

Exiting the European Union Committee

Oral evidence: The progress of the UK's
negotiations on EU withdrawal: Role of Parliament,
HC 372

Wednesday 13 February 2019

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Members present: Hilary Benn (Chair); Joanna Cherry; Stephen Crabb; Mr Jonathan Djanogly; Richard Graham; Peter Grant; Wera Hobhouse; Stephen Kinnock; Jeremy Lefroy; Craig Mackinlay; Mr Pat McFadden; Mr Jacob Rees-Mogg; Stephen Timms; Mr John Whittingdale; Hywel Williams; and Sammy Wilson.

Questions 3737 to 3770

Witness

I: Bertie Ahern, Former Taoiseach (1997-2008).

Examination of Witness

Witness: Bertie Ahern.

Q3737 Chair: First of all, can I welcome on behalf of the Committee Bertie Ahern, the Taoiseach of the Republic of Ireland from 1997 to 2008? Mr Ahern, we are extremely grateful to you for travelling from Dublin to give evidence to us today.

The implications of Brexit for the border, for Ireland, have been absolutely central to the work of this Committee since the result of the referendum. As one of the principal architects of the Good Friday agreement, you have a unique insight into the consequences of that decision, and we are extremely grateful to you for coming today. I would like to stress, both for the Committee and for the benefit of those who are watching these proceedings, that you are giving evidence to us today entirely in a private capacity, and you are not speaking on behalf of or representing the views of the Irish Government.

With that, you are very welcome. I understand that you would just like to say a few words by way of beginning, and then we will get into questions. I think almost every member of the Committee has questions to put to you, and we will have to finish bang on 11.30, because you have other commitments to go to, so brevity in questions and answers would help.

Bertie Ahern: Thank you very much, Chairman. Thank you and to Committee members for inviting me. This is clearly a critical time in terms of managing the United Kingdom's withdrawal from the European Union and, because of that, for the work of this Committee, and I am glad to be, hopefully, of assistance to you in that. Before I take questions, it may be useful for me to begin by setting out a few points and outlining, very briefly, my perspective on some of the issues that have been at the centre of the debate. As you said at the start, for the record, I am not speaking today on behalf of the Irish Government.

I think I have been asked here today because there is an interest among your members in understanding as much as possible the impact Brexit may have on the achievements of the Good Friday agreement and the peace process. I welcome that very much.

I believe that the peace process in Northern Ireland is a tremendous shared agreement, in which we can all take great pride. It transformed the situation in Northern Ireland, ending a cycle of tragic and intense conflict, and allowing a new generation to grow, out of the shadow of violence. It was never meant to be the end of reconciliation; it was meant to be the foundation for a closer and better relationship with Northern Ireland, between north and south, on the island of Ireland, and between



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Britain and Ireland. The enormous pent-up desire for that foundation for the future was reflected in the popular votes in the referendum.

Young people today in university or getting their first job were born when the ceasefires were declared or the agreement was signed. They have grown up in a better, safer place because of that, but it all remains a fragile process, and it is hugely important that we keep it moving forward. For those three relationships, it was designed to improve and keep getting better.

If someone asks me, "Well, what does that have to do with Brexit?", it has everything to do with it. We could see right away, the moment the idea for the Brexit referendum was proposed, that this would have huge implications for the island of Ireland. When we were negotiating the Good Friday agreement, the fact that both of us were members of the European Union and that it was always going to be that way was taken as an absolute given, and was a key assumption on which the agreement was based.

The combined effect of the Good Friday agreement and our common EU membership was that it became possible to remove the customs posts and the security towers, and leave them permanently behind us. The open, invisible border we have today is an achievement of the process and our shared membership of the European Union. No one wants to see a hardening of that border, and anyone familiar with life in Northern Ireland and the border counties would react to the prospect of any infrastructure, checks or controls along the border, all 300 miles of it, with more than 200 crossings, with enormous concern. In my view, they would be right.

From our point of view, we want to keep the border just the way it is now. I think that is the view of the entire island of Ireland. We want to keep north-south co-operation just as it was envisaged in the agreement, and we want to keep the relationship between Britain and Ireland in the same hugely close and positive place it has reached in the last two decades. Just because we all want it, it does not mean that we do not need a plan to make it happen. The view of the European Union and the Irish Government, of course, is that we have that plan in the withdrawal agreement and the protocol on Ireland and Northern Ireland, including the backstop. Some of the members of the Committee, I know, disagree with that, and I respectfully, totally understand that.

But, at the end of the story, we have to ask, "What other way forward is there?" That means we deal with the red lines and have a workable plan to avoid a hard Brexit—something no one wants. The negotiations have gone on for two years, and the United Kingdom Government set out their red lines at the start: leaving the single market, leaving the customs union, leaving the jurisdiction of the European Union and the freedom to do your own trade deals. I understand that, but we have a complex issue to deal with. I know you have to look far beyond my brief on Northern



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Ireland, to all the other issues, but I just hope, in the remaining weeks, we can find a solution that keeps life close to where we are at present. Thank you, Chairman.

Q3738 Chair: Thank you very much indeed for that, Mr Ahern. Can I begin by asking you about the consequences of no deal? As you will be aware, this is the subject of increasingly urgent and fevered debate here in the United Kingdom. It would be very helpful for the Committee to understand what the impact of a no-deal Brexit would be on the Republic of Ireland.

Bertie Ahern: Economically, a number of reports have been done. The most recent one was the central bank report, about two weeks back. It said that it would mean a loss of about 4% of GDP very quickly. My own view is that the multinational sector is probably well capable of handling it. Although they would not like it, as nobody would, some of the large companies could handle it, but the indigenous sector would suffer. The indigenous agri-food sector, I think, would really, really suffer. It is estimated that you would lose about 40,000 jobs. In our terms, that is an awful lot of jobs. Unemployment would go up by about 2%, and the tariffs on beef and dairy in particular would be devastating.

