



Northern Ireland Affairs Committee

Oral evidence: [Cross-border co-operation on policing, security and criminal justice after Brexit](#),
HC 766

Wednesday 25 November 2020

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Members present: Simon Hoare (Chair); Scott Benton; Mr Gregory Campbell; Stephen Farry; Mary Kelly Foy; Mr Robert Goodwill; Claire Hanna; Ian Paisley; Stephanie Peacock.

Questions 161 - 214

Witnesses

I: Mr Robin Walker MP, Minister of State, Northern Ireland Office; Mark Larmour, Director, Northern Ireland Office.



Examination of witnesses

Witnesses: Mr Robin Walker and Mark Larmour.

Q161 **Chair:** Good morning, colleagues. Good morning, Minister and Mark. Thank you for joining us this morning for this session of our inquiry. It is very nice to see you both. Minister, I think you would like to make some introductory remarks; the floor is yours. We will then turn to questions. You are an old hand at this; you know the form pretty well.

Mr Walker: Thank you very much, Chair. It is a delight to be back before you. I am very grateful for you affording me this opportunity to attend the evidence session on behalf of the NIO ministerial team. As you know, justice and policing is an area on which the Northern Ireland Assembly has full powers. I know that you have heard in detail from the Justice Minister already. I support the Secretary of State, who has ministerial responsibility for representing the interests of Northern Ireland in the Cabinet, as well responsibility for tackling Northern Ireland-related terrorism as a matter of national security, which is accepted.

I am joined this morning by Mark Larmour, the director of political strategy with responsibilities for security. Our top priority in this process is to protect the Belfast/Good Friday agreement and the gains of the peace process. The UK Government are absolutely committed to continuing to work closely with the Irish Government to ensure close collaboration continues after the transition period. The Northern Ireland protocol will be key to this, by preventing a hard border and thereby extending the scope for initiatives such as the Joint Agency Task Force to continue supporting the wider security situation. There is a common interest in ensuring that no new barriers to cross-border policing or security co-operation are created, and the UK Government are committed to working closely with the Irish Government in all circumstances to achieve this.

The UK Government Departments are working with the Police Service of Northern Ireland to ensure effective collaboration with all Irish law enforcement agencies, in particular An Garda Síochána. There is a strong, well-established culture of collaboration, as your Committee has already heard, between the Police Service of Northern Ireland and An Garda Síochána. Their combined effort in tackling organised crime and the terrorist threat is continuing to keep people safe in both parts of the island.

Negotiations on post-transition arrangements are, as you will recognise, currently at a very sensitive stage as we move towards the end of the transition period. I may want to but I cannot pre-empt the outcomes of those discussions underway in Brussels. The Government are absolutely clear, though, that effective, efficient and productive cross-border collaboration with the Irish is of imperative importance. We will work very hard to make a success of this in all circumstances.



Q162 **Chair:** We know that there are many people who have little or no interest in the peace process and who profit from criminality, with a percentage of those profits being ploughed into supporting initiatives and other things that seek to destabilise because, in the destabilisation, further profit is to be made, et cetera. I know we have all been looking at the protocol in terms of the political ramifications and the workability and the deliverability of it but I just wondered what assessment you and the Secretary of State have made and what representations from those assessments you have made into No. 10 and the Cabinet Office as to how the protocol could affect criminal routes used by serious and organised criminals to enter the UK criminal market.

Mr Walker: The first thing to say is that the protocol is there precisely to reflect the unique circumstances of Northern Ireland and to protect its place in the UK customs territory so that trade going from Northern Ireland to Great Britain and their respective customs arrangements can remain as they are. We have been unequivocal in our commitment to unfettered access for Northern Ireland goods moving to the rest of the UK market.

It also removes risks associated with any requirements for checks at the land border by providing a practical solution to avoid processes on the island of Ireland in line with our commitments under the agreements.

The protocol addresses a lot of the things that would otherwise create opportunities. We all recognise—and your Committee has already heard extensive evidence—that, even before this period, there are those who seek to profit from differences, particularly on the excise front. There are those, exactly as you have described, who, unfortunately, have taken advantage of any distinct possibilities. We recognise that, even under the protocol, there will still be challenges of that nature. To prevent any traders seeking to abuse the system that the protocol creates, it will be accompanied by anti-avoidance provisions in law that enable action to be taken where a business looks to reroute their goods to avoid import formalities. That legislation will be in place by the end of this year.

We know already that there are issues at the land border between Ireland and Northern Ireland related to crime and the smuggling of commodities such as drugs, counterfeit goods, diesel and illicit cigarettes. We know that organised criminal groups operate on either side of the border, exploiting the differences in excise and possibly seeking to exploit any new arrangements at the end of the transition period. Of course, any patterns for that exploitation are likely to take time to become apparent. It would be wrong of me to attempt to set out any predictions of those patterns. As you recognise, we do not want to create an easy how-to guide. I can assure you that operational partners such as the PSNI, the National Crime Agency and HMRC work tirelessly to tackle these challenges and potential challenges alongside their Irish counterparts to keep communities safe from the harm caused by organised criminal groups. That work will absolutely continue.



