because what these are reactive to is what we hear in the census. In our last census, in 2011, there was a lot of talk about demographic shifts in Northern Ireland. Between 2001 and 2011, what was the major demographic shift in Northern Ireland? Does anybody want to hazard a guess? Anybody? The growth in the ...?

**Ms Joan Burton TD:**

Non-believers.

**Rt Hon the Lord Bruce:**

More secular.

**Ms Joan Burton TD:**

Secular.

**Professor Peter Shirlow:**

Secular. Our media told us that the biggest shift in our society was the shift in the Catholic population, the Catholic population had grown, so playing upon this scare-fear-type commentary that basically the Catholics were outnumbering the Protestants. One of the things that was never mentioned in our media, and you will see it here at the bottom, is nearly a third of a million people in Northern Ireland registered themselves in 2011 as not religious. Sixty-seven per cent of those people are Protestants. So, there is a major process of secularisation taking place in our society. In 2001, it was a quarter of a million, 10 years before that it was about 110,000, so this is increasing massively throughout each of these census periods. So, the media told us it was Catholic growth, but the reality was it was actually the major process of secularisation.

One of the things we do in these surveys is to ask people to give us their religion, their background. So, even if they are secular, we still get them to tell us what they were brought up in, what they would be thought to be brought up in. One of the things that comes across here very clearly, if you look at the first table, which is Protestants, is 85% of Protestant voters see themselves as Unionist. Now if you go over to far side and look at young Protestant non-voters, of young Protestant non-voters, which is the majority of the Protestant electorate who are young, under the age of 40, 45.7% stated that they were not Unionist.

*5 pm*

So, one of the things that is happening in our society is that young people are starting to not use these labels 'Unionist' and 'Nationalist'. If you go to the table below, you will see exactly the same, third row down, far corner: 55.6% of young Catholic non-voters stated that they are not Nationalists. They do not use the label 'Nationalist'. So, there is another significant shift that is taking place in our society: younger people are tending not to use these labels, the labels of their parents.

Between 2010 and 2017, did voting among the under-40s grow or fall?

**Mr Mattie McGrath TD:**

Fall.

**Professor Peter Shirlow:**

Everybody says young people in Northern Ireland are voting less. In our table, which you will see here very clearly, the blue line between our survey in 2010 and 2017, the biggest change was the increasing growth in young people voting. So, yet again, many of these myths, these questions and these issues – the Catholic population is outstripping the Protestant population, young people are not voting – what you are actually finding is that young people are increasingly voting.

One of the things we are also told in our media is that in Northern Ireland we are tribalistic, we have this tribal politics, and all of that drives our emotions and our desire to vote. So, the people who vote in Northern Ireland, are they people with degrees or are they people without degrees? Are they high, qualified, professional people who are voting, or is it low, unskilled communities that are voting? You are all getting very afraid to answer now, aren't you?

*[Laughter.]* As somebody said at the talk at the Senate, a colleague of Ian's, 'I got every single one of these questions wrong.'

What actually is happening is increasingly, as you can see very clearly, the people who are voting most, the red line and the purple line, are people with degrees. Amongst young people in Northern Ireland, those who vote most are young people who have jobs and young people who are highly qualified. So, this idea that Sinn Féin and the Democratic Unionist Party (DUP) are made up of working-class communities, those from deprived backgrounds, is increasingly untrue. Both of those political parties are increasingly capturing a middle-class vote. In this survey, what we also found was 45% of DUP voters support marriage equality. So, these political parties are catching much more than we assume. Sometimes, if you look at political Unionism, it is very out of step with the community that it represents.

Are more Protestants voting or Catholics voting? I will save you the embarrassment of getting this wrong: more Protestants. I thought I would swap the orange and green around for it. The green line is young Protestants and the yellow line is older Protestants. If you look at both lines, between 2010 and 2017, what we are starting to see is many more young Protestants voting and we are also seeing a return to older Protestants voting, and if you look at those who are deemed Catholics you see a decline in both. So, yet again we are told the Protestant community is alienated, the Protestant community is disaffected and the Protestant community does not engage in politics, whereas this survey gave us something which is actually very different.

In this table we looked at people who voted, by their identity. Seventy six per cent of people who said they were Unionist voted, compared to 23% who said they did not vote. Look at the 'neither' camp, those who do not choose the label of Unionist or Nationalist. Thirty seven per cent of those who are 'neither' voted compared to 62% who did not vote, so the identity dimension still has a major impact upon drawing people into the ballot box. If you look at the sample of those under the age of 45, you see exactly the same trend. Sixty nine per cent of people who do not consider themselves to be Unionist or Nationalist did not vote. So, although people are not using the labels Unionist or Nationalist, up until the most recent election that was something which was still important.

One of the things that is important, I think, to understand is we are constantly told the Unionist community is the conservative community, the Unionist community is against change, the Unionist community is against social-liberal attitudes, and I want to go through and look at that in some detail.

With regard to integrated education, which is the mixed-religion school, if you look at the bottom of this table, the people who most support mixed schools are young Protestant non-voters, young non-voters, young Catholic voters and young Catholic non-voters. The people who are most opposed to integrated education are Sinn Féin voters, older Catholic voters and older Protestant voters. As we go through the data – here is the sample, here is the average: young, young, non-voters, young people, young people, young people, young people – increasingly the divide in Northern Irish society is a generational divide. What we are starting to see is young Protestants and young Catholics, on these issues, on the same page. When is that ever discussed or analysed or debated within Northern Irish society? That is a major social revolution that is taking place within the society in which most of us live or are interested in, which seems to be completely unaccounted for.

To continue this issue about social issues, a mixed marriage is someone like me. My wife Oonagh and I got married in 1993 in a Catholic church. When the altar boy rang the bell, the Protestants all ran out because they thought it was last orders. [*Laughter.*] When Oonagh and I got married in 1993, it was roughly 8% of marriages in Northern Ireland. It is hard to measure that now because people do not get married, but they are in long-term relationships, so we reckon now it is close to a quarter of long-term adult relationships that are across the sectarian divide, another significant change. We reckon about a third of kids in school are from mixed backgrounds or immigrant backgrounds. A big demographic shift has taken place.

So, yet again, on would you mind marrying somebody from across the sectarian divide, everybody is supportive but the groups that are most supportive are young Protestants and young Catholics. People are socialising and engaging in ways they never did. It is not the reality that we once had, when the first time you met Catholics or the first time you met Protestants was when you went to university. You meet them now in all sorts of social remits. Look at the whole cultural condition that is Belfast. Pride is a massively important cultural event within Belfast. You cannot sectarianise LGBT issues. The Culture Night in Belfast: 40,000 people engaging in Culture Night from all traditions and backgrounds. So, there is a desegregation taking place in Northern Ireland. It might be a physical desegregation, but clearly it is a social desegregation.

On same-sex marriage, yet again the average is 54% in favour of same-sex marriage, and if you go down to the bottom and look at the communities in which there are at least two thirds who support same-sex marriage: Sinn Féin voters 18 to 40, young Protestant non-voters and young Catholic voters. If you look at the average above 54%: younger, younger, younger, younger, and younger. This is the point I am making about this major generational divide that is taking place, and it is a major generational divide which is desegregating cultural and identity issues. We need to get engaged with this. We need to support this. As parliamentarians, we need to emphasise this. We need to encourage this type of society which is evolving.

On abortion, yet again, the groups that are most supportive of abortion are young Protestants and young Protestant voters. The same thing again, generational divide, that comes across very clearly in the data.

One of the issues, of course, and I think it is interesting, is the question of the constitutional future. This throws up a lot of interesting diversity, especially within the Catholic community. If you go to Protestants, 90% of Protestants who vote say they want to stay in the Union. If you go to Catholics, the biggest group are 56% who want to be in a united Ireland. But if you look at the Protestant community, it is pretty consistent. It is 90% who want to stay in the Union, a few who want unification and then those who do not know, or those who refuse, and a small group who say 'other'. If you look at the Catholic community at the top of the first table, there is so much diversity of opinion there.

If we go to the second table, which is non-voters, and we factor in young people, what you find is that amongst young people there is a slight decline in support for the Union. It goes from 90.5% down to 85%. If you look at young Protestants who are non-voters, you will see there is a slight growth in those who want a united Ireland. It is 4.9% compared to 2.8% amongst voters.

Look at the Catholics table. Go to the second one down in red. There are actually fewer young Catholics who support a united Ireland than there are older Catholics who support a united

Ireland. What you have in that finding, which we have found in all three surveys we have done, is there is actually a young Catholic population who are less supportive of a united Ireland.

Whether you believe this or not, this is what the data tells us, this is what the data shows. There is some of this data which is very disturbing. One of the most disturbing aspects of this data was that 53% of Protestants and 52% of Catholics believed that immigrants did not make a positive contribution to Northern Irish society. That is a dissimilarity we do not really want to be in bed with, but we have to acknowledge that this is also within the data.

I am going to be very brief, Alf. One of the things we were told was that Brexit was going to be a game changer; Brexit was going to change society. This was the steamroller. The civic nationalism would mobilise, the Protestant community would start thinking about unification and they would look at the consequences of what was happening. If we look at that across these three elections, what you actually find is the following. The biggest change electorally has been the rise of the Alliance, People Before Profit and the Green Party. They have increased from 49,000 to, at our most recent council election, 101,000. They increased by over a hundred per cent. In that same period, 2011 – it is basically a decade we are looking at here – the total Nationalist Republican vote grew by 6,000. What we know is that in every year more Catholics joined the electorate than Protestants. This is not academic surveys; these are electoral results. If we look at these electoral results, we actually see that the total Republican Nationalist vote has grown very, very slowly. If we look at the total Unionist vote, we will see it has declined, not that significantly but it has declined.

So, we go to our most recent election, and this is where I think this conversation that Brexit is a game changer, we are going to have a different society, we are hurtling towards a united Ireland, the train is leaving the station. If you actually look at the last election result in terms of first preference votes, Sinn Féin lost a fifth of their first preference votes. If Brexit is a game changer, then why did that not ...? And, sorry, Cathal, this is not a point-scoring exercise; this is the data.

**Mr Cathal Boylan MLA:**

We are listening very carefully.

**Professor Peter Shirlow:**

Yes, that is very good, but it is not a point-scoring exercise. This is what the evidence is telling us. You can imagine what that evidence means on your own, but if this is the game changer, why is the Republican and Nationalist vote going down? Why did it go down? I think it is to do with the no Assembly, I think it is to do with the issue of politics, I think it is to do with other factors and other issues, but look at the change that took place in our society. The Alliance Party, in the European elections, grew their first preference votes by 138%. That is a cross-community vote, and I think what it suggests is evidence that our survey is right because there is increasingly a younger generation who are looking for issue-based non-identity politics. This is the first time in over a generation that we are starting to see swing politics in Northern Irish society, and I think the evidence from the survey shows us that is going to happen.

So, just to finish off, all circumstances may change in the blink of an eye. People change at a slower pace. Even motivated people who welcome change often encounter stumbling blocks that make transformation more complicated than they originally anticipated.

At the end of the day, there is only one show in town for Northern Ireland. It is the Good Friday Agreement. We must deliver parity of esteem and mutual respect. It is critical. If you are a Republican, Northern Ireland has to be a functional place to make it attractive to southerners. If you are a Unionist, Northern Ireland has to be an attractive place to make it attractive to sections of the Catholic community to vote with the Protestant community to keep Northern Ireland within the Union. Both of our main political groups have to have that objective. They may have a different desire for a different outcome, but that has to be the objective, and where this is critically important is that issue of parity of esteem and mutual respect.

The data is telling us very, very, clearly that the sectarian relationships that Ian and I grew up in, and Cathal grew up in and Niall grew up in, are changing. The nature of marriage is changing, the nature of socialising is changing and the meaning of culture and identity is also changing. We need a politics which is fit for purpose to understand these changes that are taking place in our society. Thank you. *[Applause.]*

**The Acting Co-Chairman (The Lord Dubs):**

Right, well, thank you very much for that. They were certainly controversial, those presentations. There is plenty to get our teeth into, so I would welcome comments on both the presentations. We will take a few questions together and do it that way, so please show with your hand if you want to be called. Reg Empey.

*5.15 pm*

**The Lord Empey:**

Could I ask about the first presentation, from Claire? I did not quite catch it in time, but she said that there was a societal issue about rape in Northern Ireland that was different from elsewhere, or that there was some kind of a social issue around it. I did not quite understand that, why it would be and what the nature of the difference is.

**The Acting Co-Chairman (The Lord Dubs):**

I think maybe we should take them question by question, because they may be different. So, in contrast to what I said, one at a time for answers. Please, go ahead.

**Dr Claire Pierson:**

Yes, the mythology around rape, or the conservative attitudes around rape. Some of the examples that were given were that rape cannot happen in marriage, that what a woman wears or how much she drinks has an effect on whether she can be raped or not, or that someone's sexual history has an effect. These are taken from qualitative and focus groups with different groups of people around Northern Ireland. I would say they do exist in, obviously, England, Scotland and Wales as well, but it was highlighted in particular in the Gillen review that our sexual health education is lacking, and that may be contributing to this mythology around rape or people's understanding of consent in sexual relations, if that makes sense.

**The Acting Co-Chairman (The Lord Dubs):**

I have got a list here: Delyth, Ross Greer, Linda Fabiani, Malcolm Bruce and Simon Crowcroft, in that order. If there are any more, just wave your hands.

**Ms Delyth Jewell AM:**

Thank you. I wanted to commend both of the speakers for really fascinating presentations. My question is also to Dr Pierson. You were talking about, I guess it is not quite a paradox, the fact that reporting rates are going up but at the same time prosecution rates are not going up, so there is almost this gap in the middle where there are a lot of women who, as you were saying, either drop out and do not carry forward their cases, because they lose confidence, presumably, or they are less likely to report because they see the prosecution rates are not going up. How would you think we can support those women who are falling down and being let down by the system because even though reporting rates are going up, there is still this frustrating gap?

Just on another very quick point, I have been involved in introducing the coercive control legislation for Wales and England. What would be the process to encourage a situation whereby that similar legislation could be introduced in Northern Ireland? Thank you.

**Dr Claire Pierson:**

Obviously it is impossible to say what the reporting gap is, because if people do not report, how do we know? But I think in terms of trying to close the gap, and I think this exists throughout the UK as well, is potentially to begin, firstly, destigmatisation. In particular with sexual assault, there is a huge amount of stigma around reporting. In particular with sexual crime, I do not think there is an easy answer. Those cases that reach the evidentiary burden to be passed to the Public Prosecution Service (PPS) are under half. Also, the huge amount of stress involved does mean that people do drop out in large rates. One thing that has been suggested is claimants or victims do not have the right to legal support provided by the state, and that may be one way of actually increasing. If people understand the legislative process or the prosecution process, they may be more likely to stay engaged within it. So, that could be one answer.

With regard to coercive control, hopefully that would become a part of the UK-wide Domestic Violence Bill that potentially might be passed, so Northern Ireland could be included within that. I do think we need to take account of the fact that we have a legacy of violent conflict and paramilitary groupings and that coercive control may have different outcomes in Northern Ireland; potentially, if the legislation is UK wide, that is not possible, but with regard to how it is implemented in policy.

**The Acting Co-Chairman (The Lord Dubs):**

The next is Ross Greer.

**Mr Ross Greer MSP:**

Thanks. I have a question for each, if you do not mind, so I will try and be very brief. Claire, it was really interesting what you were saying around sex education, and consent in particular. This formed part of a major inquiry we did around Personal and Social Education in Scotland.



The only data point we really had I think was a Terrence Higgins Trust survey of young people across Britain that found 75% had gone through sex education without any consent education, and anecdotally that seemed to be the same in Scotland, that about 75% was probably right. We did that during the period of Me Too, the Harvey Weinstein revelations, and it actually turned out to be very powerful. We essentially were pushing at an open door and we now have a government commitment that over the next couple of years we will get to a place where every young person in Scotland gets consent-based sex education. I am just interested in whether this was on the Assembly's agenda at all before the last couple of years.

Just very briefly for Peter, what you were saying around the assumptions off the back of the Brexit vote, about what that would do to a united Ireland and its prospects, that parallels exactly with the case in Scotland, where everyone on both sides of our debate just assumed that the Brexit vote would push support for independence up. It did not do that. Well, it did that marginally, but what it has done is push quite a substantial number of people into a place where they are considering it, so they do not identify as yes voters but they are open to the prospect of independence now in a way that they were not before. I was wondering if you have much in the way of data around people who would not say, if they were handed a ballot tomorrow, that is what they would vote for, but they are now genuinely open to the idea.