I know you can always quote figures and figures. It is always the issue that the overall figures might not look too horrific—4% is 4%—but when you look at the small indigenous family farms, indigenous strong employer companies, it would be devastating. There is no doubt about that. No deal would create huge problems. That is not to mention at all what happens with sterling. I am not into guessing sterling; I never have been, even when I was Finance Minister, but it could really, on top of that, have a huge effect.

Q3739 Chair: Given the law as it currently is in Britain, the only way to avoid a no-deal Brexit on 29 March would be to apply for an extension to the article 50 period. What is your assessment of the likely reaction of the 27 if the United Kingdom Government were to make such an application? It obviously has to be unanimous. Is your assessment that it would be granted?

Bertie Ahern: I know the rule is that there have to be grounds of A, B or C. Obviously I am a bystander, but I watch closely what happens. It would be very hard, in my view impossible, not to grant an extension, whether that extension is short or long. If the view of the United Kingdom Parliament or Government, or both, is that time is needed for whatever reason, they would not be putting up a frivolous reason, so I do not think the EU could say it was a frivolous reason. I think they would be doing it for a substantive reason. Then I could not see why it would be rejected.

Chair: That is extremely helpful. Thank you.

Q3740 Mr McFadden: Mr Ahern, welcome. I want to go back to the Good Friday agreement, which you were so involved in. That agreement enshrines the different identities of people in Northern Ireland. There is a very



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important provision, whereby people in Northern Ireland can identify as British or Irish, or both. Constitutionally, it means that anyone born in Northern Ireland has a right to have an Irish passport, which of course does not apply to people born elsewhere in the UK. How do you think Brexit affects that question of the overlapping identities built into the agreement?

Bertie Ahern: Does the kind of person change the following morning if Brexit happens on 29 March? On the 30th, can somebody go down and still say they are Irish or British, or both? The reality is that they can. The Good Friday agreement is there. But the withdrawal agreement and the protocol in no way undermine the Good Friday agreement. That is the first point to be very clear on.

In fact, one of the purposes of the protocol is specifically to protect the Good Friday agreement and the gains of the peace process. That was the whole rationale of two years of negotiation. The very first article of the protocol on Ireland and Northern Ireland makes clear that it is, and therefore the backstop is without prejudice to the provisions of the Good Friday agreement regarding the constitutional status of Northern Ireland, which is the question that you put.

Article 1 states that the protocol sets out arrangements necessary to address the unique circumstances on the island, maintain the necessary conditions for continued north-south co-operation, avoid a hard border and protect the Good Friday agreement in all its dimensions. That precisely is what the protocol, or something like it, is designed to do. If it is not there, all these things have a difficulty. That is the reality.

Q3741 **Mr McFadden:** Is there a danger that the debate here on the border focuses too much on issues of trade, exports, tariffs on agricultural products and so on, and perhaps ignores these questions of identity?

Bertie Ahern: It is not so much that people ignore them, but often the people who make the submissions and the big lobby groups, which can afford to make the cases and issue the reports, are those that are organised. But the ordinary Joe and Mary Soap are not so.

The difficulty with the border is that all past generations, present generations and even the youngest of the generations understand the border. It was what divided our island; it was what divided our mentality. The whole work of the Good Friday agreement and the effort of people before me, Tony Blair, John Major and Albert Reynolds, was to see if we could bring those issues together, and if we could, in a new way, explain the complexities of Northern Ireland, which have gone on literally for hundreds of years.

I certainly do not want to go back over any history in this Committee, other than recent history, but that was the whole basis of the Good Friday agreement. In fairness to all the parties, and subsequently in the



St Andrews agreement, they worked extremely diligently and hard to try to deal with that issue.

To answer your question, during all the discussions—and I spent hundreds of hours of my life with British officials and politicians—rarely was the discussion about trade, tariffs or what effect WTO might have some time in the distant future. It was about the hearts and minds of people. It was the shared vision of how we could have a peaceful Ireland and stop the killing, the murder, the mayhem, the bombs, the everyday news of what was happening to the people of Northern Ireland, of all religions and on all sides. That is what it was about. The island economy is important, but in reality the business we do with the UK, in fair terms, is massive compared to that. It was very much about having peace and security, so ordinary people could live their everyday lives. That is really what the Good Friday agreement was about.

Q3742 Mr McFadden: I will ask you one final question on this issue of the backstop. The backstop is seen as the insurance mechanism for making sure the border stays open. It has come under criticism from several quarters, some of which you might hear later today from some of my colleagues, from the most vocal Brexit-supporting voices in Parliament.

The DUP has criticised it strongly, and Jeremy Corbyn has criticised it. He has called it a “one-sided agreement” and said, “This would be the first time in British history we’d entered into a treaty arrangement with anybody in which there was no right to leave because it would be a decision that could be made only by the other side”. How would you describe those common criticisms from the most vocal Brexiteers, the DUP and Mr Corbyn? What has the response to them been in Ireland?

Bertie Ahern: There are two things. In my simplest version of the backstop plan, when I am asked about it, when you get away from the 50-page agreements and everything else, it is essentially a safety net if there is no Brexit trade deal. It would avoid a hard border between Northern Ireland and the Republic of Ireland. That is what it is. Also, it would ensure that there would be no tariffs, quotas, rules of origin or customs procedures applied to the UK-EU deal. That is what it is. It does not necessarily, in my view, need 200 pages of text but, anyway, people have to do their job, and I understand that. In my view, that is the simple issue of what it means.

I understand this, and I spent my life in politics, so I understand criticism. I understand that people take different points of view, and I always respect that. I worked with British officials in the 21 years I spent on EU politics and the Social Affairs Council, dealing with labour, social welfare and education; we just had one person doing the three. Then I was three times Finance Minister; I was on ECOFIN. Then I was three times Prime Minister, Taoiseach, and on the European Affairs Council. The officials in these areas are bright cookies, men and women. If I can say so, I often used the brainpower of your officials too, in going through complex negotiations.



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I went through three rounds of financial perspectives. The EU enlargement was my brief, as some of you might recall. I went through Amsterdam and Lisbon—Lisbon twice, in the Irish case. Officials have spent two years of combined effort working on this, examining what has gone on round the world, looking at border issues, looking at compromises, and they see that this is the best way. They jointly agree; it is definitely not one sided. Normally, your numerical strength in these negotiations in the EU is very strong; you have very experienced people. That is not flattery; it is just a fact of life. I have watched it for 20 years.