I do not want to go into too much detail in predicting what may happen where and so on and so forth under different scenarios, but it is important that we support the work that needs to go on to address this. We need to recognise that, whatever arrangements are in place between us, there will always be some risks that need to be mitigated.

Q163 **Chair:** I am not asking you to don your Mystic Meg kerchief and start predicting the future, Minister. You are obviously feeding that into the Cabinet Office, the Home Office and Number 10. What is your comparative assessment on that issue between the protocol, as set out, and the vision of the UK Internal Market Bill? Which presents greater risk?

Mr Walker: The protocol, as set out, can absolutely be delivered consistently with the UK Internal Market Bill. What we are talking about is protecting unfettered access for Northern Ireland goods into the rest of the UK market while absolutely recognising that commitment in the protocol to have no checks and no new border between Northern Ireland and Ireland. I do not see any great inconsistency between the two but we need to ensure that we look at all the channels whereby people might seek to make any illicit profit and that we continue to combat those. There is nothing in the UK Internal Market Bill that conflicts with that priority or that stops us from working alongside the Irish to continue to tackle these issues.

Q164 **Chair:** Do the Government stand ready to provide the law enforcement agencies with increased resources to target criminal gangs, to gather intelligence and to improve search and detection if there is a demonstrable requirement to do so?

Mr Walker: All our law enforcement agencies have been proactively planning for the resources they need to deal with EU exit, with significant increases put in place where they are required. A flexible approach has been taken, monitoring their needs in this respect. The Police Service of Northern Ireland was provided with £16 million of funding in advance of the UK's exit from the European Union in January this year. They have also received a commitment of £160 million of additional security funding from the UK Government, which was committed between 2016 and 2021. That is part of the ongoing support given by the Government to PSNI in recognition of the unique and specific challenges they face in policing in the context of the severe terrorist threat in Northern Ireland.

You will recognise that there are financial events taking place today, which we will be watching closely in this regard, but I could not possibly pre-empt anything that could be announced in those. We have certainly made our submissions.

Q165 **Chair:** We heard back in the summer, when we had a joint session with the Secretary of State and the Chancellor of the Duchy of Lancaster, about the focus on recruitment of new people for Border Force, new customs officials and an augmentation of HMRC, et cetera. There are less



than 40 days to go. Where is the manpower figure standing on those important issues?

Mr Walker: I am afraid I do not have those figures to hand. I have to be honest that many of those obviously fall outside our responsibility as the Northern Ireland Office in terms of sitting with those respective organisations such as HMRC. One of the benefits of the protocol is that it means that you do not need lots of new customs officers in Northern Ireland in the way you would have done in its absence. In that respect, it is important that those are overall challenges for the UK Government in the context of EU exit but not ones that need to affect Northern Ireland more than any other part of the UK.

Q166 **Chair:** Should we be surprised, if not alarmed, given the issues involved and the role that your Department has, at the fact that HMRC, Border Force and the Cabinet Office are not keeping your Department up to speed with recruitment figures?

Mr Walker: As I say, I do not have those figures to hand. Mark may be able to comment, because I am sure figures have been shared with us.

Chair: Mr Larmour, that was a beautiful rugby ball pass from the Minister to you.

Mark Larmour: Yes, thank you. I do not have figures to hand directly but I would point to the fact that there has been very good co-operation between the agencies across the UK as well as between Northern Ireland and Ireland in terms of conversations around these issues. In particular, just going back to the organised crime piece, the Organised Crime Task Force, which you have heard evidence about from the Justice Minister here in Northern Ireland, whose Department sponsors that organisation, has been in place for over 20 years. I can remember one of the very first events it had to look at organised crime. It is always worth looking at the Northern Ireland context, given that organised criminals do not respect borders.

We have some confidence around the working relationships we have. There has been a very strong level of engagement between agencies in the UK to prepare for transition at the end of the year. We have some confidence around that.

Q167 **Chair:** Both of you have said, perfectly understandably—I do not say it as a criticism of either of you—that you do not have the figures to hand, which suggests that the figures are available but just not readily available. Would you undertake to provide us with those figures in writing? We know that sometimes recruitment can be the easy bit but it is the training and readiness for operational requirement that takes time. We would be interested to hear where the recruitment figures are and how many are now fully trained to be fully operational as and when required to work alongside PSNI and others.

I am sure that there are lots of businesses that will want to be doing the



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right thing, whatever the right thing is, and that will want to have some security of knowledge that, for those that are seeking to do the wrong thing, there is the capability, from whichever side of enforcement it might happen to come, to nip it in the bud. Otherwise, there is little or no incentive to do the right thing, particularly if there are attendant costs in doing so.

Mr Walker: I am sure that is right. I am very happy to seek that update in terms of getting information from the Cabinet Office and, indeed, Treasury when it comes to HMRC. I would not want to create the impression that there are going to be customs inspectors standing at the border, because there are not. It is important that we also make sure that business understands that doing the right thing will be largely about getting the right information to the right people, not about going through a process of checks.