**Dr Claire Pierson:**

In terms of sexual education, around 70% is provided by a group called 'Love for Life' in Northern Ireland, which has been, in the past, definitely an anti-LGBT group; they are not so prominent about that now. They are definitely anti-abortion, and they are abstinence-based sex education, which is not particularly realistic. The first piece of research I have read on this was from 1996, when I was at school, and in those 20 years we have not seen a huge progression in terms of our sex education.

**Professor Peter Shirlow:**

We are basically doing this survey for the next election when we have collected other data, and the one thing that comes out of these surveys over and over again is if you are Protestant, people who are pro-Union are pro-Union. I know I have evidenced in some of the young Protestant non-voters a slight growth. But it comes back to what is actually the bigger problem, which is we are not actually debating the constitutional question the way that we should be. We are debating the constitutional question through conjecture, so Brexit is the train that will leave the station and will carry us to this destination. How would you know that? How would you know what the Protestant community thinks or what the Unionist community thinks, unless you talk to them? The Union, and Unionism, has been very poor at selling the Union. There are reasons why people are pro-Union, and they are not just reasons of being anti-southern or anti-Republic. You have the National Health Service, people are embedded in the state in terms of their jobs et cetera. There has been no evidence that I can find in the last survey, that was done last year; the YouthLife and Times Survey found the same findings amongst young Protestants, to stay in the Union, and around 20% of Catholics –

**The Acting Co-Chairman (The Lord Dubs):**

Could you come nearer the mic, please?

**Professor Peter Shirlow:**

The point I was making is if you look at the most recent survey, the Youth Life and Times Survey, you get exactly the same as we get. So, the Unionist community is solid, there has not been any decline in that in terms of constitutional choice, and within the Catholic young population there is still that 15% to 20% of Catholics who favour the Union.

The point was, I think, the idea that Brexit would be a game changer. Brexit is a relationship about these islands, quite clearly, but when you come down to those who are pro-Union, the bread-and-butter issues are about the National Health Service, they are about ... A lot of people work for the state, a lot of people are embedded in the state, so I think we have to be aware of that as well.

The thing we have to realise is that, in main, we were born into these identities, and to cross out of them is a major departure and very few people cross out of them. What I would hope this data would suggest is that, especially within the Unionist community, people are not crossing out of their being pro-Union but they are most certainly crossing out of the Bible-infused conservative understanding of what a Protestant Unionist means.

**The Acting Co-Chairman (The Lord Dubs):**

Thank you. Next, Linda Fabiani, please.

**Ms Linda Fabiani MSP:**

Thank you, Chair. I am going to have to paraphrase here, but I think, Peter, you were talking about how it is not just political opinions that are changing but also social mores et cetera, people are looking at things differently. I just wonder, Claire, whether you think that applies to the role of women and the rights of women.

To move on to the domestic abuse agenda, we had a huge problem in Scotland as well, and what became very plain to not just one government but successive governments since devolution was that very special measures had to be taken, whether that be making sure that there were particular training sessions given to particular units of the police or the third sector came in. By and large, it has been fairly successful, I would say, and our attitudes in Scotland do seem to be changing.

As a matter of clarity, we passed legislation last year where psychological abuse and coercion does come into it, and it is now that we are starting to see results of that in the court. One of the rights that was very important there was what we put in that legislation was an assumption that sheriffs would have to consider non-harassment orders, because there is a huge issue about women who are abused, in whatever way, who continue to be abused even though there has been a court decision. What I am interested in is whether the attitudes generally in the North of Ireland are changing, whether there was a recognition by the Assembly, before it stopped meeting, that something had to be done to protect women's rights in this regard, and whether, in the absence of the Assembly meeting, anyone is actually talking about this.

**The Acting Co-Chairman (The Lord Dubs):**

Before the answers come, we have eight more people, so brevity in the questions would be helpful to get everybody in.

**Dr Claire Pierson:**

I would say in terms of all the issues I have spoken about, I think change is going to come at the Westminster level more than at the Stormont level. Whether that is what people want or not, these issues are human rights abuses – domestic violence, sexual violence, abortion – and human rights is a UK issue, it is not a devolved issue. I think, in terms of how they are implemented at the local level, they would need to take account of our specific context, but I do think there will be more likelihood of change at the centralised level.

**Professor Peter Shirlow:**

Could I say something about the LGBT question? I think this year is the 30<sup>th</sup> Pride, or 25<sup>th</sup> Pride in Belfast. I cannot remember how many years it is, but I went to the first one because a friend of mine who was gay asked me to go with him, I assume because of my size. I turned up and there were about 25 or 30 people there, maybe 40 people there, not very many. I think I was the only person who walked the whole route, which is peculiar because I was probably the only heterosexual man taking part. The reason was that when the LGBT community was parading through the city the first time as Pride, when they saw the wee woman who lived in their street, or if they saw their neighbour or if they saw their mother or they saw their auntie, as we say in Belfast, they took themselves on to the pavement, they ‘joked’ off the road. Now look at it: nobody is afraid, nobody is embarrassed to take part, and it swells and grows every year. So it is that capacity—that was obviously before the Good Friday Agreement, et cetera.

The thing I said is really important is how could relationships not change with all the effort we have put into demilitarising our society? We keep forgetting the Good Friday Agreement did something really important. It demilitarised, took the majority of violence out of our society. How could that not change social relationships?

**The Acting Co-Chairman (The Lord Dubs):**

Malcolm Bruce, please.

**Rt Hon the Lord Bruce:**

Thank you. Both fascinating presentations and, in a sense, they mirror – or may be catching up, I do not know – what has happened in the rest of the UK and in the Republic, which has changed beyond all recognition in what, 10 years? It is almost as if you are beginning to see the feminisation of politics, in that actually we have got some prominent women in politics – you have mentioned the rise of the Alliance with a strong leader. Just as a Liberal Democrat, I think it is interesting that the Alliance and the Liberal Democrat revival were almost exactly replicated on both sides to almost exactly the same share of the vote and the same identity of issues, whether it is equal marriage or more liberal abortion, and so on.

In your studies, both of you, are you looking not only at what is happening in Northern Ireland but actually the extent to which there is interaction? After all, women have to travel out of

Northern Ireland to get abortions. I know that the Republic have said actually they can travel to the Republic, they do not have to travel to the UK – it might be easier. So, I just wonder whether both of you are looking at that sort of cross-fertilisation, because I suspect when this momentum starts it will actually move quite a long way, quite fast. Maybe I am asking the question as to whether you think it might.

5.30 pm

**Professor Peter Shirlow:**

The one anecdote I have is when Sinn Féin and the DUP were out canvassing in Mid Ulster for an election – I think it was Michelle O’Neill and I cannot remember who the Unionist was – and they met at a crossroads. Where, usually, that would be, ‘Hello, how are you?’ all of the young people who were part of both political parties went over and started talking to each other because they were working together to appeal the eighth. Even young Unionist people were engaged in repealing the eighth. So, it is not a peculiar to Northern Ireland, rapid liberalisation process. It is engaged with groups in Scotland, obviously with the work you do. It is an all-island engagement. It is where people get ideas, it is where they get confidence; it is also where they get resources. That is very, very obvious.

**The Acting Co-Chairman (The Lord Dubs):**

Thank you. Simon Crowcroft.

**Connétable Simon Crowcroft:**

Thank you. I think today’s session is picking up on one of the themes of the plenary in Wicklow, where we finished that session with presentations from youth parliamentarians, young people who were skipping school to do climate change protests and so on. So, it was interesting to see the evidence, Peter, from your surveys, that views are changing amongst young people about things that have been rooted for decades. I wondered how important you think it is that issues like giving young people the vote at 16—we already do that in Jersey, but I know it is not universal—and encouraging youth assemblies, youth parliaments and so on, is going to be part of getting the message across not only about some of the things you have talked about, religious belief, same-sex marriage and so on, but also about some of the other issues around sexual violence and domestic abuse.

**Prof Peter Shirlow:**

I think it is obviously a representation of how we [*inaudible*] that, but also how we build a more participative democracy in Northern Ireland. We need a civic assembly. We need to have ways in which those who do not vote but have a contribution to make to our society have a voice. I think that is really important as well.

One of the things that is interesting, I think, about that younger generation is not only is it more liberal but it has more confidence in its liberalism. I think that is also important.

One of the things I think is really important is there is still a significant share of that cohort of young people who do not vote, and it is, to me, the unattractiveness of the identity politics that we have. When I left home at 18, I went to university. I had a full grant. I left university after

doing a PhD. I had a very small debt. My wife and I bought our first home. It was less than our combined income. Now we are living in the era of delayed adulthood, so I believe now you cannot get rid of them. Kids are finding it more difficult to get on the property ladder and kids are finding it more difficult to gain professional employment, jobs that are pensionable or jobs that have good protection within them.

The anecdote I have is through my son: rugby, rugby, rugby. He is at university but everything was rugby – and read, read, read. One day, I went into a café in Belfast, I gave him the *Irish News* and said, ‘Please read something. Just let me see you read. You are doing your GCSEs: please show me you read.’ He got the newspaper and went *da, da, da, da, da*, and set it down. I said, ‘Why can’t you read the paper?’ and he said, ‘All of the first 13 pages were about the past.’ So, the type of thing that you are proposing hopefully brings in this politics of what is the future. I think this is the reason why some of our political parties, the more established parties, are not doing so well, because they are not talking about these issues, or these issues are swamped within the issue of the past, the issues of incrimination about the past, and also our media, who just will not put these stories forward, who will not do this.

There was a school in Lough Brickland which won a global peace prize. It is in the top 10, on the list with Nobel Prizes. No media coverage. This is globally significant. The school got £60,000 and they got a diamond pennant made in the symbol of the school. The media would not cover it, but they will cover the guy in the bar who says we are going back to war. So, it is not just about us voting, it is also about our media, which needs to come away from the conflict-centred nature that it keeps approaching.

#### **The Acting Co-Chairman (The Lord Dubs):**

Thank you very much. Next, Joan Burton, please.

#### **Ms Joan Burton TD:**

Thank you. First of all, thanks to both speakers for really interesting presentations. Recently in the Dáil, just speaking to Claire first, we had a debate and a report from the Education Committee in relation to sex education, and one of the things I think has made the social changes possible in the South has actually been the development of the Citizens’ Assembly model. As somebody who has been a campaigner in terms of a lot of different social rights, I certainly found that when the debate was on about gay marriage, the fact that there had been a Citizens’ Assembly and a discussion just allowed people a lot of space, including a lot of older people; the people who tended to support it most were obviously younger. Secondly, we had the same in respect of repealing the eighth amendment and basically legalising abortion in the Republic, and again that was a game changer in terms of a less fraught and less bitter conversation. Very strong differences remained between both sides, but it was a complete sea change to previous discussions. So, I am just wondering, in terms of part of Peter’s presentation, does that have application, do you think, to the North, so that people have more space to debate issues which are contentious either on a moral or a social basis, or indeed on a community basis?

I would also say, at the moment in the Republic there is a really popular novel by a novelist called Louise O’Neill, called *Asking for It*. The title of the novel I think will tell you something about what is about. At the moment, it is a fairly runaway play. It has been dramatised as a play, it is selling out to packed audiences, most of whom are young people who want older

people to go and see it. It is about a girl who is about Leaving Cert age. She basically gets drunk – she is from a town in West Cork – and she is gang raped by a group of guys from her school, and ultimately she withdraws the charges. It has had a tremendous effect. It reminded me, in some ways, as being a parallel story to Anna Burns and *Milkman*. When I read that, my God, I have to say I was just mesmerised by the incredible level of violence, social control and lack of expectation that this could ever change. So, I am just wondering, given that we had a debate in the Dáil recently—admittedly it was mostly women and it was about half four on a Thursday, which tends to be the dead end of the week, but people were talking really openly about young people they had been talking to, what kind of sex education they would feel was relevant, which is largely discussion and example, but also talking as well about consent. I have to say listening to a debate about consent in the Dáil is quite interesting. So, in terms of Peter’s comments, new politics is certainly affecting the Republic as well; it is not just in the North.

**Professor Peter Shirlow:**

Can I just say something that will be very quick? The work that we are doing is based upon a group that has come about, that Ian is going to be part of and includes Sinn Féin, the Green Party, the Unionists et cetera, called the Initiative for Civic Space. We had got some funding from the Department of Foreign Affairs (DFA) and that allowed us to host the civic assembly discussion day at Queen’s University.

We wrote to 2,000 homes in Northern Ireland, we got *x* number of people who said they would take part, we had enough funding to get 50 people in a room, and we put forward four propositions on what type of civic assembly Northern Ireland should have. Because we have got this data, we could stratify those who turned up. Do you know what made the day really good, not just because we had Republicans and Unionists, and Sinn Féin, the Alliance Party, the Green Party and the Ulster Unionists supported the day? What was really good was we brought people in who did not vote, people who do not want to engage in politics, and at the end of the day we were able to have a vote amongst those people and they chose the civic assembly that we lost mixed with the constitutional events in the Republic. So, it actually illustrated that people were able to debate. They had very different constitutional positions, but they were able to come up with theirs. One of the things that I thought was really important on that day was when we were leaving, a 75-year-old woman came up to me, she took my hand and she said, ‘Thank you, that is the first time anybody ever listened to me,’ which is exactly what *Milkman* is about – nobody is listening to me.

**The Acting Co-Chairman (The Lord Dubs):**

I am afraid the clock is a bit—

**Professor Peter Shirlow:**

The clock is ticking.

**The Acting Co-Chairman (The Lord Dubs):**

It is ticking very fast. Can I take two lots of three? We have got six more names. Could we have three, and then three? So, Lord Bew, Cathal and then Niall; the first lot of three.

**The Lord Bew:**

I will try and be brief. Thank you both for excellent presentations. Peter, your last election figures fitted very nicely with the overall theme of the other questions you had been asking, but if you take off the General Election of 2017, where the DUP took 10 seats, the Alliance challenged the DUP in Belfast, collapsed and went downward, and where Sinn Féin took the eight Nationalist seats, and I totally accept your countering of the cliché about the divide in Northern Ireland, but you would actually have had figures which do not really fit with the type of survey work you have done. I do not know whether you have any comment on that. And, by the way, a General Election on a much higher turnout: 65% against 42%.

**The Acting Co-Chairman (The Lord Dubs):**

Do you mind if we take the three?

**Professor Peter Shirlow:**

Yes, work away.

**The Acting Co-Chairman (The Lord Dubs):**

Next is Cathal, please.

**Mr Cathal Boylan MLA:**

Thank you, Chair. I feel obliged now. Because he has called my name out, I feel obliged to ask a question or put a comment. Claire, first, in your own presentation – and thank you very much for your presentations – it is about confidence and empowerment in these people coming forward in terms of things. What has changed there? You have highlighted the figures—they have always been there—but in your experience and in the information and the data you have collected, what has given them the confidence to come forward? And just another wee point if you want to answer, in relation to the legislation that is proposed in terms of decriminalisation, and just maybe comment on that.

Peter, I am going to bring my own charts the next day, so we love a good challenge. The issue, and I accept the data, the point I would really like to make, and maybe you could comment on, because the Good Friday Agreement has achieved a lot, but what I am saying, and what I am getting on the ground besides ... We can talk about the Assembly and it not operating, but I think there is a major societal change out there, and some of us who are not engaged in it, or do not see it sometimes, it passes by – and some political figures, I may add. Would you like to comment on that? Is it coming from the youth? Where are you seeing that, because that is the impression I am getting from some of the statistics? Thanks, Chair.

**The Acting Co-Chairman (The Lord Dubs):**

Thank you. The last of the three. Niall.

### **Senator Niall Ó Donnghaile:**

Thanks, Chair, and thanks, both, for really informative and really interesting presentations. Claire, you referenced the, I suppose now infamous, rugby rape trial. I am wondering how you legislate for toxic masculinity. I mean that sincerely, because sometimes people think that legislation is a silver bullet. While I was very proud that even in the Seanad we were able to add on an amendment around coercive control and make that a criminal offence, how do we deal with that broader societal problem that exists around the issue of toxic masculinity and some of the things that came to the fore and I think really shocked a lot of people? It is just to get your view on that.

Pete, a bit like Cathal, I will not get it because we have to absorb a lot of what you have said, and in terms of the last European election we know all the nuances of Republicans and Sinn Féin people not [*inaudible*] and going over to a second, anti-Brexit, candidate, and all of that. The point that I suppose I would ask is how important is it, within that broader context around having an informed debate, that the Irish Government, I suppose, adhere to the Good Friday Agreement and begin the process of convening a discussion around new constitutional arrangements and a changed and new Ireland?