I say this to people who are opposed, because I respect their views, but the EU does not particularly like it. It has said alternative arrangements need to be explored. That is in the text. The Irish Government have said, down the road, they can see alternatives. The British Government have said that. If I was back here a few years ago and I asked, "Would you order the menu that we have ordered, with the vote, the withdrawal agreement and the future relationship?", maybe you would not do it that way, but that is the way it is, and I can do nothing about that.

It seems to me that, in the transition period, it must be possible to work out an arrangement and work out a way that means the backstop is not necessary, but that needs time. As of now, all the brainpower says that this is what we should do.

Chair: That is very clear. Thank you very much.

Q3743 **Stephen Timms:** Thank you very much for coming to give evidence to us. Is it the view in Ireland that, if there was a no-deal Brexit, there would need to be infrastructure on the Ireland-Northern Ireland border?

Bertie Ahern: I think it is. Everybody says, "The Irish Government do not want it. The British Government do not want it. Europe does not want it". Most Irish people think, "Well, then, we will definitely have it". That is probably what people fear. I can, if you wish, go through the WTO rules, what could happen down the road, what is likely to happen and the implications for the UK in how you have to play that. Then, when the objections come about WTO and what will happen from third countries, it might start off being a European Union-UK border issue, or it might be a UK-third country issue, but it could come back. Most people who look at this and its ramifications believe that we would end up with it.

Q3744 **Stephen Timms:** As you said, both the British Government and the Irish Government have said that they have no intention of erecting infrastructure. Is it your assessment that the European Union would insist, at least in due course, that infrastructure was put up on the border?

Bertie Ahern: It depends. Would it be the EU? Would it be when it goes down the road under WTO? When the issue is looked at, there is more debate and people try to follow through the logic of the WTO position, this is what it comes down to.



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There are four or five brief points. The WTO does not oblige members to enforce border controls. That is the rule. However, under WTO rules, the UK is free not to apply tariffs. That is okay, but that is not a realistic option for economic and political reasons. Under the WTO most-favoured nation treatment, the UK would have to give tariff-free access to all members of the WTO, and not just to the European Union. This would constitute significant leakage and a significant economic shock to the UK economy, so the Treasury would be all over that within months, if not weeks, in my view and, I think, the view of most people in Ireland.

This would have clear political consequences as well, as the UK would lose negotiating leverage with the WTO. It is very difficult to negotiate free trade agreements, as I think everybody in this Committee knows, with the EU or any other country, having already conceded zero tariffs. The UK would have no leverage, so that is not going to happen. The UK is not going to allow that to happen. It is in that logic that you see what would happen. It is not the EU; it would be the consequences of the WTO.

Q3745 Stephen Timms: To what extent do you think this could be resolved with checks, paperwork of various kinds, things being done away from the border, thereby avoiding infrastructure at the border?

Bertie Ahern: The view on that is that it just would not work. People have looked at this up and down to see if there are some technological checks that would resolve all this, and there may be some day in the future. I would never discount the ability of the software industry, which is well placed in Ireland to come up with solutions, but it is not there today. Many people were raising this throughout the two years of discussions, and even early on in discussions, but no satisfactory solution came up. It is for that reason, we think, ultimately, you would end up with a hard border.

Q3746 Sammy Wilson: To follow on from that last point, Mr Ahern, first of all, you are very welcome. You have identified two borders over the discussion on Brexit. The first is the Republic of Ireland-GB border. In fact, you have talked about maintaining not just the common travel area, but the common trade area, because of the importance of trade between Ireland and GB.

Are you concerned, therefore, that just this week the EU, in its presentation on the withdrawal agreement, has stated that, in the event of the UK leaving—I am talking about the relations between Northern Ireland and GB, but this would equally apply to Ireland—there would need to be checks on goods travelling between Northern Ireland and the UK at ports and airports, and those checks would be systematic? What impact would that have on your concept of the common trade area?

Bertie Ahern: The Irish Government are already looking at checks on ports and airports. They have already started recruiting customs staff so, in the event of Brexit or no Brexit, you could end up with additional



checks. But the difficulty is, as you know, the level of trade that goes across the border, and not just across the border. You know the story of the sandwich sold in the west of Ireland, which is probably full of the contents of products that were grown in Ireland, went to the UK and came back to make the sandwich. That is how the interrelations of the trade work.

Any disruption of that, any affecting of that, particularly if you get into any tariff arrangements, is going to undermine it. It is going to put in huge difficulties.

Q3747 Sammy Wilson: Would it surprise you that the Irish Government, then, are so keen on a withdrawal agreement that, as you have indicated, can be so disruptive of trade between the Irish economy and GB? You have not even mentioned the Irish economy and the rest of the EU, because most of your trade goes through GB.

Bertie Ahern: Yes, it does—over a third. Let us be very clear about it: Brexit is disruptive, full stop. In whatever way you look at the United Kingdom from an Irish point of view, and from the island of Ireland point of view, north and south, it badly affects you. There are very few plus sides, and I cannot think of any, in the United Kingdom withdrawing from Europe. It does not help trade between the north and the UK, it does not help trade between the north and the south and it does not help trade between the south and the UK.

Even with the withdrawal agreement as it is today, and I appreciate you do not like that at all, that is creating difficulties. There is no plus in this. The Irish Government are trying to minimise that to the best of their ability.

Q3748 Sammy Wilson: Can it not be minimised by some of the solutions that you have suggested, and indeed Michel Barnier has recently suggested? You are on record as saying that technology and turning a blind eye to some of the minor cross-border trade could be one way round the checks. Michel Barnier, within the last month, has talked about paperless checks and decentralisation of checks as a solution in the event of no deal. Are there not less disruptive ways of checking on trade than the withdrawal agreement, which as you have said would have quite dramatic effects?

Bertie Ahern: I am afraid, if there are, they have not come up with them. They have looked at this for two solid years, and they have not come up with anything better than what is in the withdrawal agreement. Is the question about if they had more time, or if it became clear what the future relationship would be? If we were sitting here today and we knew precisely what the future relationship and the trade relationship would be, would it be easier to see that the backstop would not be necessary and there was some other way? The answer to that is probably yes, but that is not where we are.



I do not have any desire to see the backstop ever implemented. I would rather see, in the event that we go through the end of 2020 or, as it could be, the end of 2022—you probably would not agree with the end of 2022, but whatever the date is—that it should be possible to work out, in the transition period, a better solution as it unfolds what the future relationship would be. As of now, the withdrawal agreement, the protocol, the backstop, is what is negotiated, and they see it as the only way of ensuring the certainty that we have a soft border.

Q3749 Sammy Wilson: When you spoke about technological solutions, was that with some knowledge of what the Irish Government at that stage were contemplating? Have you any idea why that has not been proceeded with?

Bertie Ahern: I must say, I firmly believe that, in the dim and distant future, there will be some technological advances to deal with major multinationals. We have seen how the Revenue has moved in the last 20 years to be able to deal with large companies totally through technology, compared to what it did a decade or 20 years ago. As of now, there is not the technology. They have looked at every border situation. I suppose we might as well be clear. They looked at every situation, at every border, to see if it was in any case, anywhere, possible to trade without there being physical infrastructure. Unfortunately and regrettably, it is not.

Chair: That is what we as a Committee also concluded from our investigation of trade arrangements.

Bertie Ahern: That is why we are here with the backstop, I am afraid.

Q3750 Sammy Wilson: Can I come to one last point? It is about relationships. You mentioned the Belfast agreement and the importance of relationships. It was really designed to improve relationships, both within Northern Ireland and between Northern Ireland and the Irish Republic.

Has the objective of the agreement, of reconciliation and better relationships, been helped by some of the rhetoric that has come from the current Taoiseach, when he talked about turning off the lights in Northern Ireland, stopping planes flying across the Republic, sending troops to the border, building a Berlin Wall round the border? Has that helped the relationships between Northern Ireland and the Republic?

Bertie Ahern: You know how much I love all the parties in Northern Ireland, and how much I love all the parties in the south of Ireland. I have spent my life trying to make sure we have a love-in of all of us, so rhetoric from anybody at any time is not helpful.

Chair: That is a very clear answer to a very direct question. Thank you.

Q3751 Stephen Crabb: Good morning. Mr Ahern, you described a few moments ago the disruptive impacts, as you see it, stemming from a hard Brexit or no deal, on trade in Northern Ireland. How disruptive, potentially, do you think Brexit is for the political and constitutional order affecting Northern



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Ireland?

Bertie Ahern: For 20 years, through the efforts of successive Governments of the Labour Party and the Conservative Party, working with successive Governments in Ireland, one of the principles was to get peace first. That has worked really well, and continues to work well. Hopefully in no circumstances will that change. That is the first thing.

To the last question, in fairness, it has raised tensions again. It has brought back a lot of the rhetoric of the past and the issues of the past. In answering that question, could I just remind the Committee of a little bit of the history, since I was stuck in the history of it? There is a particular piece of the Good Friday agreement that is very relevant to your question, and it underpins the need for a backstop or something like it. I was not there negotiating the backstop, but I support it or something like it.

I want to particularly mention article 1(v) of the bilateral agreement between the two Governments, which is what I signed with Prime Minister Blair on Good Friday 1998. The agreement effectively incorporated into one document all the inter-government commitments of the multiparty talks. I will not go through all of them, but all the bits were put into one document. It is a very short document. There is a lot of talk about the Good Friday agreement, but the document that I and Tony Blair signed was only two and a half pages, a few articles.

In my view, it is a critical one, particularly in the way it frames the formal and binding international agreement between the two Governments and the careful set of compromises that were reached on the question of the constitutional status of Northern Ireland, which is what you raise.

There was one other critical provision in that, and I think people may have lost sight of it. As I watch from the side-lines nowadays, I want to use this Committee to bring it back into play. It is the application of the principle of parity of esteem for both communities in Northern Ireland, which was central, I think we all agree, to what the agreement was about, in terms of how sovereignty would be exercised in both cases—whether we are talking about the current dispensation of continuation of the union, or the UK in a future united Ireland. It is only a few lines.

Article 1(v) says the two Governments “affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos and aspirations of both communities.”



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In other words, and in reply to your question—I think this is vital—the Good Friday agreement is not a winner-takes-all scenario. In fact, it is the very opposite. Yes, the majority rule decides which overall sovereignty prevails at any given time, as between the union with the UK or a united Ireland. But article 1(v), as a coequal part of the jigsaw, describes the way the sovereignty is to be expressed. The sovereignty is to be exercised or expressed effectively through what we call “parity of esteem”.

It is fairly simple. Either these words mean something or they do not. If they do not, we are in effect setting aside the Good Friday agreement. I do not think anyone is saying that. If the words do mean something, an issue that impinges on the status of Northern Ireland must pass the test of article 1(v) and assure the equal treatment of both communities, including the nationalist community. This is where the argument arises. If we stick to the agreement, that is where the whole issue of the backstop comes into the language. That is why it is there.

Q3752 Stephen Crabb: Do you think Brexit makes it inevitable that there will be a border poll? I think it will depend very much on the type of Brexit, for example no deal.

Bertie Ahern: It has brought the issue back into focus, but I am strongly of the view that having a border poll in the short term, and for that matter the foreseeable future, until the institutions in Northern Ireland are properly set up again and functioning for a prolonged period, would be the wrong thing to do. I am very strong on that point.

I want to see the Brexit issue dealt with, and then the efforts to reengage the parties on all sides, to get the institutions back up and running. The provision in the Good Friday agreement is there that, sometime in the future, they can have a border poll, but bringing a border poll into the middle of this, in my view, is irresponsible.