What I did take issue with was this notion of aligning us with identity politics. I actually resent that implication because Republicans and Unionists, for all the reasons you have said, actually are not involved in identity politics. They are for social change and they are for social progression, as reflected amongst your younger people. So, sitting and walking in parade are a lot of young Republicans and a lot of young Loyalists, proudly, because at the heart of it all of them will have a position on the constitutional question when the border poll is called.

5.45 pm

And do you know what? There is nothing wrong with it. That is perfectly healthy, perfectly democratic, perfectly in line with the Good Friday Agreement. So, I would ask just for your view on how important it is that particularly the Irish Government engage and prepare some of that groundwork. Thanks, Chair. I have tried to be brief, but it is hard.

### **The Acting Co-Chairman (The Lord Dubs):**

Okay, over to you.

### **Dr Claire Pierson:**

In answer to your question about increased reporting rates, I think it is, first of all, the fact that when rates started being recorded in the 1990s how we thought about violence was completely different. Domestic violence might have been seen as something you had to put up with, or that was normal within relationships, and things that were non-physically violent would not even really have been considered police matters. So, I think how we think about violence has changed, and we have destigmatised. There is a lot of work that has been done there. But I think the secondary thing to Northern Ireland is that anyone I have spoken to has said they just feel much more confident in being able to contact the police and actually report domestic violence. That goes in Catholic Nationalist Republican communities, but also some women in Loyalist communities may not have wanted to report in the 1990s, early 2000s.



With regard to the question on decriminalisation, I think, from all the research I have done – I have done research in Ireland, in the Philippines, in South Africa and in Canada on abortion – the gold standard is decriminalisation, putting abortion into the hands of healthcare providers. They are regulated, they can make a decision in conjunction with their patient about when an abortion is necessary and when a person needs an abortion, and they can carry that out under their own clinical guidelines, whether they are in the Royal College of Obstetricians and Gynaecologists or the Royal College of Midwives et cetera. That takes healthcare out of the criminal law. It is still regulated in the same way, if you have any other medical procedure it is regulated, and that is the gold standard. In all the research I have read, and I have read thousands of papers on this, putting abortion into the criminal law always results in bad outcomes for women's health and it will always result in some women having to access abortion in an illegal way. But a lot of this is about our attitudes towards the topic itself.

In terms of toxic masculinity, there is the idea of introducing a hate crime of gender-based language, but I think it has to go much more widely. I think, actually, as academics working in universities, we have a huge role to play, in that we interact. I teach an undergraduate module with 400 students every week. We have a large part to play in educating our own students about what is appropriate language. I hear a lot of inappropriate language that I have to challenge in the classroom. I think it is about education and starting earlier than we get them, starting at 12, 13 and 14, about what is consent, what is an appropriate way to speak to another person or to treat another person. I do not think legislation is the answer. I think it is about attitudes and really tackling young people at an earlier age.

**Professor Peter Shirlow:**

I will be very brief. Paul, I think what the data suggests is a thing you would hear all the time when you were sitting in Northern Ireland at a bar or having a meal with people: there is change coming, there is change coming, there is change coming. There are more people who are liberal, there are more people who are socially progressive, there are more people who are thinking in different ways, and I think if there was a game changer, that Brexit was, it was the same as our colleagues the Liberal Democrats said – the Alliance vote grabbed that remainder, younger generation. They wanted to express that in a non ... I actually do not think that is what I said, Niall. I think what I said was it is not [*inaudible*] middle-class people will be voting for Sinn Féin or the DUP. I think these are much broader churches than the media tells us, as well. But I think it was always there and it has been something that is changing, and maybe the issue about the Alliance Party being so unambiguously pro-Remain gave people an issue that they could actually latch on to. I think that is important.

Cathal, there are many surveys and there are many pieces of information. Linking that through to Niall's point, I do not think the best place to have this conversation is with the political elite. I think the best place to have this conversation is in the developing civic space. I think the community that I come from, the pro-Union community, has been very slow to engage with the debate about a united Ireland because they feel it would legitimise it. I think as Republicans you would accept that what we need is a genuine Unionist voice: why am I pro-Union; what is it that makes me pro-Union; why are you pro-unification? I think that is a conversation that should be developed within civic space because it brings in the non-party political people.

Everybody has a vested future in the constitutional issues in Northern Ireland, but we need those to be evidence based and we need those to be agreed. So, one of the things we have got some funding for is creating a digital website. On that digital website we are going to get a

series of animations made and we are going to have vox pops. For the first time ever in our society, we are going to take the Republican and the Nationalist understanding of a united Ireland, we are going to turn it into animation and we are going to turn it into vox pops, and we are going to take the Unionist voice, turn it into animation and turn it into vox pops. We are going to create a digital platform on which the constitutional debate is side by side. It is not Think32 and it is not some political Unionist spokesperson; the debate and the events we build around it are together, because we have to create that space for that conversation. It is critically important that we do that.

**The Acting Co-Chairman (The Lord Dubs):**

The last three, can I plead for questions as short as possible? Ian Marshall followed by Brendan Smith, followed by David Johnson. Ian.

**Senator Ian Marshall:**

Thanks, Chair, and I will be brief. I was refraining from asking the question because I know Pete well and I have heard this three times, but one thing that interests me has not been asked on the three occasions. This is really useful data, really useful information. Based on the fact that government and politicians now need to focus some of their efforts on evidence-based policy making, based on the complexity of the North-South relationship and the fact that, in my opinion, all the groundwork needs to be done, all the preparation needs to be done, and the conversation, before you ever ask a question on the border poll, do you see merit in replicating this work south of the border? Has it already been done? There is bound to be value in this being done south of the border to establish what the opinion is with the general public about the change in attitudes towards unity and relationships.

**The Acting Co-Chairman (The Lord Dubs):**

Brendan.

**Mr Brendan Smith TD:** Thanks, Chair. Peter, could you just go back to your initial contribution and your reference to the Good Friday Agreement, the respect and value of it; and, the people who were surveyed, their attitude to it? I just missed that.

**The Acting Co-Chairman (The Lord Dubs):**

Deputy David Johnson, the last one.

**Deputy David Johnson:**

Thank you, a very specific question as to the first presentation. Reference was made to coercive behaviour, as distinct from physical abuse. I know the Republic has legislation on that, as does the UK. Am I right in thinking that Northern Ireland has nothing on controlling and coercive behaviour at the moment?

**Dr Claire Pierson:**

At the moment, no, there is no legislation for coercive control in particular in Northern Ireland.

**Professor Peter Shirlow:**

Just to finish off, Ian, Senator Marshall, is right, we need to have this, as I said before, as more than polls and surveys; we need this to be conversation. One of the things I find – and this is my experience, this is my own piece of evidence – is when I talk to lots of people in the Republic of Ireland, in the South of Ireland, they tell me they do not want a united Ireland. They do not say that in public, they say something very different, so whether they are saying that to me because I am six foot one, a pro-Union Ulsterman, or whether there are actually more reasons. But I do not think the debate in the South is as advanced as it should be, and I think that our issues ... Why would anybody give up free healthcare? Why would you do that? Why would anybody surrender that, especially if you are pro-Union? There is an establishment in the South, there is an elite in the South. I do not think it is taking ... I am not talking about the political class, I am talking about the surgeons. No, if we have a free health service in the South to create a united Ireland, what are the Royal College of Surgeons in the South going to say? What is the private healthcare system in the South going to say? So, we have not even got close to that debate about what the effects of this would be.

One of the things that is interesting in the surveys in the South is do you want a united Ireland, which is very much like saying do you want Christmas or a day off work? People say yes. When you ask people do they want to pay for it, it is yes, maybe in 15 years' time. If there is going to be a united Ireland, we do not want Northern Ireland to be seen to be a burden, so how do we create the conditions so that is not the case?

Similarly, as somebody who is pro-Union, what I really want, and I think it is symbolic of this meeting here today, is all-Irelandism: north, south, east and west. I want those relationships to be much more meaningful than they are. I want the proper cultural exchanges, the proper understanding of our cultural diversity. We are all hybrid. Our cultural identities are hybrid. I am culturally Irish and constitutionally Unionist. I have no problems with Irish cultural identity; it is part of who I am. The conflict, in many ways, eroded that. So how do we respond? You cannot [*inaudible*] the history of Ireland. People talk about Irish history; well, it is actually British-Irish history. Sorry, I am making trite points, but the point is we need that to work. We need to have an all-Irelandism, which is not just about constitutional question but really is about how we have a proper, meaningful understanding of a multicultural set of relationships. I think that is the thing that is really important.

**The Acting Co-Chairman (The Lord Dubs):**

That is great. Thank you very much indeed, Claire and Peter. That was a fascinating afternoon. [*Applause.*] We are grateful to you for coming along. You have made us think very hard, and that is good. Thank you. Over to Séan.

**The Co-Chairman (Mr Seán Crowe TD):**

On that positive note, Members, that concludes our programme of business for today. You all have the opportunity now to freshen up ahead of our informal dinner in the Woodland Suite at 7 pm. Where is the Woodland Suite? It is where we had the Steering the other day, that area. It is just at the side of the reception on the way up to here, I think. So, the Woodland Suite at seven o'clock. I think it was a worthwhile day. Thanks to all who have continued on, and we will see you at nine thirty tomorrow morning. Thanks very much. Goodnight.

*Adjourned at 5.56 pm*

*Tuesday 22 October 2019*

*The Assembly met at 9.42 a.m.*

**The Acting Co-Chairman (Rt Hon the Lord Murphy):**

My notes say that I am to say that I trust everyone has had a rest after a busy day yesterday. I will say I trust that everyone has recovered from the traumas of the alarm last night. I certainly have not.

We have an interesting session ahead of us. It will open with further updates and the presentation of committee reports. After that the Assembly will hear from a panel of experts on climate change and will be asked to debate a motion put forward by the Steering Committee on that subject. Finally, we will hear an address from Mr Jeremy Miles AM, the Counsel General of Wales and Brexit Minister for the Welsh Government. We have an interesting morning ahead of us.

**PRESENTATION OF COMMITTEE REPORTS**

**Committee B (European Affairs)**

**The Co-Chairman (Mr Seán Crowe TD):**

Good morning everyone. I now call on Mr Darren Millar AM to present the report of Committee B to the Assembly.

**Mr Darren Millar AM:**

Thank you, Co-Chair. I am very pleased to be able to present this third report of Committee B on European security co-operation post Brexit. I thank my fellow members of the Committee and the witnesses who presented evidence in order to inform our conclusions and recommendations. I also thank the clerks for turning this report around at breakneck speed. To provide an update on the Committee's work in recent years, we launched an inquiry into European security co-operation post Brexit in July 2018 and have already produced two brief interim reports on this particular subject. They followed some initial evidence sessions which we held in Dublin and Belfast, at which we met with a range of security experts. In addition, we took some evidence and produced a short report on port security, which we laid before the last plenary session, which was held in Wicklow.

This third report follows up on the current situation and brings things up to date. It follows the evidence sessions we held in London with a range of experts from academia, the National Police Chiefs' Council, human rights and privacy organisations, and the Road Haulage Association.

To summarise the report which is before Members today, things have obviously moved on pretty significantly since the publication of our previous report. We were encouraged to hear of some of the progress that has been made on some of the key issues we identified in our previous reports, particularly in terms of contingency plans for extradition arrangements *in lieu*

of the European arrest warrant should a deal no be reached. The UK Government has also made some welcome commitments on extra resourcing for policing in recent months.

*9.45 am*

From the evidence we received, however, it is very clear that there are still some key obstacles, particularly in terms of sharing data for future security co-operation. We have, of course, also seen a new withdrawal agreement published. Should this be approved, it will afford some opportunities for continuing security co-operation during the transition period up to the end of 2020. It does not, of course, cover the period beyond that. It is, however, fair to say that the evidence suggests great will to continue with close security co-operation post Brexit and post any withdrawal period.

We heard that, should the UK leave the EU, it will be possible to advance the idea of a security treaty between the UK and either the Republic of Ireland on a bilateral basis or the wider European Union. Some of the academics have prepared draft papers in this regard. These will be circulated to members of the Committee in due course.

The UK Government have developed a scrutiny arrangement, through the Department for International Trade, which will enable both the House of Commons and the House of Lords to scrutinise any future trade agreements that may come forward post Brexit. No such arrangements, however, have been outlined for security or other bilateral agreements. This is why the Committee has included two clear recommendations in our report with regard to those particular themes.

Our first recommendation is that Parliament be given a strong role in scrutinising security treaties. That is why we have recommended that the UK Government replicate the proposals it has outlined for the scrutiny of trade agreements in respect of any future security treaties. In addition, we have also called upon the parliamentary authorities, both the House of Commons Commission and the House of Lords Commission, to release the necessary resources to facilitate such scrutiny.

One of the key concerns highlighted to the Committee was data security. We know that sharing data is absolutely crucial to the current success of the existing security arrangements and we have heard that a number of databases underpin this co-operation. These included all sorts of different acronyms but they are essentially the databases that support things such as passenger name recognition, vehicle number plate recognition across the EU, and the Schengen area information system, which is behind much of the policing work that supports extraditions.

We were told the opportunity to continue to use these databases is contingent upon the adequacy of UK laws on data privacy and protection arrangements going forward. In the event that these are not deemed to be adequate, unfortunately there will be no scope to allow that data-sharing to continue. We were told that it will effectively shut off at 11 pm on 31 October, which is clearly unsatisfactory for everybody.

The Committee felt there has not been sufficient focus on this issue from the EU and UK negotiators. That is why we have recommended in our report that, for the sake of this security co-operation, this data adequacy issue must be front and centre in the ongoing discussions between the UK and the EU.

With regard to passenger name records, we hinted in our previous interim report on port security that there had been calls from port operators to extend the passenger name record system to passengers on ferries. In that interim report, we said we would take further evidence as to whether it was possible to extend the passenger name record system to other forms of transport. After taking some of the evidence, we concluded that it would be rather difficult to extend it to things such as coach and road journeys. It would be also pretty difficult to do in respect of train journeys. We did think, however, that there was a case for extending it to passenger ferry journeys. That is why we have recommended that this be considered on a Europe-wide basis.

Finally, on policing, we took some interesting evidence from the National Police Chiefs' Council. It also reinforced the message about the need to be able to share data following Brexit. Some of these issues were, of course, touched on in the report of Committee A yesterday. These related to the policing of the Border between Northern Ireland and the Republic. As I said earlier, we were told these contingency arrangements were in place for the event of a no-deal Brexit but we were also told that none of these arrangements would be as effective as those currently in place.

There has been some investment on the policing side in an international crime co-ordination centre which supports police forces across England and Wales in order to execute arrest warrants. It engages with Europol, Eurojust and even Interpol. We want to see investment in that centre protected.

We have a range of recommendations in the short report which is before you. I commend it to the Assembly.

**The Co-Chairman (Mr Seán Crowe TD):**

Thanks, Darren. I call on Terry Leyden.

**Senator Terry Leyden:**

As a member of Committee B, I recommend that the report be adopted and endorsed. I thank our Chairman, Darren, our secretary, Eoin Egan, and all who participated in the preparation of the report.

It is an important ongoing piece of work. It will be read by the necessary Government Ministers to ensure there will not be a fallout, with particular regard to European co-operation in respect of policing and terrorism. It would be detrimental to the United Kingdom and to the European Union if such an event were to happen but I am sure that sanity will prevail and that there will be a continuous link between the police forces throughout the whole of Europe and, indeed, the world to conquer terrorism, the drug trade, and everything else. When people study this report, they will see that it is worthy of endorsing here today.

**The Co-Chairman (Mr Seán Crowe TD):**

Is any other Member offering? No. I propose that the plenary Assembly formally adopt the report of Committee B. Is that agreed? Agreed.

I commend members of Committee B on their work in completing the report. The joint clerks will arrange to send the report to the British, Irish, and devolved Governments. To follow up

on what was agreed yesterday, I ask Members of the various assemblies and parliaments to raise this report in their respective justice committees. A lot of hard work was put in by members of the Committee and it should not stop here.

**Mr Darren Millar AM:**

We decided that the report needed some further work so we will be taking evidence on alternative bilateral and third-country arrangements. There are already a whole host of such arrangements between the EU member states and countries outside of the EU. We will be taking evidence on that in a future Committee evidence session, which will probably take place in Denmark.

*Report agreed.*

**Committee D (Environmental and Social Affairs)**

**The Co-Chairman (Mr Seán Crowe TD):**

I call on Lord Dubs to present the report of Committee D to the Assembly.