Q3753 Stephen Crabb: You worked very closely with Senator George Mitchell, and you saw the importance of a role played by somebody outside the immediate context of the parties involved in the discussion. Would the current discussion around the backstop, with all the absence of trust that it displays, lend itself to a role being played by somebody outside the immediate context? Is there a role for some external mediation in this?

Bertie Ahern: I do not think so. It would probably prolong it even more, and maybe complicate it further. On this particular issue, we have resolved it. I have said it many, many times: the Good Friday agreement resolved the constitutional issue in Northern Ireland on the basis of consent, such that Northern Ireland remains, as now, part of the United Kingdom until someday that changes, by the will of the people, without interference.

We also have to be very clear on this. With the greatest respect, when I sometimes hear people, including some distinguished Members of



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Parliament, whose views I totally respect, and others talking loudly over the past few years of no basis existing for divergence of any kind between Northern Ireland and the rest of the UK, I look to wondering: have I turned into Rip Van Winkle, that great man from the legend, who fell asleep for 20 years and woke up finding everything changed?

The reality is that, when I changed the constitutional position of articles 2 and 3, I said there was a difference between Dublin and Belfast. That is what I said, but I also said that there was a difference between Belfast and Finchley. The argument that, in the United Kingdom, Northern Ireland is precisely the same as Finchley is incorrect. It is constitutionally incorrect as per the Good Friday agreement, and I think people need to understand that.

Chair: That is very clear. Thank you.

Q3754 **Peter Grant:** Welcome, Mr Ahern. You mentioned earlier the idea that technology at some time in the future might be able to solve all these problems. Is it realistic to expect that technology to be available by 29 March this year?

Bertie Ahern: It is not going to happen, but it might be realistic that, during the transition period, it could be resolved. From my perspective, I would just like to see us move on now, on that issue. Listen, I totally accept the view of Parliament.

Q3755 **Peter Grant:** One thing that has been suggested as a way of dealing with the incompatibility of any border checks with the Belfast agreement is that these checks could be carried out somewhere away from the border. Leaving aside the very practical problem that, if the checks are done 10 miles inside the border, an awful lot of stuff is going to cross the border and never find its way to the checks, would customs checks or border checks situated, say, 10 miles inside Northern Ireland or 10 miles the other side of the border be seen by the people of Ireland as complying with either the letter or the spirit of the Belfast agreement?

Bertie Ahern: No, they would not, unfortunately.

Q3756 **Peter Grant:** Other things have been suggested, some of which have gained a degree of traction within this Parliament in some quarters, that it has been said would solve the problem.

One is that the Republic of Ireland just unilaterally goes against the requirements of EU treaties by not carrying out its responsibilities to maintain the border of the EU after Brexit. One is that the Republic should just leave the European Union, and that would solve all the problems. One, which I believe is currently the subject of a petition to this Parliament, is that the Republic should re-join the United Kingdom, and that would solve all the problems. What is your impression as to how these various suggestions have been received among the people of Ireland?



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Bertie Ahern: I will just be kind and say “not very well”. Listen, some of the suggestions are put forward seriously, and I look at those. A lot of effort has been put in, by a lot of people, over a lot of time. I am not talking about myself. I am just saying people, including people in this room, have put a lot of effort into trying to develop a new relationship. Unfortunately, we have an 800-year past of difficulties, and that is just the reality of our history.

The Good Friday agreement and all the work associated with it, the St Andrews agreement and other initiatives of the last 20 years have led to an extraordinarily successful Northern Ireland, with very few difficulties. There are some issues of reconciliation; there is still ongoing work to be done. I have great respect for all the politicians on all sides in Northern Ireland, but we need to keep building on what we have achieved and going forward.

Due to other issues, totally outside of Brexit, we have had our problems, and hopefully we can get over them, but what is complicating the progress is Brexit, and how it affects the island of Ireland and the relationships of the Good Friday agreement.

Back to the point I was making earlier, what frustrates me and others is the view that Northern Ireland is still intricately linked to the UK in a way that ignores the Good Friday agreement. That is the bit that really upsets us, because it is not. The parity of esteem and the constitutional clauses, as I said to the other question, are absolutely paramount in this. If that was not the case, you could say that it was a different position, but it is not that position. Northern Ireland is not the same as any other part of the UK. It is just not. That is the difficulty.

Q3757 **Wera Hobhouse:** Thank you very much for coming. As a relatively quick question, is there cross-party support for the Irish Government’s handling of the negotiations, from your perspective?

Bertie Ahern: This is one of the rare issues on the island of Ireland on which, in the south of Ireland, all the parties support the Government line, as do all the business organisations and agricultural organisations. In the Republic of Ireland, there is almost total unanimity on the line.

Q3758 **Wera Hobhouse:** In this country, we get a degree of real frustration with politics and politicians from the population. Would you say the people of Southern Ireland are also behind the way the Government are handling this negotiation?

Bertie Ahern: Yes, they are. Some of this is built on emotion, because most people remember the border. They remember going and sitting in long queues. Most of them did not want to go very often, because there was not the relationship between Dublin and Belfast that there is now. Now young people are going up to shop, to have nights out. They go to Belfast. They love Belfast at Christmas, not long gone. People go back and forward. They go up on holidays to the Giant’s Causeway, which I



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think was the hottest place on any of these islands yesterday—14 degrees.

They fear that an infrastructure border equals trouble, disagreements, armies, soldiers, police. Some of it might be exaggerated, but there is that fear of the slippery slope. Even when I walked the short distance from my hotel over here this morning, I was stopped by a young man who did not say good morning to me or goodbye to me but gave me his view on what should happen in Northern Ireland, as Northern Irish people tend to do. They give their view. It is something that really worries people. Everybody is tuned in to this issue.

Q3759 Wera Hobhouse: Would the people then not feel the hardening of the tone is exactly making that happen? Politicians are starting to talk quite tough language on either side. Are people not worried that the hardening of the tone by the Irish Government will make exactly what they fear happen?

Bertie Ahern: There has been some language used by all sides, but in fairness the Prime Minister last week was in Belfast and she made a really good speech. The Minister for Foreign Affairs, Simon Coveney, made an excellent speech in Queen's just two weeks back. If people are referring to what their considered views are, both those speeches were excellent speeches, trying to calm the tone and get the message right on both sides.

It is appreciated in Ireland that your Prime Minister is working hard on this. There is a lot of respect for how hard she is trying, and recognition that she understands our difficulties with a hard border on the island of Ireland. There is no annoyance at the efforts of the Prime Minister or the Government.

Q3760 Richard Graham: Mr Ahern, thank you for joining us this morning. You can see very clearly that the main issue in Parliament here is about a lack of trust in not being locked indefinitely into a backstop against our wishes. George Mitchell has described you as a builder of bridges. From your point of view, do you see this as a bridge that could be built relatively simply? The Polish Foreign Minister, for example, said that, if Ireland asked the EU to put a time limit on the backstop, the problem could be solved very quickly.

While there is a problem that an insurance policy with a time limit is not an insurance policy, would you not agree that, if a time limit were put on it, it should not be beyond the wit of the EU and the UK, within that specified time, to agree a future relationship that resolves this problem? What do you see as the easiest way of rebuilding that trust so we can get over this problem?

Bertie Ahern: Yes, there are issues of trust, and I understand that. There always are. In the very thing we are talking about, the Good Friday agreement, there was an issue about trying to build and cement trust.



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There were talks last Friday, and it seems to me that your Prime Minister has been trying to find a way here. The EU position is clear. The withdrawal agreement is closed and they are not going to open up the withdrawal agreement. But the other day Jean-Claude Juncker, as President of the Commission, was saying that he was open to looking at the future relationship, to see if there was a way to substantiate it more, earlier on, to deal with that, and a way to deal with what is a big issue for all of you: that it has legal guarantees. They seem to be looking at that.

If you ask me the honest question, I have spent most of my life negotiating things. I do not think this is the greatest rocket science or the greatest difference I have ever seen, but you might need the transition period to deal with that. But I see the difficulty. Quite frankly, I see the difficulty. In the normal course of events in a negotiation, you should be looking at the withdrawal agreement and the future trade relationship as one entity. But I am afraid I am not responsible for that.

Q3761 Richard Graham: No, and we would all agree with you that, clearly, the greatest difficulty in the process, which the EU rather imposed on us, was the difficulty of trying to deal with Northern Ireland without knowing what the future was going to look like. Dealing with things as they are at the moment, were there to be an understanding between the EU and the UK with a legally binding annexe that enabled our Attorney-General to change his advice to the Government that we would not be locked in indefinitely against our will, would that cause a significant issue for either the Government of the Republic of Ireland or its confidence and supply partner?

Bertie Ahern: It is not even the confidence and supply partner. The view in Ireland collectively is that a time limit on the backstop is not a backstop; you just cannot do that because, as you said yourself, if your insurance policy ends on Friday and you get sick on Saturday, it is not a very good insurance policy. Nobody is going to do that. What the Irish Government have said, and I think I agree with it, is that the backstop is there until there is something better negotiated.

Remember, the backstop does not take effect during the transition period. The Irish Government have committed themselves to working diligently, as part of the European Union, to find a solution, and it should be possible to do so during the transition period. But there is no possibility of the Irish Government or the Irish people saying that the backstop can be time limited. There is no hope on that line, I am afraid.

Q3762 Richard Graham: Would the Irish Government benefit from having you as the man helping to bridge the gap and find a solution?

Bertie Ahern: They would probably say "God forbid"!

Q3763 Craig Mackinlay: I will just put this on the table. During the referendum period, there was a massive amount of discussion and media points about Britain's exit from the EU and the arguments one side or the other. A



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media organisation has analysed those discussions, and only two out of the 4,000 interviews that took place with various parties actually raised any issue about the Irish border. It was not an issue then, and it has sort of become one.

Let me just describe what happens now. This is something close to my heart, and it might be close to yours as well. The Jameson lorry goes from the south to the north; it crosses a border. There is no border post or anything else. The Bushmills lorry goes from the north to the south across the border with no issues. Excise duties are massively different. VAT rates, corporation tax and, probably, licensing rules are very different.

There are all these differences across the border, and yet nobody stops anything, because it is based on trust, technology and all those good things. I am sure, on the very rare occasion that Irish customs or Northern Ireland customs do unload one of these lorries, when it is on the manifest that there are 4,250 bottles of Jameson, there probably are 4,250 bottles of Jameson. This is based on self-assessment and trust, even though there are massive differences.

I am a Brexiteer, obviously. This is where I struggle to know where the problem is. Currently, there are VAT returns, Intrastat returns, for big traders if they go either side of the border, with exactly the same VAT models. There are reverse-charge rules for smaller traders so the VAT is accounted on one side or the other. You said in your article for the *Irish Times* in November 2017 that technology and perhaps a bit of a blind eye is the way forward.

Maybe you can confirm this. Even currently, with all these very strict VAT rules required by the EU, is there full compliance with every Intrastat return and every VAT return for this little bit of cross-border trade? Is it just something that happens and something that will always happen? Should we not just get on with it as a way forwards for now?

Bertie Ahern: There are a few things on that. I still stand over the comment that there is an unofficial economy that will always be switching a certain amount of goods, particularly probably in small suppliers that are working cross-border, but they are a very small percentage of the overall trade. While there is a good bit of it, I think somebody calculated that 97% is the formal economy, so it is very large. That 97% is the difficulty.

This is what happened in the discussions over the last few years. It is about the very complexity of what happens at the border. You have it every day with whiskey, but you have in agriculture even more so. You have people driving up, processing the product and driving down. That is all because we are all in the European Union, on the same regime and covered by the same directives.

As you and I know, those directives are massively complex but they are detailed; they are thought through. This is the problem. The day the UK



is no longer subject to any of those in Northern Ireland, if that is the way it is, and in the south we are, because we are still in the single market, there comes the problem. The picture you painted of the rosy tree is exactly the reason you need a backstop: to keep it the way you painted it. I am afraid, even as a good Brexiteer, you have made the argument very well for the backstop.