**The Lord Dubs:**

Thank you, Co-Chair. Before I present the report on abortion policy, may I update Members on where we are in respect of our next investigation? We are looking at minority languages, by which I mean indigenous minority languages because we would never end if we were to take every minority language. We have already taken evidence in Cardiff and we are on our way to Edinburgh next month. We will then be going to Derry to take evidence from residents of the Gaeltacht and the North of Ireland.

It is quite an ambitious project and more complex than I thought it would be. I was asked why we were not going to Cornwall to take evidence on Cornish. There is almost no end to the issue but we have to cut it short at some point. That is what we are doing.

I will turn to abortion policy. I thank members of the Committee, the staff, and our witnesses for all of the help we have received. This is probably as contentious a report as any this Assembly has ever produced. I am aware of that, even though some of the sternest critics are not here today.

I will explain why it has taken quite a long time. We started long before we knew there was going to be a referendum in Dublin. When the plans for the referendum were put forward, we were advised we should not take any evidence in Dublin or Belfast because doing so might interfere with the process of the referendum. We therefore had to stop.

A further point was that we were ready to present this report at the last plenary. At this point a member of our Committee, a member of the DUP who I am sorry is not here today, said that he fundamentally disagreed with the report. There was no way in which we could incorporate the views of the DUP into the main thrust of the report. The plenary decided that we should enable the DUP to include an annex to the report. We received the final version of this annex two or three days ago. I cannot comment on this annex as it is not the property of the Committee. It is there so that everybody can see the opposing views. I believe this was the best way forward. We would otherwise have had an unseemly vote which would not have been

very happy. I believe people are happy with this approach. It is certainly what the plenary agreed to at the last meeting, which is why the Assembly is being presented with our report with an annex representing quite a different view attached.

I will run through some of the key issues. Things have changed dramatically since we started. The referendum in Dublin has changed things entirely in Ireland. In addition, a parliamentary action at Westminster, led by Ms Stella Creasy MP, has changed the position in the North. The Assembly decided to come back yesterday. If it were back up and running, it would take over and the action in Westminster would be null and void as it would be overtaken by the Assembly. Today was the last day it could do so. I understand the Assembly has not met formally and that the Westminster action will therefore be the law. Of course, further advice and so on will come out, but that will be the position.

With regard to the main thrust of the report, I will mention a few of the points within it. There is quite a large number of them. I do not want to take up too much time by going through them all. We do not know how many people will choose to travel from either part of Ireland for an abortion now that the law has changed in both jurisdictions. We do not know. We believe that records should be kept as to what is happening, because we really do not know what potential there is for further movement.

We believe there should be much closer co-operation between Belfast, Dublin, and the jurisdictions in Britain with regard to healthcare. We would like to see closer co-operation and better information being made available. We should share both clinical knowledge and knowledge about how the system is working across all the islands.

The medical professions should hold cross-jurisdictional discussions about the provision of perinatal hospital care and about how they can facilitate the whole process by which women travel from one jurisdiction to another, should they still choose to do so. I believe the numbers doing so will decrease by quite a lot because of the changes in legislation.

Medical professionals in Northern Ireland should liaise with their counterparts in Great Britain and Ireland on all policies and on all that will be happening. This co-operation is important. There has not been any previously because such co-operation was illegal in the North. We do not have an Assembly in Northern Ireland of course. When it resumes it will be taking over some of the detail of this matter. The principles, however, have now been established and I do not believe the Assembly will be able to reverse that.

We heard convincing evidence about the value of citizens' assemblies and the process in Dublin. We were told it had an important effect on public opinion and was persuasive. We believe it may not be a bad model for engaging the public in further discussion on the whole issue of abortion.

We believe that abortion pills should be taken only under medical supervision. It is not healthy for women to simply take the pills without medical supervision. Up until now such medical supervision has been illegal in the North. We believe that is important. We believe the co-operation between all jurisdictions to which we look forward should safeguard the health of women, and of vulnerable women in particular.



There are many other recommendations. Things have moved so quickly that our report was not able to deal with all the latest twists, simply because they happened after we stopped taking evidence, but that is the position.

*10 am*

I am aware that the DUP's annex is a little bit more up to date because it was produced only the other day. This annex was not based on evidence taken but simply on the views of one political party.

I know this is a contentious issue but I believe we are moving forward. I repeat my thanks to the Committee, the staff, and the witnesses for the help we received in preparing the report.

**The Co-Chairman (Mr Seán Crowe TD):**

Thank you, Alf. Does anyone have any questions? I call Malcolm.

**Rt Hon the Lord Bruce:**

I have two things to say. First, I raise again your first point, which was on minority languages. Could the Committee consider British and Irish Sign Language within that investigation? I have raised this issue before but I do not know whether the Committee will do so. I am not suggesting the Committee make too much of it but I believe it is important that we acknowledge that these are indigenous minority languages and the first languages of some people.

On the other report, I agree the approach the Committee has taken makes sense. In reality, events have moved on and, *de facto*, the existing law is repealed in the North of Ireland. I accept that there is a slight lacuna in that this means there is effectively no abortion law in Northern Ireland. I am sure the DUP will have made that point. The reality, however, is that the Assembly has not met and that there is clearly an overwhelming desire for the law to change. There is a lot of support for this in Northern Ireland but it cannot have been democratically tested. There is also overwhelming support for this change in Westminster. Alf and I were part of that debate.

In reality, this is a done deal. Lord Dubs is right; the law has changed and this is unlikely to be reversed. The other qualification which has been made is that, were the Assembly to have met and to have tried to reverse it, it would have almost certainly led to a human rights case. The Supreme Court has already indicated that, were a case to come before it, the pre-existing law would be found to be in contravention of human rights law. My instincts are that the law has changed and that this will not be reversed. I believe the report of the Committee reflects that.

**The Lord Dubs:**

Should I answer now? Yes. I will take on board the point on sign languages. It is an important point, although not one that has been widely expressed. Thank you for that.

As regards your view that there is gap, under the present law in the North there is a very limited right to abortion. It is very limited indeed but there is a legal framework. The royal colleges, the medical professions, and many other things will come into play so it is not the case that the

situation is totally unregulated. We would not have that. There is not the big gap which you have suggested.

**Mr Cathal Boylan MLA:**

I thank the Co-Chair. I also thank Lord Dubs for presenting the report and for the way in which he has led this debate on a very emotive and sensitive subject. I thank all of the members of the Committee who made major contributions, some of whom are not here.

I am glad that one of my fellow Assembly Members is joining me today. As we go back and introduce some of this legislation, we will have to tiptoe through it but I must say that, while things have changed with regard to legislation, there are some good things within the report from which we can learn. I would like to put on the record my thanks to all who contributed and to the staff who worked with us.

I ask for the support of this body because of the nature of the debate and the issues we have back home. I know that Colin McGrath was in the Assembly yesterday. In light of what we are dealing with on the ground in our own areas and our own communities, I ask for the support of this body in running this piece of legislation. We would like to be back in the Assembly. This is a very contentious, divisive, emotive and sensitive subject and we will just have to go with it. I appreciate that we did all we could in terms of taking evidence and listening to people but it is just a divisive issue.

I thank Lord Dubs and all the staff and I ask this body to support us as best it can in the roll-out of this legislation and this report. As the Co-Chairman has said, we will take back the report with us and use it as best we can but it is still a very sensitive and emotive subject.

**The Co-Chairman (Mr Seán Crowe TD):**

That was more of a comment than a question. I call on Joan.

**Ms Joan Burton TD:**

First of all, I thank the Committee and congratulate it on all of the work it did on this because, as Cathal has just said, this is a very emotive area. It is a matter of principle for those on both sides of the argument. The Committee carried out its work extremely well. The briefing here on the current situation in Northern Ireland was helpful. We will find out only in the coming months whether additional regulations will be introduced in the North. If I am not mistaken, it is now a matter for the Westminster Government to lay down rules in the absence of the Assembly at Stormont. It shows again why the absence of the Assembly at Stormont is deeply regrettable with regard to this and a number of other issues.

With regard to paving legislation in the Republic, the introduction of the Protection of Life During Pregnancy Act 2013, whose passage was a very traumatic event in the Dáil around the time of the death of Savita Halappanavar, provided for termination where the mother's life was at risk and in the case that the baby had died in the womb. In the case of Savita Halappanavar, the medical authorities in the hospital in Galway felt unable to help her so she just lay there and eventually died of sepsis. That changed a lot.

Lord Dubs was correct to point to the Citizens' Assembly as critical. It was really helpful on this issue and previously allowed us in Ireland to debate the issue of gay marriage. Rather like what the speakers from the North said yesterday, when individual citizens were given the right to examine the issues, they came to their own conclusions, in very significant numbers, in favour of change, compassion and, particularly, care for women whose lives were put at risk by pregnancies where there were enormous difficulties or by fatal foetal abnormalities where the baby really had not chance of surviving. So I congratulate the Committee and thank it for the report.

On the issue of languages, I am very involved with the Irish Sign Language group. Irish Sign Language is different from what I will call English sign language, although to be politically correct perhaps I should say UK sign language. I do not know. Irish Sign Language users in the Republic feel they have been very discriminated against. I welcome the idea that sign language users could be briefly included as a group of people, many of whom are now getting older, because of the development of technical devices to assist people who have a hearing problem.

**The Co-Chairman (Mr Seán Crowe TD):**

Would you like to talk about Westminster, Alf?

**The Lord Dubs:**

First of all, thank you for the further comment about sign language. When we set out, I did not realise how significant an issue it was, even though it affects a smallish number of people, so I thank you very much for that. We will adjust our terms of reference to take that on board.

Although things have changed dramatically, I believe our report still has relevance to today's situation because it talks about the way in which some of the changes in the law in both the North and South of Ireland can be given effect. I believe we are therefore effectively giving advice to both jurisdictions as they could go further and improve co-operation. It is not the case that we have been totally overtaken by events and that our document is only historic. I believe it has a relevance to today's needs. I hope it will be seen in that light.

**The Co-Chairman (Mr Seán Crowe TD):**

Do you have any idea where this legislation will go in respect of Westminster? I believe that was the question Joan asked.

**The Lord Dubs:**

As I understand it, the position is that the amendment to the Northern Ireland Act means this is now the law in the North of Ireland because the Assembly did not meet today to reverse it. We are in business in that regard. That is the case, if I am interpreting it correctly.

**The Co-Chairman (Mr Seán Crowe TD):**

Does Colin McGrath want to come in?

**Mr Colin McGrath MLA:**

Thank you, Co-Chair. I am a bit concerned that, after three years without an Assembly because we have not had an Irish language Act, we now have to have an Irish Sign Language Act. This will cause the DUP to have all sorts of concerns.

I will begin by supporting the call for sign language to be included in the Committee's work because we have sought to include this as part of the talks process in respect of languages. There are obviously people who use sign language and they also want protections.

To correct the record, if I may, it is not a question of the Assembly meeting to overturn the laws that came in, but a question of the establishment of an executive. This is different from the Assembly meeting. The Assembly actually did meet yesterday but was not able to form an executive.

I would like some feedback on a certain matter. The issue of abortion is very controversial in most places but it is even more so in the North. This issue has really split families and communities. It has been the single biggest issue in recent weeks. I have received thousands of emails from constituents on the issue. No other issue has exercised people to this degree in any shape or form.

I have found that part of the difficulty is that it is presented as a binary issue which one is either for or against. In reality, when one discusses it with people, one finds that there is more of a breadth of opinion and more spaces in between.

The law that came in last night has changed everything and changed nothing because there is now effectively no set of rules or guidelines set down. It is now the task of the Northern Ireland Office and the Secretary of State to implement some rules between now and 31 March. Alternatively, if an Assembly was to get up and running between now and then, it could start to introduce guidelines.

I was interested to hear about how, in meeting people and in its hearings, the Committee was able to tease beyond that binary nature and to find the breadth of views. The majority of people probably hold a view somewhere within that breadth. That is a voice that needs to be better captured and put forward.

**The Lord Dubs:**

First of all, people have made points about the guidelines. There are guidelines at present. The guidelines exist for the very limited range of abortions that are permitted. These circumstances are very limited, but there are still guidelines. The medical professions have their own standards of conduct. We are not, therefore, in totally uncharted waters. It is not the case that anything goes. Of course, further guidelines will have to be produced and these may tighten up matters but I assure the Assembly that there will not be a total vacuum in which anything goes and in which the situation is totally unregulated. It will not be, I am pretty sure of that. Colin McGrath's second point was that the issue is presented as binary whereas there are a range of people in the middle. When we take evidence, the witnesses tend to hold binary opinions. They tend to be very much for or against. One does not find many people in the middle. We tried to take as much evidence as we could. We took a very wide range of views.

I believe that once all of this has happened, the issue will cease to be as contentious. The outcome of this will be that a small number of women will not have to travel. I hope the situation will be better for the women who have made these terrible journeys, lonely and unsupported, from Belfast to Liverpool or from Dublin to Liverpool. I hope that will end and that the whole thing will calm down.

Of course, I realise the issue is contentious, but it is a matter of individual choice. In the end, each individual has to make her own decision as to how she wants to proceed if she is pregnant. I believe that is how it should be. I am not preaching morality, but is that not how morality works? Individuals have to make their own decisions.

We did not hear much evidence from those in the middle because that is not how committees work. We could not get people who did not have a firm view. They all had very firm views.

**Ms Jayne Bryant AM:**

I share in my colleagues' thanks to Lord Dubs for chairing the Committee and to all the Committee staff who put in so much hard work. There was tons of it. We have had to be very nimble in respect of this report, as everybody can imagine.

As Lord Dubs has just said, we took a lot of evidence from witnesses across the range of viewpoints.

*10.15 am*

This is the first report I have worked on as part of the Committee and I was really impressed with how sensitive, thorough, and relevant it has been. I really do commend this report to everybody.

On the point about indigenous minority languages, I am really pleased we were able to welcome everybody to Wales to start this report. I look forward to the opportunity to go to some other places. Many of the speakers have given us food for thought in respect of our next inquiry. I believe we have all heard that. I am looking forward to the next one. I put on record my thanks to Lord Dubs, the other members of the Committee, and the staff.

**Senator Catherine Noone:**

I echo my fellow members of the Committee in thanking Lord Dubs and the staff. It was not an easy report and it is not an easy topic. I also pay tribute to Ms Stealla Creasy MP and Mr Conor McGinn MP for the role they have played... I do not mean Conor McGinn. What is your colleague's name?

**Mr Colin McGrath MLA:**

McGinn.

**Senator Catherine Noone:**

No, I know your name. I am asking about your colleague in Westminster.

**Mr Colin McGrath MLA:**

Conor McGinn.

**Senator Catherine Noone:**

Was it you who raised the matter? I am confused about somebody's name. There is another colleague.

**The Co-Chairman (Mr Seán Crowe TD):**

The name of the Member present is Colin McGrath. Colin McGinn is the...

**Senator Catherine Noone:**

I got it right. It was confusing me that Mr McGinn's nameplate was in front of your face. I am sorry. I am going mad.

I also want to pay tribute to both of those Members of Parliament for the role they have played. I see yesterday's events as a political stunt. It disappointed me to see that the DUP was motivated to get the Assembly together, regardless of the technicalities, to prevent gay people and women having rights. After three years, these are the issues that brought that party in to try to get the Assembly up and running. It is just more of the naysaying with which its members go on. I really find it quite depressing.

Having chaired the parliamentary committee in Ireland, I would say that the process we undertook would be a useful model for Northern Ireland. There is a point one gets to, however, where one has heard the evidence and knows it. We are grateful for it. The Committee heard a lot of very good evidence. We heard a lot of evidence in Ireland. The Citizens' Assembly heard a lot of evidence from medics, legal practitioners, people who had been negatively affected, and people both for and against change.

There is a point at which evidence is available and known. The situation whereby women are left to travel and left to take abortion pills alone in the privacy of their own rooms cannot continue. Policymakers need to do what has to be done to make that a reality.

Lord Dubs has gone through the legal reality. If there is a legal lacuna, that is something which politicians in the North will have to have the courage and bravery to sort out because we simply cannot have a situation in any part of these islands where women are subjected to the treatment to which they have been subjected over the decades. That is quite simply the case.

Some people will never agree on this issue. We have to accept that but by having a deliberative, democratic policy such as we had in the Republic of Ireland, people are brought closer together. In chairing the committee, I found it remarkable how its work affected colleagues who had been very conservative. I myself had traditionally been so. Nobody is necessarily in favour of abortion but the reality is that, when one hears the evidence and really engages with the facts, one changes. I saw colleagues literally go on a journey. People use that expression a lot but it is very valid in this case. They went on a journey.

It is the journey the North will have to be brave enough to take because the polarisation of debate, to go back to what Lord Dubs said, suits the purposes of some people involved in this debate. They wish to keep it difficult.

I object to use of the term “pro-life” in a way which suggests that I am not. Who decided that? Some American people decided years ago that the term “pro-life” applies to people who want to protect the unborn child more than the life of the woman. It is about balancing rights and doing what is right in any given situation in which a person is in difficulty. The best protection for a baby is his or her mother.

No woman has an abortion lightly. If there are any who do, they are extremely rare cases. I am sorry for going on but this is an issue which has taken over my life for a good number of years. I advise colleagues to have courage and to do what has to be done. If we could deal with this in the Republic of Ireland, they can deal with it too. It is a difficult issue and always will be but colleagues should be brave.

### **The Lord Empey OBE:**

It would be wrong to assume that the change in the law overnight will make any significant difference in the short term because, first, the regulations have not been drawn up and probably will not be ready before April or May. There is a 1945 Act which deals with viability. That can still be invoked and used.

The other thing, of course, is that health professionals have had problems with this despite it having been looked at for many years. There were two attempts to redraw the guidelines in the 2007 – 2011 Assembly but the health professionals were not content with these first two attempts that were made because they still felt there was a risk of prosecution as a consequence and that things were not clear enough. The situation has moved on but there is also an issue of conscience. A number of health professionals will not participate. It cannot automatically be assumed, therefore, that abortion will be available to women presenting for one for whatever reason. That assumption cannot be made.

The second thing is that when the Assembly discussed this matter a few years ago – Colin may be able to confirm exactly when – the majority of Members opposed the change. There is an in-built conflict there but the issue is the haphazard way in which this is being done. Changing the law without the regulatory framework to support it is a back-to-front way of doing business.

I confirm what Colin has said; the amount of correspondence and emails that local politicians have received on this issue exceeds anything we have seen in recent years. It is an exceptionally difficult issue. I would not want people to think this is settled because of what happened last night. It is not because the services will not necessarily be available.

There has not been sufficient emphasis on support services for women in these circumstances aside from the physical procedure itself. The back-up and support that many of these women need is not present. A lot of emphasis should be placed on that because in the majority of cases these people are in severe difficulty. One cannot assume they will be able to simply turn up to find that a suite of services is available to them, because it will not be.

We have not heard the last of this. I am just saying this change in the law does not automatically mean the actual system on the ground today will be dramatically different from what it was yesterday.

**The Co-Chairman (Mr Seán Crowe TD):**

The last speaker is Delyth Jewell. Perhaps Alf will then sum up.

**Ms Delyth Jewell AM:**

I thank the Co-Chair. I commend the Committee on its work. It is a difficult issue. I say this as someone who is a pro-choice Catholic. It has been said that people go on a journey with regard to this issue. I have seen a number of people go on that journey. I associate myself totally with many of the comments other people have made in this debate. This is a difficult issue. Very few women would ever take this choice lightly.

It will continue to be a difficult issue so I associate myself with comments about how this will now require courage from parties on all sides and from civil society. Society will have to come together to support women.

I also have difficulty with the title “pro-life” being used in a way which suggest I am not. I have complicated thoughts on this. I am utterly pro-choice but it is not something about which I feel in any way gung-ho.

Although, as Lord Dubs has said, people giving evidence will often be binary about this issue, I believe that almost everyone sees it as a deeply complicated and difficult issue. We should not, however, shy away from this because of the effect it has on real people’s messy, complicated lives. Life is complicated. In saying that, I do not assume anyone in this room would disagree. I respect that people have different views on this issue. Like I have said, this will continue to be difficult.

I commend the Committee on doing the work because the more conversations like this and deliberations we can have, and the more evidence that can be given on the issue, the more the issue will be destigmatised and the more conversations will be opened both for women who are going through it and who need to hear these conversations and for women who have been through it without support and who need to hear that support and understanding is now available. I again commend the Committee on its work in this regard.

**The Lord Dubs:**

I am grateful for all of the comments that have been made. Of course, the Committee was very lucky to have Senator Noone as a member given the work she had been already doing in Dublin. She is very much an expert in all of this, which was very useful to us.

As Lord Empey said, there is a need for support services. Our report does indicate such a need. They will not be in place overnight but the report points the way ahead. We were not in a position to comment on the changes at Westminster because we had already taken evidence prior to all of that happening. Our report was not intended to be a justification for those changes, although we do, of course, take note of them.

Yes, there will have to be further regulations. That was part of the Westminster approach. If one looks at our recommendations, one will see that there is a lot of detail about the help which women can get and the part the medical professions can play. Of course, members of the



medical profession have to have the right not to be involved in abortion for reasons of conscience. That is fundamental and nobody would suggest otherwise. We are fairly relaxed about all of this.

I am very grateful for all of the positive comments that have been made and for how well the Committee worked together. I believe we have made a contribution and I hope our work will change the opportunities Ireland will have in the future. As I have said, the referendum in Ireland inevitably changed the mood of much of the evidence we subsequently took. We were helped along by this.

I am grateful for the contributions that have been made and I am grateful to Delyth for the very clear statement she made. Of course it is difficult. I fully understand that from when we had these debates at Westminster many years ago. It is a difficult issue and it is not straightforward. It is a matter of conscience but I believe, with the help of the Committee and the plenary, we have dealt with that difficult matter of conscience and come out with the right answer, so I am grateful for the contributions that have been made.

**The Co-Chairman (Mr Seán Crowe TD):**

Darren has indicated. I will allow him in if it is only a short point. We are approximately 15 minutes behind.

**Mr Darren Millar AM:**

I will ask just a brief question, if I may. I am a conscientious objector in respect of abortion but I completely appreciate that there is a whole range of views on the matter in our legislatures and in the communities we represent.

One of the biggest and most significant differences between Northern Ireland and the South, once these regulations are implemented, will be the term limit under which abortion can be accessed. Is the Committee planning to do further work in this regard or did it consider making recommendations in respect of the issue? Across the whole of the UK, including Northern Ireland, we have a 24-week term limit as opposed to the 12-week limit in the Republic of Ireland. That is significantly different. Did the Committee take a view on this or is it interested in taking a view going forward?

*10.30 am*

**The Lord Dubs:**

The Committee will try to keep abreast of further developments. If necessary, we will look at this again. If developments move apace, we will, of course, look at it again.

With regard to the viability of the foetus and time-limits, we did not go into these areas in much detail. A very small number of women have abortions near the end of the 24-week time limit. It has been a point of argument. We will have to see what regulations are brought forward with regard to whether the North is brought in line with the South or with Great Britain. There are issues to consider with regard to determining the best way forward.

I hope that, in the fullness of time, women will not feel obliged to travel but, of course, a financial constraint comes into play. If a woman from Belfast wants to come to Dublin for an abortion, that will cost her more than going to England for an abortion. There are problems in that regard which I hope we can even out but I thank you.

**The Co-Chairman (Mr Seán Crowe TD):**

I am conscious we have guests coming. I propose that the plenary formally adopt the report of Committee D. Agreed.

*Report agreed.*

## CLIMATE CHANGE

**The Acting Co-Chairman (The Lord Dubs):**

One of the reasons we are changing Chair is that Lord Murphy wants to contribute to the Welsh debate later on, so we thought it was better if I was in the Chair now, even though you probably heard enough of me in the last discussion.

I welcome our panel of experts: Dr Abigail Martin from Sussex University; Mike Thompson, Head of Carbon Budgets at the Committee on Climate Change; and Antony Froggatt from Chatham House. They will address the Assembly on the motion on climate change on the Programme of Business. I propose that we ask each of our three experts to make a short—hopefully five-minute—contribution. We will then throw it open for a general debate, rather than a question and answer session, and then have wind-up comments from our panel of experts. I hope everybody is happy with that procedure. I take it you are, so I will ask the panel of experts to begin.

**Dr Abigail Martin:**

Thank you for having me here. I am Abigail Martin from the Science Policy Research Unit at the University of Sussex School of Business. I want to get the conversation going with some higher-level ideas, and then my colleagues will take it towards more concrete issues that need to be addressed.

First, let us think about what it means to declare a climate emergency. Obviously, the goal is to take a moral position on climate change, but it is also to co-ordinate and to demonstrate co-ordinated goal setting across multiple levels of government. In that sense, this is an important step that the Assembly is taking. It is important also to think of a climate emergency as something different from other kinds of emergencies on which policy actors take action, such as, most recently, the global recession. What is obviously hugely different is that this emergency requires action without the kind of major pressure that you would see from big economic players in a global recession; however, there is immense public demand.

We know from countless public opinion surveys done throughout the UK that there is strong support for renewables, there is strong support for central Government action and there is strong support for immediate action. As a colleague of mine at Columbia University said, we are not doomed unless we choose to be. There is very much a sense that action needs to come now, and that it needs to come despite the fact that a number of big actors in the economy are going to drag their heels.

That leads us to the question how to move from rhetoric to actual results. I want to highlight three challenges. First, we need to think through how to use the road map created by the Committee on Climate Change as a technocratic framework to guide devolved action on this issue. Ideally, the Government would instruct Ministers to outline urgent and firm plans, but in the vacuum that has been left by a lack of strong state action, we are seeing an immense amount of mobilising activities at the local and regional levels. At this point, more than 50% of local authorities in the UK have declared a climate emergency with the same target of climate neutrality, or net zero, by 2030. The Welsh and Scottish Governments, along with major cities such as Manchester and London, have already declared climate emergencies, and Liverpool will soon. There is a real need to think about how to co-ordinate this kind of local action in a way that translates the Committee on Climate Change framework into real action that also speaks to the kinds of benefits people care about.

Citizen assemblies are certainly one answer, but they have to be conducted in a way that crystallises urgent plans and does not just reconfirm public support for state action. We also need to think about past experiences in driving energy transitions. We know that the public want transitions that are clean and create jobs. The UK's recent experience with fracking and shale gas development is very instructive in this regard, because we have a public that has increasingly come out against shale gas development due to the fact that the environmental and climate benefits are questionable, and the job creation numbers have not really been very convincing from the public's point of view.

Secondly, we obviously have to deal with the issue of stranded assets in the various reduction pathways that the Committee on Climate Change has laid out. We need to keep about a third of oil reserves, half of gas reserves and more than 80% of coal reserves globally in the ground in order to meet Paris agreement targets. According to a Citigroup report, that translates to over \$100 trillion of stranded assets. Credible climate policy can really help firms put in place longer-term strategies for moving towards slower and smoother adjustments that would avoid sudden economic shocks.

Thirdly and very importantly, there are two sectors you have to deal with: you have to decarbonise electricity production and decarbonise the transport sector. We know from our experience with biofuels that drop-in solutions are not going to be enough. The UK also needs to figure out what to do with its gas grid. The International Energy Agency this week published a new report projecting that, in the next five years, solar and wind are going to account for most of the power expansion globally, so we will likely see more solar coming on in the UK as well, but gas is here to stay, to some extent. It is going to require thinking through the kinds of innovation and public support frameworks that need to be in place to reduce gas or transition to greener gas.

To close, I will just say that, for your constituents, much of the rhetoric about climate emergency is probably a rhetoric of fear, but embedded in this is also a strong rhetoric of hope. Whether you subscribe to the framework of a green new deal or not, there still is, in the public perception, a lot of hope in the idea that co-ordinated policy action on climate change can really address a number of social and environmental problems that people care about as well. I will stop there and thank you again.

**Antony Froggatt:**

Hello. My name is Antony Froggatt and I am a researcher at Chatham House. I think of particular relevance today is the fact that I have been working a lot on energy and climate

change and the implications of Brexit, so maybe I will just talk through some of these key areas. The motion notes that the Assembly calls on both Governments

“to work together and collaboratively in so doing”

to meet the necessary climate target.

First, in terms of some of the key issues, Europe has a fully integrated electricity system—the internal energy market. As the UK leaves, so it will leave the IEM. As the UK Government’s report on no-deal readiness noted a couple of weeks ago, that means moving to alternative trading regimes for electricity. Nobody is suggesting that the electricity will stop flowing between the GB markets and the continent, or between Northern Ireland and southern Ireland, but the type of trading that will have to come about once we have left the IEM—in particular, day-ahead trading—will be less efficient.

Why is this important? As Dr Martin mentioned, we are moving to an electricity system that will be dominated by renewable energy. As people are aware, in the first quarter of this year, 40% of the GB market came from renewables. In Ireland, that figure is around 30%, and there are ambitious plans to increase that. In Ireland, by 2040, I believe, around 70% of electricity must come from renewables. That requires a more flexible system, and a key area of flexibility is interconnectors. Being able to operate those in the most efficient way and trade electricity backwards and forwards within the day is a key plank of decarbonisation. This is where Brexit impacts on UK and Irish decarbonisation. As I mentioned, it is clear that the GB market will remain part of the overall trading system, but it will have to trade on a different basis from before, and I think that is to the detriment of GB.

Obviously, the other important issue, particularly from an Irish perspective, is the single electricity market. That operates as a unified regulatory body, North and South. In the withdrawal agreement published last week by the EU, there is a specific protocol on the continual operation of the single electricity market. That is important; I think everyone recognises that it has been to the benefit of the whole of the island of Ireland.

It may also be worth mentioning that within that legislation it is proposed that Northern Ireland remains within the European emissions trading system. That would be a new development, and it is one that needs to be considered in the discussions. The emissions trading system across Europe has been important because it has helped to monetarise and educate people, in particular in business, in terms of the need to decarbonise. It has become more efficient of late because the carbon price has risen, and that is because of political changes in its operation. Once the UK leaves the EU, it will no longer be part of the emissions trading system. If it leaves without a deal, a tax will be put on carbon at £16 a tonne, which will apply to the same sectors as currently within the ETS, except for aviation.

Going forward, the intention is for the UK Government to have an independent emissions trading system linked to that of the EU, similar to the Swiss system. Again, it will probably be less efficient, although it depends on your view whether you think a taxation system or a trading system is more efficient. It is clear that changes will take place and, as I said, there are significant differences currently planned for the GB emissions trading scheme and that of Northern Ireland.

Finally, as I mentioned, interconnectors are an important part of the balancing system. In particular, as we have more renewables going forward, they will become a much more important part of the whole system integration of renewables. It is worth mentioning that prior to Brexit the UK had around 4 GW of electricity connection—3 GW that went to the continent

and 1 GW that was connected between GB and the Northern Irish market and the Republic of Ireland. Since Brexit, an additional link has been connected to Belgium, and a further three are under development to Norway, Denmark and the Netherlands. However, three of the interconnectors that were under development to France have been suspended. That is in part Brexit related. That is in part to do with the question about they will operate in the future, but also because of some of the politics around this.

That has meant that the UK Government have reduced their forecasts for the role of interconnectors. In 2016, they anticipated that around 80 TWh of electricity would be net imported into the UK through interconnectors, a fourfold increase on the current figure. The new forecasts suggest that by the mid-2020s only around 50 TWh will be imported, so the Government are suggesting that the role of interconnectors is going to diminish, and I think that is significantly as a result of the Brexit decisions.

*10.45 am*

To summarise, there are key issues that we still need to keep track of. First, what will happen in terms of the UK electricity market and the future of the SEM? Will it be able to operate in the most optimised way? Secondly, what will happen with interconnectors, in terms of both the UK and—I did not mention this—the Celtic interconnector, where there is talk of building a link specifically to France? The third question is about an emissions trading system. All those things are important for decarbonisation and require co-operation between the GB market, the Northern Ireland market and the Irish market, as well as continual engagement within the international institutions. I hope people recognise that the overall decarbonisation agenda will benefit from continual co-operation in these areas.

**Mike Thompson:**

Good morning, everybody. Thank you for having me. I thought it was worth setting out who we are at the Committee on Climate Change, in case you do not know us. We are the independent statutory adviser to the UK and devolved Governments and Parliament. As it happens, I was also in Dublin yesterday advising the Irish Climate Change Advisory Council, so hopefully for this room that completes the set.

I was asked to speak specifically because earlier this year the UK Committee on Climate Change gave our advice on what the UK should do in response to climate change, and our latest understanding of it. It is very important to say that we give our view as an independent expert body, so our members are all appointed for their expertise rather than as members of particular interest groups. We have a decent resource base. My team comprises about 20 analysts. We have a research budget alongside that, and we engage very widely with industry, researchers, non-governmental organisations and civil society at large. We have thrown everything at this problem, and we have come to an independent, evidence-based view. I hope that can help you in informing your response to the motion. It is worth saying at the outset that the UK and Ireland used to have targets to reduce greenhouse gas emissions by 80% by 2050, but the world has changed since we set those targets, and the change demands that we now aim for a 100% reduction—a net zero target—by 2050.