Q3764 Craig Mackinlay: Now, you described the Good Friday agreement, which has been aired massively. It was not aired during the referendum campaign—it was in two out of 4,000 media pieces—but now it is. You described how it has two and a half pages of preamble. I think it amounts to another 50 pages. That was a very powerful document that laid a change to the way things were done and all the good things that flowed from that. We are now faced with 585 pages for something that is being made complex but perhaps should not be so.

You have described Northern Ireland as different from Finchley; I am not sure I entirely agree with that, but the EU has allowed Spain and the UK to talk bilaterally about Gibraltar in the future quite happily within this arrangement. Gibraltar is a different place. It is within the single market but not in the customs union. Why would it not be a sensible way forwards for the EU to say, "The UK and the Republic, you can do your own bilaterals based on mutual recognition". This is the key thing that has broken down everything. The EU will not accept mutual recognition.

Does the EU really think that suddenly, overnight, the UK is going to be importing Chinese toys with lead paint on them? It is a nonsense; it is not going to happen. We need mutual recognition. This could be the thing that would break the impasse for the future.

Bertie Ahern: I take the point, but you know the answer to the question yourself. The rules are there. In the past, I think in the same interview you quoted, I said that there should have been bilateral discussions prior to article 50 being triggered, but I accept the position that once it was triggered it was a different situation. A lot of mistakes were made during that period by all sides.

Q3765 Craig Mackinlay: Unfortunately, we have to use this phrase: we are where we are.

Bertie Ahern: Yes, we are, but now we are where we are and the negotiations are handled collectively for everybody by the negotiators and Barnier's group. Of course, Ireland is feeding into that all the time, but there is no way around that.

Q3766 Craig Mackinlay: I find it very surprising. As the days tick down—wherever we are, 44 or 45 days now—we have to accept that the chance of no deal is increasing by the day. I am very surprised that there is no fear factor creeping into the Republic with all those losses of jobs, 40,000, and the 4% reduction in overall GDP. I am surprised that is not being addressed or the people of the Republic are not saying, "Come on, Government. You are not actually reflecting our views here. Get on with



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something different. Have the flexibility the UK is looking for, and we can get a deal over the line". I am really surprised.

Bertie Ahern: I can just give you my view on that. The EU has stated its position; Parliament here has stated your position clearly. There is still a hope that in the discussions that took place last week between the Brexit Secretary, the Prime Minister, Barnier and Juncker, they will make some progress. People still believe that is the case. It is not unusual. I lost more sleep over more nights in my European Union days negotiating the last days. It is always the way it is.

I have to tell you—I do not have to tell you—the stakes are high on this. I do not see the European Union changing on the withdrawal agreement. I just do not see that. I do not see it changing on the backstop. I do not think the Irish Government are going to change on that. The hope seems to be in the area around the future relationship and what can be done to look at the language and to see what can be brought forward or strengthened. You do not have to be an expert to see that is what they are all indicating.

Q3767 **Craig Mackinlay:** The potential hit, if you believe the fear factor, of no deal on the UK would seem to be a lot smaller than the potential hit on the Republic's economy. I am not hearing that fear from the Republic's politicians. I am really surprised.

Bertie Ahern: I have given you what the central bank would quote as probably being the best estimate. It is a big factor but, if you were to ask 1,000 Irish people whether they could conceive any arrangement where they would go back to a hard border, I am afraid that would take precedence.

Chair: That is very clear. Thank you.

Q3768 **Hywel Williams:** Good morning. I would like to ask you two brief questions, one on trade and one on identity and citizenship. The first one is on trade. The Committee will not be surprised to hear that I am particular interested in the trade between Holyhead and Dublin, because there has been a great deal of attention on the north-south trade and the channel trade.

I heard the other day that, for example, 40% of fresh food exports from the north actually go through the Republic to Holyhead. There is a huge implication there if there is no deal. What has had very much less attention than it deserves is the trade from the UK, from GB, through Holyhead to the Republic. It always seems to be framed in terms of the difficulties Ireland might face, but this is very significant for us. Has there been sufficient attention paid to that west-east and east-west trade, particularly in respect of the dangers of no deal?

Bertie Ahern: Yes, this is an enormous issue. The two-way trade, as you know, is enormous. Our relevant industries, which represent the import and export sector, have, in fairness to them, been focusing on this from the start. There is huge concern about how that will operate. We will just



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have to wait and see, but you have probably seen some of the reports that have been done on the delays, the bureaucracy, the cost to business and the difficulties for perishable goods.

The list is endless, and it is of huge concern. In fairness to the people involved, and I have heard them in the media, they have worked long and hard to see how they can handle this. They are still going to have to use the route. There are some suggestions of trying to use alternative routes, but none of those are going to happen overnight. These are real issues.

Hywel Williams: Can I ask you about citizenship? This is a bit tangential, really, but in your wide experience in the European Union are we looking sufficiently at experiences within the European Union in other border areas? The example that comes to mind for me is the situation in Estonia. Some 300,000 Russian citizens are living in Estonia; of course, there are 300,000 people living in the north who have Irish passports. It is not analogous, but there are issues there around citizenship, transport, travel and, of interest to me, language issues. Are we looking broadly enough or have we in the past? Can we learn anything further from European experiences elsewhere?

Bertie Ahern: Thankfully, with the common travel area we do not have a difficulty on the island of Ireland with the movement of people. But we can see throughout Europe and more generally, leaving Ireland out of it, the difficulties that are happening and will continue to happen with immigrants from outside the European Union. Several countries have either revamped or changed their legislative basis for handling immigration and border controls, and that is going to get more complex as time goes on, as we have people moving around the world. It is just going to get more complex.

I have visited Estonia many times. In fairness, you probably know far more about this than I do, but I know there is considerable tension all the time with their border controls and even internally on that issue. It is always an issue that is at the top of the Government's agenda. I think you are probably more familiar with that than I am.

Q3769 **Jeremy Lefroy:** Good morning, Mr Ahern. It is a pleasure to see you. I have in my office at home a copy signed by you and Mr Blair of the agreement, just to remind me how important that is.