Three key changes are worth picking out. First, in Paris, the countries of the world came together and said, “Actually we want to aim further. We want to aim not just for a 2° level of warming; we want to aim for well below 2°, and if we possibly can, we want to limit warming to 1.5°.” We already have 1° of warming from our emissions in the past, and global emissions are the highest they have ever been, so, if we are to hit those targets, time is very short, and we

need to act very strongly. Secondly, the public have woken up to this. I do not think that the science is any different from what we expected it to be, but the public are seeing that the impacts on the ground are very serious. They are starting to understand that climate change means more extremes—more extreme extremes—and these are things that people care about and should care about. Finally, there is some good news as well: global technology has progressed far faster than anybody predicted. Renewable energy and batteries for electric vehicles have come down in cost dramatically, enabling us to increase ambition without increasing cost.

I want to pick out four things. First, the Committee's independent view was that the right target for the UK—for a rich, developed country—is to reach net zero emissions by 2050. For the UK that covers all greenhouse gases—not just carbon dioxide but methane—and all sectors of the economy, including international aviation and shipping. The aim is to meet the target entirely through action within the UK. That is all now written into law, and that is the target we have in the UK.

Secondly, it matters for the UK and, more broadly, for Ireland and the European Union to do this. By acting earlier, countries like the UK can help the world get to where it needs to get to. We can demonstrate and develop the policies and the business models required, and to some extent we can also help technologies get to where they need to get to. Those are things that can be picked up further globally. Action by the UK and the European Union can absolutely help the global effort, and it is of course global emissions that matter for climate change. It matters for countries like the UK and Ireland to set this sort of target.

Thirdly, and crucially, it can be done. We approach this in terms of what is needed but also in terms of what is possible. There is a 300-page committee report backed by thousands of pages of research that you can go to if you want the numbers. I will not go through those today, but they demonstrate that you can do this in the UK: you can cut emissions to zero by 2050; you can do it based on technologies we already know about—there are no unicorns in this—you can do it with relatively modest changes in people's behaviour; and you can do it, we think, at worst at a very small cost to GDP. We think at worst your GDP would be doubling by the start of 2051 rather than by the start of 2050; you sacrifice a year's growth over 30 years. Of course, the reality is that there is no world where you do not do anything here. This is very much something that is needed in any case, and it will not be hitting people's pockets at the same time.

Finally, if we are to do it, a transformational change needs to be made. All the parts of our economy will need to pull together on this, and it will have to be led by Governments. It will have to have policy leadership if we are to get there, and that policy needs to cut across all the different levels, so, yes, it needs central Government. It also needs devolved Government, local government, people, businesses and cross-border co-ordination. There are some very obvious synergies between the UK and Ireland. When you look at the single electricity market and at our shared market for right-hand drive vehicles, it clearly makes sense for some policy co-ordination to be going on between the UK and Ireland overall. We will get there only if we all pull together to get there. Thank you.

**The Acting Co-Chairman (Lord Dubs):**

Thank you very much. I call Lord Bruce to move the motion.

## **Rt Hon the Lord Bruce of Bennachie:**

Thank you, Co-Chairman. I beg to move

That this British-Irish Parliamentary Assembly declares an environment and climate emergency following the finding of the Intergovernmental Panel on Climate Change that to avoid a more than 1.5°C rise in global warming, global emissions would need to fall by around 45 per cent from 2010 levels by 2030, reaching net zero by around 2050; welcomes the commitments made by various governments within the BIPA jurisdictions to achieve that target by 2050; and calls on all those governments to work together and collaboratively in so doing.

The motion is absolutely in tune with what Mike Thompson has just said. It is basically to adopt the advice of the Committee on Climate Change in terms of the targets we are trying to reach. I was writing pamphlets in the 1970s on the case for renewable energy, not because I was a visionary on climate change but because we were facing strangulation by OPEC and I felt we needed to find other forms of fuel. Nevertheless, had we invested as heavily then as I might have wished, we would have been further down the track now, but technology is moving very fast.

I am surprised—well, maybe I am not—that none of the panel mentioned Extinction Rebellion. I think Dr Martin said that there is room for hope to balance the fear. It is about balance as well as what is achievable, both politically and practically. In a way, Extinction Rebellion in one sense has highlighted the urgency of the case but on the other side has taken an extreme view of achieving something that is not actually practical or politically possible. I have to say that my 15-year-old daughter, unprompted by me and to my surprise, gave me a very negative view of Greta Thunberg. She was not inspired; she was horrified. That took me aback, because the young people are supposed to be all aboard. Then we have people like Emma Thompson flying from California to demonstrate against climate change in Trafalgar Square, and indeed celebrities beginning to say, “Let’s not be hypocrites about this.”

My plea is: let us adopt the targets that the scientists and the policy makers recommend as achievable, and let us review them all the time so that we can update them and hit them further if possible, but let us not be hypocritical. I do not think there is anybody in this room who did not get here using fossil fuel one way or another. We cannot switch it off tomorrow. Not only that, but net zero does not mean we do not have any fossil fuels; it means we compensate, either by offsets—absorption: planting trees and so forth—or by carbon capture and storage. Even in 2045 or 2050, we will still have fossil fuels in our economy; they just will not be emitting net carbon. They will be offset one way or another.

I now have to make a special pleading, because for 32 years I represented a constituency in Aberdeen and Aberdeenshire that was heavily driven by the oil and gas industry. It is worth recording from the point of view of the UK economy that the oil and gas industry has contributed 25% of all fixed industrial investment in the UK every year for the last 40 years. At its peak, it generated nearly 1 million jobs; it still has 300,000 people directly employed. To turn around to those people and say, “Thank you very much; you’re now the enemy” is not the right way to go about it. I have been slightly disturbed by people in the arts saying, “We don’t want to touch BP’s dirty money,” which has sponsored those arts for years.

My point is that we have to challenge the fossil fuel industry, although I think people in the industry are challenging themselves, because they can see their future is diminishing whether they like it or not. We have to turn them into part of the solution, not the problem. We have to challenge them to apply their technology and capital resources to achieving net zero carbon. In other words, we have to ensure that we have the offsets and the carbon capture and storage that are necessary, and that the industry invests in developing renewable technologies.

With that qualification, I am happy to move the motion. The Committee on Climate Change is invaluable, because it is the base on which we can build our policy. It is really encouraging to know that there is both a public will and the beginnings of a really practical delivery mechanism that gives us the hope that we need to do it. Finally, let me repeat that whatever targets we set, we should review them literally minute by minute and hour by hour, so that as soon as we can bring the date closer, we do so—but we must do so recognising the need to take a balanced view and not to present people with sudden shocks. If you do that, you will get a backlash, which might undermine the policy rather than accelerate its delivery.

**The Acting Co-Chairman (The Lord Dubs):**

Thank you very much for that. I invite contributions from Members of the Assembly. Please—the usual plea—keep them as brief as possible so that as many contributors as possible can get in. I have four names already; Ross Greer is the first.

**Mr Ross Greer MSP:**

Thank you, Co-Chair. As you might expect, I have an unbelievable amount to say on this; I will not inflict it all upon you, but you might just have to cut me off at a certain point.

On the point Malcolm made about Extinction Rebellion, I think it is fantastic that there is a group of people out there who are powerfully, forcefully demanding something that is impossible. Net zero by 2025 is not possible, but their demanding that in such a high-profile way makes it far easier for those of us who are demanding the incredibly challenging but incredibly necessary change that is required to go out and do that. I think XR provide something really valuable to this debate by being the ones pushing for the impossible.

On the point about how we all got here and how we all use fossil fuels, we need to understand that blaming individuals for choices we make within a system that traps us into those choices is not helpful. We are trapped by a system designed around fossil fuels. Our job as elected representatives is to change the system rather than to harangue people about their individual choices. My question for all of us is: if we are going to declare an emergency, what do we do next?

Abigail and Antony both made very good points about co-ordination across Government. Policy coherence on this issue does not exist within any Government in the UK. The example I would give from Scotland is that the Scottish Government have set the strongest targets in legislation of anywhere going at the moment, but they have a £6.5 billion budget for two motorway expansion projects, despite the fact that transport is Scotland's biggest source of emissions and it is increasing. The active travel budget in Scotland is £80 million, compared with £6.5 billion just for two motorway expansion projects.

The point about stranded assets is incredibly important, and it comes back to the policy coherence point. There is £100 trillion of what will be stranded assets currently in known fossil fuel reserves, yet Governments are still issuing exploration licences for new reserves to be found. Collectively, oil companies are expecting to ramp up production by an extra 7 million barrels a day over the next decade, which is utterly incompatible with what we have all committed to under Paris. The chief executive of Shell said this week that, essentially, decarbonisation is not economically viable for them so they are going to ramp up extraction instead. I think that is absolutely criminal.

We need to balance the rhetoric of fear—which is entirely rational, given that this is an emergency—with the rhetoric of hope and talk of stuff like a green new deal, because this is



an opportunity to transform our society for the better. In Scotland alone, we reckon that we could create between 200,000 and 300,000 jobs through a proper green new deal and a proper transition. That would lift entire communities out of poverty, such as the communities I represent, which have not had economic hope since heavy industry left in the 1970s and 1980s. This is a huge and really positive opportunity for them, but we as elected representatives need to be brave enough to say that public policy on this issue needs to be coherent.

*11 am*

Where I think the UK has specific responsibility—I would be really interested in hearing Mike's and the CCC's thoughts on this—is the issue of climate justice. Historically, because the UK was the first country to industrialise—because of our historical use of coal—we are the world's worst polluter in the industrial era per capita, so our targets and our actions need to be far bolder. We cannot set targets on a historically dispassionate basis that ignores the fact that the developing world is not responsible for this problem. We in the UK are more historically responsible than any other nation on the planet. We have a responsibility, but we also have a massive opportunity to tangibly improve the lives of people in our own communities and across the world. We have to take it, and seizing that opportunity is about more than just declaring a climate emergency; it is about taking emergency action as well.

**The Acting Co-Chairman (The Lord Dubs):**

Thank you. I repeat my appeal for brevity.

**Mr Declan Breathnach TD:**

Thank you for your presentations. You mentioned the importance of co-ordination between Governments. I have three quick questions to ask, while we have you here, on the closeness of the Irish-British relationship.

The first centres on our policy in relation to agriculture and, obviously, the common agricultural policy, from an Irish perspective. Would you comment on the whole issue of the need for a change in agricultural developments—for example, giving carbon credits for hedgerows and whatever—to ensure that, as farming takes a new direction, farmers are compensated for doing the right thing?

My second question, which is more local, relates to the need for fiscal alignment, particularly in relation to carbon products, from a cross-border point of view. For example, we have introduced a carbon tax on fuel, but that has not happened to the degree that it needs to. Is that part of your discussions in Ireland, to ensure that we are not coddling ourselves in relation to the price of these products, which obviously leads to a level of smuggling? The whole issue around smoky coal is a classic one: it is widely available in Northern Ireland but banned in most places in the South, yet it is coming through and somewhere around £3,000 profit is being made on one load of coal.

Lastly, have you any thoughts about how you could get a full retrofitting scheme in place—that is the major issue among the communities that I represent—and how it could be done at a very low cost? Are there schemes out there that people and Governments should be looking at?

**The Acting Co-Chairman (The Lord Dubs):**

Thank you. The next speaker is Ian Marshall.

**Senator Ian Marshall:**

This comment is directed to Mike Thompson. Everyone thinks it is someone else's responsibility to deal with climate change, and everyone is supportive of climate change initiatives if they do not inconvenience them. You mentioned achieving targets without anyone feeling the pain—with it not being noticeable—by 2050. My concern is that everybody needs to feel some pain in this. I am completely supportive of all the initiatives to drive targets and to do things better, cleaner and quicker, but I am quite cynical at the moment that there is political capital in greening everything we talk about. I have a degree of cynicism because everyone is jumping on the bandwagon.

Extinction Rebellion was mentioned. In Dublin, they certainly did inconvenience the city and everyone. I think there was quite a lot of negativity about their actions, rather than positivity about dealing with climate change. When I met some of those protestors, they looked at me and they blamed me and my generation for being the villains of the piece. They said that we were the polluters, we created the problem and we were trashing the environment. I had to bring them back quite quickly to remind them that I wore hand-me-down clothes, my first bicycle was second hand, we recycled, and we had milk in glass bottles, so we were maybe not as bad a generation as they make us out to be. Interestingly, when I asked the young people on that demonstration about climate change initiatives, most of them had iPhone 10s, and most of them would not consider having a phone for five or 10 years, as probably many of the people in this room would. That just makes my point: they maybe do not want to inconvenience themselves.

Agriculture and transportation were cited in the citizens assembly report as being the villains of the piece and the big problems here, but I would contend that agriculture is one of those areas that can deliver many solutions to some of these problems. Part of my work is with Queen's University Belfast in the Institute for Global Food Security, and we are partners with ETH Zurich in Switzerland. ETH Zurich has just published an academic paper demonstrating that if we identified all the areas of land that we currently do not farm for crops—the areas of upland and, in the urban areas, the brownfield sites—on which we could plant trees, we could mitigate 66% of the CO<sub>2</sub> that we currently produce on the planet. That is not adoption of technology or new radical thinking; it is simply giving people who own land a platform to go ahead and plant trees. It is fairly simple and straightforward, and it has now been addressed in an academic paper. What is your opinion on that as a simple initiative?

Two weeks ago, I was in Helsinki at the Intergovernmental Panel on Climate Change. I was astounded, as I flew into Helsinki, to see the level of tree cover that exists. It made me look because it makes the UK and, more so, the island of Ireland look as though it has been stripped bare and naked of trees.

**The Acting Co-Chairman (The Lord Dubs):**

Thank you. We have three more speakers: Aengus, Eamon and Al.

**Mr Aengus Ó Snodaigh TD:**

I think the debate in general has concentrated too much on the abuse of fossil fuels. I would concentrate more on the rampant consumerism that has fuelled a lot of the extra demands on electricity and the like, which has fuelled the heating up of our global climate. We could go into the historical nature of that and capitalism, but there has to be some way to ensure that in the middle of this there is a debate around consumerism to a greater degree. We see some

initiatives on and off around plastics and that, but it is not just to do with plastics; it is about other mineral resources, which have been raped from poorer continents, and how the first world has developed and benefited from that. How do you reverse that?

One issue is capacity. For instance, in Ireland we do not have the electricity generation capacity at the moment to move towards a greater degree of electric cars or electric transport. If in the morning the Government decided to have the train system fully electrified, it would be a huge drain. There is a move away from fossil fuels, but the plans in terms of renewables—in particular wind power—are not imaginative enough. Given that all of us here live on islands, we do not hear enough about one of the greatest powers on this earth: waves. There has to be greater capture of the energy that is there. How do we move towards that and encourage Governments to be bold and ambitious, like Ross suggested, rather than taking it slowly, slowly? They have to invest, whether we like or not. There is a cost to it. That cost should be borne not by the lower end of society—those who are always hit hardest—but by those who have made huge profits, in the last century in particular, with their consumerist and capitalist policies.

**Mr Eamon Scanlon TD:**

I thank our speakers for their presentations. There is no doubt that everybody wants to deal with climate change, but not everybody wants to pay for it. We recently had a Budget that introduced a 2 cent increase on diesel and petrol, and I can tell you that that did not go down very well; as we know, everybody was out marching. At the same time, this is going to have to be paid for.

I represent a constituency in the north-west of Ireland, which is mainly a farming part of the country. I suppose you could call it the engine of the beef industry in Ireland. Those farmers are being asked to cut back, and a scheme has been introduced whereby, if farmers want to qualify for a particular payment, they must reduce their stock intensity. That is very unfair. If the shoe is going to fall on one section of the community, that is very wrong. Fracking was also mentioned. We brought in a Bill in the Republic of Ireland to ban fracking completely after seeing the damage that fracking had done—serious damage to the environment and to water courses—in America and places like that.

I was recently in Shanghai on holiday. For three days the sun shone, and for three days you could not see the sun. People were going around with masks on their faces. Surely, if we are serious about climate change, we have to start with these countries. If you look out of the window here today, you can see the sun. In Ireland, it is the very same. You could not see the sun for three days; the sun shone during the day, but you could not see it. Surely, if we are serious, we have to start in these very heavily, highly industrialised countries.

**Deputy Al Brouard:**

I come from a very small island in the middle of the English channel, so I have two offerings. The first is tidal, but of course the technology has not really come to fruition. We are unable to harness 7 or 8 knot tides. Any equipment put in is harshly affected; it would just be moved down several miles. That is for the future.

One of the key drivers of change will be the movement of capital, which is where small finance centres like Guernsey come in. Guernsey has introduced a green finance initiative, which is a strategic commitment to sustainable finance. We introduced the world's first regulated green fund product, which offered investors certainty about the green credentials of their investments.

That is funnelling hundreds of millions in capital out of fossil fuels and into new opportunities. It is an opportunity for pension funds to move real money and to do real good, so please have a look at Guernsey Green Finance. We have also joined the United Nations international network of financial sectors for sustainability and are a founder member of the European network. Again, that is something for your jurisdictions to look at when considering how you can move capital into new areas.

Lord Bruce was absolutely right about the hypocrisy of it all. We almost have to take Ross's position and, rather than haranguing people for being in our system, help them to move to a new system.

**The Acting Co-Chairman (The Lord Dubs):**

Thank you. Now, I will ask the three members of the panel to make brief responses. Would three minutes each be okay? We will set that as a target. Thank you very much.

**Mike Thompson:**

First, I just want to say that that was a great set of questions. These are exactly the right types of questions, and it shows where we are with the debate. We have moved on from asking, "Should we be doing something about this?" to talking about how we do it and what the best way is of doing it. That is where the discussion should be.

I thought I would touch on hope and fear, and balance and blame. Blame and fear are probably not particularly good ways of getting anywhere with this. Hope is more helpful, and more sensible. To look at it from a more technocratic view, when the committee started out in 2008, the world was on track to 4° of warming. We are doing better than that: following Paris, we are on track to 3° of warming, so we have made some progress. We have shown that it is possible to make progress. I mentioned the technological progress. We are in a more hopeful place because of the combination of what we have done already, what the technologies are doing, and the desire we now have from publics. I do mean publics; there is more desire for action, which clearly is not isolated to the UK and Ireland.

The blame point applies in a global context as well. Yes, the UK, as the birthplace of the industrial revolution, bears a particular responsibility for this, but equally—let us not kid ourselves—the industrial revolution was a great gift to the world. We must be careful about how we present some of these things. I think the most useful thing you can do is focus on what we do now to make the best difference we can. For the UK, that means, in a very mature way, taking the steps that we need to take to cut emissions in a way that works for the people around us.

*11.15 am*

That brings me to the point about the pain and whether it is noticeable. Absolutely, it will be noticeable to people. My point is that, if we do it well, it does not have to cost people that much. The key is the distribution of costs. The overall cost is small, but if it is all put on to drivers or energy bill payers, you will see gilets jaunes and the pushback we have seen in various places, which, frankly, we do not have time for. We must be careful about how the costs are distributed. I really welcome that the UK Treasury has committed to reviewing how to fund this in a way that is seen as being fair across the public.

Agriculture will have a big role in this. Clearly, a move from CAP, which pays you to produce, to a system like that envisaged in the UK Environment Bill, where you are paid for doing things

that will help to tackle emissions and help to prepare for the climate impacts that are coming, is the direction of travel we need across Europe, not just in the UK.

Finally, on China, we have to start this everywhere. Every country needs to be doing this. Absolutely, we need to bring China, India and the US with us, but we cannot wait for them to go; we all need to move together on this. We should absolutely be doing all the things we can do to bring China with us, but at the same time we do need to get our own house in order, and that will absolutely help us to bring China with us.

My concluding remark for the Assembly is: go into this with your eyes open. This is not about declaring a climate emergency; this is about saying that you, as an Assembly, will prioritise this issue. It will have to cut across all the policies that we make and all the things that we do. Programmes of government at every level will need to reflect the challenge that we are trying to face here. We are trying to make a transformational change, so please understand what you are getting into here. You are getting into a major change, but it is clearly a change for the better.

**Antony Froggatt:**

On transformation, what we have seen so far is largely a transformation within the power sector. As I mentioned, the deployment of renewables has been very successful. That is part of a global process. It was policies in Europe, in some ways, that developed the manufacturing bases in China and India that led to global falls in prices.

We are seeing a similar process in other sectors. Transport will probably be the next in which you see significant transformations. In some ways, this points to the remark about the oil sector. If you look back at the power sector, those companies that did not recognise the pace of change have been left behind; the share values of the big power utilities in Europe have crashed, and small independents have built this up. It will be the same in the oil and transport sectors: those companies that are developing the new models—the Teslas and BYDs of the world—will take over. It is time for the oil sector to recognise that it needs to change its business model, because the pace of change will be much faster than it anticipates. That is the experience we have had in our conversations with these companies.

The final sector is heat and cooling. Again, the really important point is that a third of energy consumption in the UK and, I assume, in Ireland goes into buildings. It will be current technologies, not rocket science, that changes buildings to make them highly efficient. This is good for the environment, it is good for people's pockets and it is good for local employment, so why do we not do more on energy efficiency? We have talked about it for 20 or 30 years, but it still has not happened. I think that is partly because business models are not designed to encourage it, so anything the Assembly could do in this area would be useful.

Agriculture is also really important. Roughly a third of global emissions are about land use and agriculture and food production. There are many opportunities, including changing land and farming practices, shifting diets, and reducing food waste. All those things will be necessary. I think we have seen a shift over the last couple of years, with people recognising that what they consume is important not only for themselves but for the environment. That should be very much encouraged.

My final plea is to highlight that next year the UK is hosting the COP—the very important conference of the parties of the United Nations framework convention on climate change—in Glasgow. That really is an important event. Historically, the big COPs were Copenhagen in

2010 and Paris in 2015, and now there will be Glasgow in 2020. This is an important global event, and it is really important that the UK and its neighbours in Europe—it is not just a UK COP; it is also an Italian COP—support it to ensure that it is a success and to show how the UK and Ireland are changing in order to meet climate objectives.

**Dr Abigail Martin:**

I will round off with some comments about the framing of the climate emergency. A couple of people have brought up Extinction Rebellion. As someone said, Extinction Rebellion has an important role to play in raising awareness, but it offers one particular frame, which you do not necessarily have to buy into. From the perspective of intergenerational justice, there is, of course, an argument to be made that previous generations have brought us to this place, but that is only one way to look at the problem. Another way to look at it is to think about climate justice as another form of social, economic and environmental justice in the UK—not just a global issue, but very much a regional and close-to-home issue.

Right now, the costs of business as usual—fossil fuel energy production—are borne by a number of groups, entities and environments that are not properly accounted for. When you talk about climate justice and the climate emergency, you should also be thinking about how this kind of transition will change things for the people who carry the burden of public health impacts due to fossil fuel energy use. That is primarily urban populations, but communities that live near energy production sites also bear the brunt of health impacts from some of these energy production systems. Worker opportunities in the fossil fuel sector will certainly shift, but there are a lot of groups, especially in the UK, that come from socially deprived areas that have not had economic opportunities, so there is a justice angle there too that it is important to play up.

On what to do about China and these big industrialised economies, I want to emphasise that there is a really important role to be played by democratic Governments in transitioning for climate change. We cannot necessarily rely on authoritarian Governments to lead the way. The UK has a big role to play in that regard.

Finally, innovation is key. We have a lot of the technologies that we need to make the transition, but there is still more investment to be made in scaling and bringing results to the fore. I want to remind everyone that most, if not all, of the major technological innovations of the past 30 or 40 years really started in the public sector and were distributed out to the private sector. This is not just about turning towards fossil fuel industries to lead the way in thinking through how to make the shift; the public sector—especially the public sector as a democratic institution—has an incredibly important role to play.

**The Acting Co-Chairman (The Lord Dubs):**

Thank you very much indeed. My thanks on behalf of all Members of the Assembly to our three experts. Thank you very much indeed for coming along and leading the debate. *[Applause.]* Thank you to all colleagues for their contribution to the debate.

*Question put and agreed to.*

**Resolved:**

That this British-Irish Parliamentary Assembly declares an environment and climate emergency following the finding of the Intergovernmental Panel on Climate Change that to avoid a more than 1.5°C rise in global warming, global emissions would need to fall by around 45 per cent from 2010 levels by 2030, reaching net zero by around 2050; welcomes the commitments made by various

governments within the BIPA jurisdictions to achieve that target by 2050; and calls on all those governments to work together and collaboratively in so doing.

## **ADDRESS BY THE WELSH GOVERNMENT'S COUNSEL GENERAL AND BREXIT MINISTER**

**Mr Jeremy Miles AM:**

This is my first visit to the Forest of Arden, which Orlando in Shakespeare's "As You Like It" describes as "this uncouth forest", although it is now much improved by the civilising presence of British and Irish parliamentarians.

Lest anyone take offence, when Shakespeare referred to an "uncouth" forest, he used the term to mean wild or uncharted. Arden was at once both very familiar to him, as part of his childhood, and a very strange and magical place. That is certainly how our corner of the world feels today politically. It is the kind of place to which I am sure many parliamentarians would like to escape to avoid our current predicament. Some seem to think they are already living in a place where magic can overcome the practical realities with which we all have to grapple. If only that were the case.

Like all jurisdictions represented here, Wales is immensely rich with history. It is also keen to build strong international networks which reflect the growing confidence and ambition we see in our 21<sup>st</sup> century nation.

The UK's decision to leave the European Union has, of course, shaken our politics and some things will never be the same as a result. I hope, however, that we can all draw strength from the value of the common bonds between us and from the associations which we want to endure and grow over the coming years. I refer not only to our connections in respect of geography, but in terms of history, culture and, importantly, values. Whatever happens in the coming weeks, we in Wales want to forge ever closer links with all of our nearest neighbours.

The agreement reached last Thursday between the UK Government and the EU 27 has again transformed the landscape within which we believed we were working. Whether or not one happens to agree with it, it is without question that it represents a fundamental shift in the approach of the UK Government.

In July, the Prime Minister said that no Conservative Prime Minister would ever agree to a customs and regulatory border in the Irish Sea but that is exactly what has now been agreed. This has enormous implications for all of us. We in the Welsh Government wholly endorse the decision of Parliament to withhold consent until the implementing legislation has been fully scrutinised and passed.

For our part, we have called on both the UK Government and the European Council to agree an extension to the Article 50 process long enough to enable a referendum to be held to ask the people of the UK whether this is the deal they want or whether, in the light of all we have learned in the painful period of the last three years and some months, they would wish to remain in the European Union.

In making that argument, it is important to recognise that Wales has important questions to ask regarding the decision to replace a backstop which applied to the whole of the UK with a long-term, and possibly permanent, front-stop which applies only to Northern Ireland.

*11.30 am*

We need to ask, for example, whether Northern Ireland would gain a competitive advantage by being able to trade freely with both the EU and the rest of Great Britain and whether Welsh businesses would be disadvantaged because it may not be possible to put the products they make, which conform to UK standards, on the market in Northern Ireland if UK standards diverge.

I believe, however, that we would all agree the most important aspect of this is that, if Brexit happens in any shape or form, it cannot and must not put at risk the peace and stability that Northern Ireland has seen over the past 21 years. The agreement reached in 1998 made it possible for all sides to come together to build a shared, just, and prosperous future for all communities. It opened a new chapter on the island, both North and South, and was, as such, warmly welcomed and supported in Wales. That support has only grown stronger in the years since 1998. The message from those of us in Wales to the UK Government is clear; that must remain a top priority and any solution must protect the interests of both communities in Northern Ireland.

It must also protect the interests of the Republic, which has done absolutely nothing to bring this crisis down upon its head.

The future status of Northern Ireland is for the people of Northern Ireland to agree. That is the fundamental principle at the heart of the Good Friday Agreement. This is another advantage to the referendum we wish to see. It would represent a test of whether people in Northern Ireland would prefer to remain within the EU than accept this deal which has been, in effect, negotiated over their heads.

The Good Friday Agreement is 21 years old. The British-Irish Parliamentary Assembly is a little older, having been established in 1990. I trust that, in spite of current difficulties, Members are looking forward to celebrating its 30<sup>th</sup> birthday next year.

Devolution is 20 years old this year. We have celebrated this landmark in Wales by remembering all of the advantages that devolution has brought us and the many achievements of which we are very proud. Notwithstanding that, for the first decade, we lacked adequate powers and that, for the second decade, we lacked adequate funding, we have come a long way since that narrowest of victories for the yes campaign in the 1997 referendum.

The Assembly famously began as a body corporate with no primary law-making powers and with no new areas of responsibility given to it beyond the executive powers of the Welsh Office. Now both our Senedd, which has full law-making powers in devolved areas, and our separate Executive are settled features of the democratic landscape in Wales and the UK.

People under 40 can barely imagine a world without devolution and the distinctive progressive policies it has brought to the people of Wales. These include a health service which has rejected marketisation, significant investment in schools across Wales, legislation on homelessness,



legislation to protect and promote the Welsh language, ambitious environmental laws, legislation to protect our future generations, and measures in many other important areas.

Our celebrations have been, however, tinged with sadness that we have not been able to share them with a restored Northern Ireland Executive and that we have not been able to join with it and Governments and Parliaments across these islands in looking to the future. How do we work together to face the challenges of tomorrow? The Welsh Government began working on the implications of Brexit immediately after the referendum in 2016. We in Wales have long made the argument for a different constitutional arrangement for the UK. The pressures of Brexit have only made that work more urgent.

The Welsh Government is fiercely devolutionist both as a point of principle and with regard to the practical advantage we believe arises from a different kind of politics which is closer to the people and more reflective of the complex mix of identities that people in the 21<sup>st</sup> century now hold.

Devolution has the potential to help us to address some of the challenges of alienation that impact upon our politics at a time of rapid globalisation but we are very concerned that the UK Government exhibits, both in word and in deed, an ambivalence with regard to devolution. It seems that, despite proclaiming Unionist credentials, the current Prime Minister is not heeding the warnings of his predecessor. Theresa May spoke with commitment about the benefits of the Union in her Edinburgh speech shortly before she left office. She also reminded us that: “our Union rests on and is defined by the support of its people”.

We are a Government who believe in the Union and we are passionately devolutionist. We therefore felt it was incumbent upon us to take up the baton where the UK Government had, in effect, laid it down and to think clearly about the ways in which the UK can remake itself. That is why we recently published “Reforming our Union: Shared Governance in the UK”. This document lays out 20 substantive propositions and a starting point for the debate we want to have across the UK in the coming months and years.

It sets out the need for a new constitutional settlement that can ensure relationships between the four governments are established as a genuine partnership of equals and in a spirit of mutual respect. It sets out a well-functioning partnership in which decisions are taken on bases which are transparent and fair to all rather than arbitrarily and in response to the short-term political needs of the UK Government. It also sets out changes needed to the intergovernmental mechanisms which would support more effective relationships across the UK. It also includes proposals for fair funding across the four UK nations in addition to root-and-branch reform of the way disputes over those funding decisions are adjudicated. It also proposes to provide clarity on the relationships between the UK Parliament and devolved legislatures. I will say more about that in a moment but let me first set the scene.

Our proposals begin from a simple point: a desire to strengthen and improve the existing devolution settlements. What we have suggested is a change to the way the UK currently operates, but the UK itself has changed in important and profound ways over the past two decades. In order to face the challenge of the next century, we need to chart a way forward which is informed, but not constrained, by our history.

In our judgment, parliamentary sovereignty as it is traditionally understood no longer provides a sound foundation for understanding how our evolving constitution operates in practice. It

therefore needs to be updated and adjusted to take account of the realities of devolution through a new constitutional settlement that recognises in law the new and permanent devolution features of the UK's constitution. This is not important only within the UK; it will also provide the firm foundation we need for negotiations with other states and territories both close to home and around the world. How can the UK interact with its international partners if those partners are not confident that the internal machinery of the UK functions properly and that international agreements and treaties can and will be implemented across the devolved nations of the UK?

I will not be able to cover all 20 propositions in detail today but, given the nature of this gathering, I will focus in particular on our propositions for legislatures and legislative powers. These start with the principle that it should be a matter for each legislature to determine its own size, electoral arrangements, and internal organisation. Locally determined standing orders should provide for the relevant legislature in respect of these matters, as required.

Even under the existing understanding of parliamentary sovereignty, it is clear the continuing existence of the devolved legislatures should, of course, be immune from questioning. It therefore follows that they should be empowered to be fully self-governing with regard to their numbers, the rules they put in place with regard to eligibility for memberships, arrangements for elections, and so on.

The UK Parliament has been long able to regulate itself. The devolution Acts for Wales and Scotland now enable those Parliaments to do so as well, although I note that both the Senedd and Scottish Parliament are subject to requirements for supermajorities in respect of many of these matters. This is not required in the House of Commons.