You have referred already to the vast improvement in relations between the Republic of Ireland and the UK over the last couple of decades, and you have played a major role in that. Given the very difficult period we are going through at the moment, how do you see that we can continue to maintain that both formally and informally? What should we be doing as the Parliament of the UK and, indeed, in the UK as a whole?

Bertie Ahern: There is no doubt about it: the relationship has really strengthened. I had the honour, a little over a decade ago now, of being the only Irish Taoiseach to speak to the joint Houses here. On that day, I



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was talking about how we had moved from a position of a lack of understanding for each other to great harmony and building the future relationship. That has continued. There is a huge closeness. Practically every Irish family has somebody living here or connections to here. People support sports here; most people support Premiership or Championship clubs here. There are connections through rugby, angling and all the rest. All these relationships have built up over the years, and we have to keep on working.

My view, from all the years that I spent on the European Council and over the last 45 years, is that we can all play a role in trying to help this. I built up my knowledge of the UK system, the UK Ministers, the political system by meeting Parliamentarians, meeting committees and meeting officials through the European Union. All our officials, particularly the people on technical working groups, were meeting all the time. They built up relationships. There is contact all the time between them, some sanctioned and lots not sanctioned, but relationships are built up. The Irish and the English mix after the meetings. I have seen that and I have been part of it for all the years.

The UK leaving the European Union, and I respect your decision as a people, ends that in one go. It ends all that connection and all that political relationship. I have dealt with so many Ministers with different portfolios and Prime Ministers. That was enormous. There was enormous benefit and understanding for both of us, but it is gone the day you leave, whether it is 29 March or some other day. We have to now find something else.

I think the something else is the relationship that is in the Good Friday agreement, the British-Irish Council, the British-Irish Intergovernmental Conference. The Governments should continue to meet. Maybe twice a year the Prime Minister and the Taoiseach could meet; maybe every quarter the economic Ministers could meet; maybe every other quarter the social Ministers could meet. That has been there for 45 years. That was not the Good Friday agreement, but that is dead as of now. I do not think we need a new way of doing it. We just need to slightly expand and develop what is under the Good Friday agreement.

It is my view that, if it was not for Brexit, the institutions in Northern Ireland would have been up and running a year ago. Unfortunately, Brexit has stopped that. It is not the reason why they were brought down—it had nothing to do with it—but I think it is the reason that they are not back up. It is a shame that those institutions are not there. The United Kingdom is not responsible for any of that, but Brexit is. That has created a difficulty, and we need to get that back. In talking about the relationship, it should not be underestimated what leaving the EU will do to the everyday contact between our Administrations and our political systems. I am afraid that will end, and that is an awful pity.

Q3770 **Stephen Kinnock:** Thanks, Mr Ahern, for your fascinating evidence. I



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wanted to ask a more strategic or philosophical question about the future of the European Union. Given your vast experience in the EU, the many European Council meetings you have attended and your insights about the role the EU plays in fostering bilateral relationships and multilateral relationships, within the EU and indeed globally, is there in any way an opportunity with Brexit for it to be a reset moment not just for the United Kingdom but for the European Union?

As you will know, President Macron and others have talked about a multi-tier European Union, this idea that perhaps the one-size-fits-all and top-down approach to integration has not always worked for all member states. If we were to pursue a path on Brexit that, in essence, made the United Kingdom into a country with a very close market-based relationship with the European Union, frictionless trade along the lines of the European Economic Area plus a form of customs union, but we were not in the political institutions, one step removed from the deeper political project, could that be the beginning of a new way of Europe and the European project working?

Could the United Kingdom move towards this multi-tier Europe, perhaps with some of the central and eastern European countries and the Nordics? It would be a kind of geo-strategic shift. Could Brexit potentially present an opportunity in that sense? Based on your insight and experience in the EU, what is your sense of what the appetite for that multi-tier or multi-speed Europe could be?

Bertie Ahern: There are a number of things in that. I will try to be brief. The idea of the multi-tiered Europe is not a new one; it has been around for a quarter of a century. They used to call it a two-tiered Europe. The French and Germans were looking at this back in the 1980s and 1990s. If it had been a few years ago, I would have answered your question by saying that multilateralism is the right way of dealing with things going forward, but with the advent of anti-multilateralists, like President Trump and others, the world has changed and it will evolve. The EU will continue to evolve.

Personally, I would like to have seen it evolve with the United Kingdom being a member. I have seen huge changes in the years I was in the Council. The Single European Act, which was your achievement, made a huge difference. It made a huge difference to trade and to business for the island of Ireland. As for the changes in the economic and monetary union and how that evolved, you were at the very heart of all of those decisions. Europe will continue to evolve, and there will be changes. There will be changes in leadership. The vision is not as clear now as it would have been when President Delors was outlining his vision whenever it was, 25 years ago. With the UK out, I am not too sure how that will evolve. From an Irish perspective, we are going to stay in. There is huge support: 87% support staying in the single market.

As we come to the end, can I say that our interest is in being as close as possible to the UK? We want to have as harmonious a relationship as we



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can, not just to do with trade and business but to do with our historical position as it now evolves. Brexit or no Brexit, that is what the Irish people want to do. We will just have to see how Europe moves on into the future.

We will be part of that Europe, but I believe it is not going to be in any way to the detriment of our relationship with the UK. We just have to find ways to keep that as strong as it has been, particularly in the last 45 years and more particularly in the last 22 since the Good Friday agreement. It is in our interests to do that. This Government are trying to do that, but any future Irish Government will do that as well.

There is nobody in Ireland celebrating this fact, and I deeply regret it. I was horrified on the night of the vote, but it was not the first vote I lost in my life or the first vote I saw go the opposite way. That is the way the world is. Now you just have to do your best to make sure the damage is limited and not too bad.

Chair: Mr Ahern, on behalf of the whole of the Committee, in view of the last answer you have given, whatever the different views there may be around the table on Brexit, I am sure I speak for the whole Committee when I say that every single one of us wants to continue to maintain that good and close relationship between our two countries, because that must be the way forward. We are very grateful to you for giving up your time and giving evidence that has really helped us enormously. We wish you every success in the future.