We conclude that the devolved legislatures in Wales and Scotland are, for all practical purposes, permanent features of the UK's constitutional arrangements and self-governing institutions. With regard to their governance, they are largely immune from external interference. We acknowledge that different prescriptive requirements apply in certain respects to the Northern Ireland Assembly's arrangements for reasons we well understand.

Our second proposition in this area is that the relations between the four legislatures of the UK should proceed on the basis of mutual respect. Legislative devolution has not meant the transfer by the UK Parliament of full legislative powers to the devolved legislatures. The UK Parliament still formally possesses unlimited legislative competence and the legal authority to legislate for Wales, Scotland and Northern Ireland on all matters, including those that have been devolved. By that analysis, the devolved legislatures are, in fact, additional legislatures for their territories with competencies overlapping those of the UK Parliament.

To give legislative devolution meaning, the UK Parliament is therefore required to adopt a self-denying ordinance in respect of legislation on matters in the devolved sphere and thus to acknowledge in practice the primary responsibility of the devolved legislatures for legislation on devolved matters.

From this arises the Sewel convention which, as we all understand, is the convention the UK Parliament should not normally seek to legislate for a territory in respect of matters within the competence of the devolved legislature of that territory without that legislature's explicit consent. Despite restating that convention in statutory form for both Wales and Scotland, there is no guarantee the convention will not be violated. Indeed, it already has been.

It is clear from the decision of the Supreme Court in the Miller case that questions about compliance with the convention are not justiciable. In practice, the UK Government and Parliament have considerable discretion in deciding what circumstances are abnormal. They can proceed with legislation on matters within devolved competence regardless of whether a devolved legislature has given its consent. That is extraordinary. The convention has no rules or agreed procedures. The UK Government is, in effect, under no obligation to report on, or to explain how, it has come to the conclusion that normal circumstances do not apply. It is certainly not open to effective challenge by devolved institutions or, indeed, by the UK Parliament itself. It is entirely arbitrary in that sense.

In the Welsh Government's view, that is not a sustainable position. I do not believe the Sewel convention is compatible with any sort of devolved United Kingdom which will be fit for the future. In the immediate future, it needs to be reformed so that its operation is entrenched, codified, and open to challenge. We need a proper definition and clear criteria governing its application. It must have real, rather than just symbolic, acknowledgement in our constitutional arrangements.

*11.45 am*

That means agreeing a clearer specification for the circumstances in which the refusal of consent by devolved legislatures can be legitimately overridden. The Government of the UK needs to negotiate a new memorandum of understanding which would set out the circumstances and criteria to which I have just pointed. These criteria could be set out in statute so as to facilitate judicial oversight of decisions by the UK Government to proceed without consent. Furthermore, we advocate a more explicit stage of UK parliamentary consideration of the implications of proceeding regardless of a lack of consent. Parliament should, in our view, be given a specific opportunity to consider the constitutional implications of allowing a Bill to proceed to royal assent without consent.

When the Scottish Parliament refused its consent to the European Union (Withdrawal) Act 2018, neither House of Parliament was given any real opportunity to consider the implications of proceeding without consent. In the future, these issues must be handled with greater respect for the views of the devolved legislatures.

The parliamentary legislative process should be adjusted so that a proper opportunity is given to each House, during the final stages of a Bill's consideration, to consider whether it wishes to proceed with the Bill when the relevant devolved legislature has refused consent. UK Ministers should be required to explain, by way of statements in each House, why they wish to proceed with a Bill, notwithstanding the absence of that consent. The devolved legislature should have its own opportunity to provide Parliament with its reasons for not giving consent.

Parliamentary consideration could be also informed by reports from the relevant parliamentary committees on the constitutional implications of proceeding with Bills in these circumstances.

In the longer term, we propose a simpler and more radical approach. The Sewel convention ought to be replaced by a constitutional settlement in which the powers and responsibilities retained at the devolved level are exercised exclusively at that level, other than by consent of the legislature itself. In those circumstances, the UK Parliament would not be able to legislate on devolved matters or to seek to modify the competences of the devolved institutions by parliamentary legislation without the consent of the relevant legislature. In other words, the

“not normally” convention and the potential for uncertainty and misunderstanding associated with it would, in effect, be replaced by “never”.

There will be occasions and purposes in respect of which legislatures will want to consent to another legislature passing legislation on its behalf. They will, however, do so more readily and purposefully if the relationship between the different legislatures and governments is based on parity of participation and respect and if we have a robust and transparent interparliamentary mechanism instead of an opaque intergovernmental one.

Our next proposition is that it should be recognised that the legislative powers of the UK State are now exercisable by four legislatures rather than one. It follows that the running costs of the four legislatures should in future be covered together on the same basis as the UK Parliament’s. This would mean a specified funding line covering all four legislatures top-sliced from the total budget provision for the UK.

Currently, each devolved legislature has to finance its own running costs out of the total resources calculated for distribution to its executive branch for public services. We do not believe that is consistent with our citizens’ expectations regarding the use of the resources provided for those services or, indeed, with the constitutional principle of the separation of powers. Funding for the Senedd’s commission, for example, is top-sliced from the allocation of central funds for devolved public services. Whitehall Departments would be surprised at any suggestion that their allocations should be top-sliced to meet the running costs of the UK Parliament.

Of course, we need to manage the risk that the freedom we propose for each devolved legislature to determine its own size and organisation could leave open a disproportionate claim. We believe that could be addressed through a revised memorandum of understanding between the legislatures.

Our final proposition in the area relates to the composition of the UK Parliament itself. We propose that each of Wales, Scotland, and Northern Ireland should continue to be represented in the House of Commons. As a Unionist government, we strongly support that proposition. We would expect the House of Commons to continue to be able to decide on its own number of Members and on how they are elected.

We also argue, however, that the allocation of seats to each part of the UK should be fixed rather than recalculated at each boundary review, as the law currently requires. For example, in a 600-Member House, the legislation would provide that there would be 30 constituencies in Wales. A fixed number of Welsh constituencies for the foreseeable future would provide our Senedd with a firm foundation on which to construct new electoral arrangements if it wanted to do so, perhaps on the basis of coterminous parliamentary and Senedd constituencies as is already the case in Northern Ireland. It could be also beneficial, from the standpoint of the wider United Kingdom, to have common geographies that enable Members of Parliament and Members of the Senedd to work together effectively.

We also propose a reformed Upper House of Parliament. If the Lords is to be reformed, we are of the view that full and proper account needs to be taken of the developments in the UK’s territorial constitution. Given the population disparities between England and the other parts of the Union, it would be unrealistic to argue for equal representation from each territory but

the membership of a reformed Upper House, which we propose should be largely or wholly elected, must take into account the multinational character of the Union.

The existing House of Lords has claimed for itself a particular responsibility in respect of UK constitutional issues. That tradition should, in our view, be built upon. The Upper House should be given explicit responsibility for ensuring that the interests of the devolved territories and their institutions are protected and properly respected in UK parliamentary legislation. That concludes our propositions on the legislatures and legislative powers. I will not rehearse the remainder of the 20 propositions but I commend them to the Assembly.

One hundred years ago, a Speaker's conference on devolution was appointed to consider and report upon a measure of federal devolution for the United Kingdom. It produced proposals on a wide range of issues with which we continue to grapple today. Unfortunately, nothing came of those endeavours. A century later, the case for change is now urgent.

Daunting though it can feel in the uncharted territory we have reached, we must step away from the constraints of tradition and remake our constitution and relationships anew. We need to grasp the chance to think differently and to think creatively about our future relationships both within the UK and beyond. The space we want for that reimagining, our own version of Arden, is a constitutional convention. We have been calling for this for a long time. The need for it has never been more pressing.

In the meantime, it has been a pleasure to join Members today to explore some of those possibilities. In "As You Like It", Shakespeare tells us that "All the world's a stage". I am about to leave this stage but I am happy to take any questions anybody may have. *Diolch yn fawr iawn*. Thank you very much.

**The Co-Chairman (Mr Seán Crowe TD):**

Again, I apologise to Jeremy on behalf of all of the Members. We had a vote in Westminster and that is why many of the seats are empty this morning. A number of people have indicated. May I take all of the Members together, if Mr. Miles does not mind a group of questions at once? I am just conscious of time. We will hear from Delyth, Linda, Paul Murphy, and Darren.

**Ms Delyth Jewell AM:**

I thank the Co-Chair. Yesterday, we heard from Michael Russell of the Scottish Government. Similar to Mr. Miles, he talked about intergovernmental relations and how they need to be reviewed. We have been enjoying many quotations from Shakespeare over the past few days, as you can imagine. He said that, while we are travellers of a journey, "travellers must be content". We made the point yesterday that this quotation could be used in reference to Brexit but it could be also used with regard to our journey in respect of the Union, although we will have different opinions as to where we want that journey to end. You have set out some really interesting and really progressive ideas as to how intergovernmental relations should be reviewed. What is the best way to ensure those reviews occur when the UK Government is currently judge and jury in respect of any disputes that arise and when it might not be in its interests to see those relations reviewed?

**Ms Linda Fabiani MSP:**

My point ties in with what Delyth has said. After our independence referendum in Scotland, we set up a commission which could be termed a constitutional convention, albeit a very small one. One of the things unanimously put forward as a recommendation was that the Sewel convention be placed in statute. When this proposal came up for discussion with the UK Government, it was overruled. This is when the “not normally” provision was put in.

I am interested in two things. Does Mr Miles really believe the UK Government will back down on what it perceives as its sovereignty and right to be the ultimate ruler with regard to these issues? This idea was backed up by the Supreme Court when it looked at legislative consent motions. How closely is he working with the Scottish Government on these issues in order to have some form of collective movement among the devolved administrations, where possible?

**Rt Hon the Lord Murphy:**

I thank Jeremy very much for his very interesting and very thought-provoking set of proposals, most of which I agree with although I have a few more doubts about some, particularly those with regard to the House of Lords. Leave me alone for a few years and we can see what happens after that. I do, however, think that these proposals are very interesting. They are worth discussion and are in line with the mood of the time.

I want to be much more timely again. I have just read in *The Guardian* that Mr Ian Blackford, who leads the SNP in the House of Commons, has said the SNP has today lodged an amendment in respect of the withdrawal Bill which would decline a second reading later on this afternoon in the absence of legislative consent from the Scottish Parliament. He said that “Our right to determine whether we remain EU citizens” must not be in the hands of Boris Johnson. Essentially, the amendment says that if there is no legislative consent from Scotland, there will be no EU Bill. Of course, Wales also has to give legislative consent. I do not know whether the Welsh Government has considered its reaction to this yet but it is significant.

Another point, very much related to this, is that the 100-page Bill, which I have not yet read in any detail, has quite a considerable number of clauses regarding devolution. I am of the view that we cannot do justice to it in only a few days. I hope the Welsh Government has been given some opportunity to comment on the parts relating to devolution in the Bill which is to be given its second reading in the House of Commons in six hours’ time.

**Mr Darren Millar AM:**

I thank Jeremy for a very interesting speech. I know that the Welsh Government has been seeking a serious conversation on the future of the United Kingdom.

*12 noon*

A lot can be done in Wales on a cross-party basis to take forward some of these ideas, including those about more equal arrangements across the UK and about making sure that governments of different political stripes in Westminster, Wales and Scotland work together in concert to the benefit of everybody whom they are there to serve and represent.

Given that the UK Government is, at present, almost exclusively distracted by Brexit, which brings into focus the differences between the nations, how does Jeremy think these issues might be taken forward? I know the First Minister of Wales has called for a constitutional convention.

I think we need one. We need to get together to talk about arrangements going forward. Clearly, however, that will not happen in the short term. How are we to muddle through the difficult times in the interim before such a convention can be established and worked through? It probably will be some years before we get to a position with which everybody in all parts of the UK can be content.

**Mr Jeremy Miles AM:**

Thank you all for the questions. I am bitterly disappointed to hear I was not the first speaker to quote from Shakespeare over the course of the last couple of days. Perhaps that was to be expected.

There were a number of themes in the questions. First, there was the question of how the points outlined here and by the First Minister in his speech on this topic a couple of weeks ago can be taken forward in practical terms. It is incumbent on any UK government to respond to the growing democratic impulse in all parts of the UK for the constitution to more closely reflect the needs and distinct character of the different countries and territories which comprise the Union and it is inevitable, in the long term, that it does so. Perhaps the reasons for this impulse are different in different parts of the UK.

With regard to Darren's question, which was about how we muddle through in the meantime, I want to acknowledge that this is a cross-party endeavour. There are people in all parties thinking critically about how to take forward some of these questions. A number of practical discussions have been under way. In a sense this can be regarded as muddling through. One example is the intergovernmental relations review, which has been ongoing for 18 months. That has been distracted from by the demands of Brexit. Brexit has illuminated a larger pre-existing problem. The challenges which the four parts of the UK have had to come together to navigate have been thrown into stark relief by Brexit.

With regard to muddling through, to use Darren's language, we first need to make progress on that intergovernmental review in short order. The plan was for progress to have been reported by the end of September but that has not been possible. We are still hopeful that the end of this year remains a realistic target by which to do this. That is, however, subject to many other considerations.

One of the dimensions to taking forward this is reflecting on the point Linda made when she referred to the need for different devolved governments and administrations to work together. In all candour, it has been challenging to make progress on these questions with the UK Government. The areas in which we have made progress are those in which Wales and Scotland have worked closely together. Obviously, the situation in Northern Ireland, which does not yet have an executive, puts it in a separate context for these purposes. We have, however, worked closely with the Scottish Government. I believe this is a template for relations across the UK generally. We recognise that, although our ideal constitutional destinations are different, there is a great deal of common ground regarding how to make the existing arrangements better along the way to wherever those questions may land. Where we have been able to make progress, it has been almost always on the basis of working closely together with our colleagues in the Scottish Government.

On the question Paul raised about the withdrawal agreement Bill, it is not sensible or acceptable for legislation of this nature and scale and with this depth of impact to be rushed through

Parliament in the way that is currently happening. We take that view with regard to the requirement to seek the consent of Wales as well. These things have implications which require reflecting upon and we should not rush them through to meet an arbitrary deadline. I know that is a matter of political debate, but I am of the clear and strong view that, in all parts of the UK, we must have time for reflection on what is contained in this Bill.

The view of the Welsh Government is that the Bill seeks to implement a deal which is bad for Wales. We are absolutely clear about that. We hope to have the opportunity to have a statement or debate on this early stage of the Bill in the Assembly this afternoon.

With regard to involvement in the Bill, having had, in all candour, a very bad experience in respect of the first European Union (Withdrawal) Act, the truth is the engagement at official level on the development of this Bill was much better, particularly under Theresa May's administration. That involved engagement on some of the devolved matters. It does, however, remain the case that the impact of that Bill, on devolved matters and beyond, will be very significant in Wales. We believe this agreement and deal is bad news for Wales.

**The Co-Chairman (Mr Seán Crowe TD):**

I again thank Mr Miles for his informative and stimulating discussion this morning. We appreciate it.  
*[Applause.]*

**The Acting Co-Chairman (The Lord Dubs):**

Our business is pretty well concluded. I thank you all for attending. I am sorry that pressures in the House of Commons reduced our numbers a bit but I thank those of us who bore with it. I thank our speakers, our secretariat, the staff of this hotel, the staff of Warwick Castle, Members, and everybody else who made this 59th plenary session as successful as I believe it has been.

**The Co-Chairman (Mr Seán Crowe TD):**

On my own behalf, I would like to thank Ed, Amanda, Sir Michael, Priscilla, and the back-up staff, including the people on sound and the people taking notes, for all their help and support over the past couple of days.

I believe we would all agree that it has been a productive few days. At times it was interesting, informative, stimulating, and thought-provoking. Once again, there was a high level of engagement by Members. That follows through and is positive.

Brexit has again cast its long shadow over our conference and our work but I hope that, when we meet again in Ireland for the 60th plenary, the issue will have been resolved and we will all know where we are. I again thank everyone for their support.

I will now call on an Irish Member to move the adjournment, Senator Catherine Noone.



**Senator Catherine Noone:**

I echo the words of the Co-Chair and thank colleagues for their attendance. I acknowledge the great opportunity these plenaries offer to enhance friendship and the relationship between our islands. This has never been more important than it is at the moment. I wish everyone a safe journey home. We look forward to welcoming you all to Ireland. There could be two elections, or more, between now and when we meet again. The secretariat is very adept at working around the realities of the job we do. Until we meet again, I propose the adjournment.

**The Co-Chairman (Mr Seán Crowe TD):**

I declare the 59th plenary session of the Assembly closed. We will next meet in plenary session in Ireland next spring. The plenary session stands adjourned.

*Adjourned at 12.09 pm.*