Q168 **Chair:** Yes, that may be, but can I respectfully point out that this was a hare that was set running by the Chancellor of the Duchy of Lancaster?

Mr Walker: From whom I shall seek an update to provide to your Committee.

Q169 **Chair:** He talked about all this focus on recruitment so that we would have nothing to worry about. This is not a phantasma generated by the Committee; it was one referenced by the Bismarck of UK Brexit, if you will, if that is not mixing my personalities too much. Some figures on that would be helpful.

We talked about resources. I have a particular bee in my bonnet, Minister, at the moment at the absence of the independent fiscal council as set out in New Decade, New Approach. We certainly heard last week from the Justice Minister how keen she was to see it set up. If there is a case to be made outside a block grant and negotiations for additional funding, do you agree with me that an independent fiscal council would be enormously helpful to the Executive of Northern Ireland in making the case to your Department and then to the Treasury?

Mr Walker: Yes, and particularly the latter. It would lend credibility to all bids to the Treasury and make it much clearer where money has been spent effectively, where it has not been spent and where we can ensure that money that is being asked for from the UK Government is really providing extra value. There is a very strong case to be made for that. What you heard from the Justice Minister last week is similar to what I have also heard from a number of other Ministers across the Executive in terms of their impatience to see this delivered because they do think it would strengthen their case.

The other point is that it would be good for the Assembly because it would create a greater degree of transparency and accountability for Ministers operating within the Executive. From that perspective, it can only be a healthy thing for the institutions of the Good Friday agreement. As the Justice Minister herself pointed out, it has comparable



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organisations in both the UK and Ireland. In that respect, it should be something with cross-community appeal.

Q170 Chair: I want to touch on two issues that Governments often do not have a great record on—information recording and data sharing. What consideration have the Government given to how both could be, or indeed need to be, enhanced in relation to sea travel? We talk about criminality often with regards to goods but I pose this question with specific reference to preventing exploitation of the routes through the trafficking of vulnerable people in and out of Northern Ireland into Great Britain, and indeed south into the Republic and maybe into the broader EU. It is not just, as we know, diesel, cigarettes and drugs; it is people.

Mr Walker: You are right to highlight this issue. I know your Committee has taken a particular interest in it. The tragic events earlier this year highlighted the grave dangers of sea travel for vulnerable people and the pressing need to stop callous criminals from exploiting them everywhere in the United Kingdom and, indeed, in Europe. We need to break the criminal business model that is exploiting the desperation of vulnerable people.

As you will be aware, this has been a huge focus for successive Home Secretaries. My Secretary of State spent some time in the Home Office during which he played his part in some of the work that has gone on on this from a UK level.

In the context of Northern Ireland, there is excellent cross-agency collaboration to tackle the trafficking of vulnerable people, including working with our partners in Ireland. There is close working, through the auspices of the CTA Forum, on the sharing of information. Issues relating to information recording and data sharing remain under negotiation with the EU, but the UK Government are very much aiming for these arrangements to be as strong as possible across all areas of law enforcement, because we absolutely recognise that this supports a number of key agendas, including that of tackling human trafficking.

Q171 Chair: We could and should draw comfort from the fact that we have the current Security Minister as a former Northern Ireland Secretary and the current Northern Ireland Secretary being a former Security Minister.

Mr Walker: That is an acute observation. Certainly, in my experience, when we had gone in to talk to the Home Office about some of these issues, I have found that we have a receptive ear because of that existing knowledge.

Q172 Mr Campbell: Good morning, Minister. It is good to see you again. How would you summarise the work of the Joint Agency Task Force to date as we sit at the end of November?

Mr Walker: I might call in Mark, who has more experience of working directly with the Joint Agency Task Force, but perhaps I can start by summarising from a very top level. From what I have seen, there is a



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strong, well-established culture of collaboration between the PSNI and An Garda Síochána, with very good working relationships at all levels, as you heard from the chief constable.

As you know, the Joint Agency Task Force was established under the 2015 fresh start agreement to enhance cross-border law enforcement co-operation, aimed at tackling organised crime and criminality, including that link to paramilitarism. It is an excellent example of how we are working closely with Ireland to tackle illegal activity.

We are very much committed to continuing to work closely with them. The Northern Ireland protocol will reinforce that by preventing a hard border and ensuring that the Joint Agency Task Force can continue its work in keeping people of all communities safe.

It is also important to recognise that this is one of a number of institutions and vehicles enabling co-operation between the PSNI and An Garda Síochána, which will not be affected by the process of EU exit. There is the agreement between the UK and Ireland on police co-operation from 2002. Article 2 of the agreement provides for secondments with policing powers between the PSNI and An Garda Síochána. Article 5 provides for personnel exchanges not exceeding one year between the two forces to enhance transfer of expertise, including training. Article 6 requires each force to designate liaison officers to enhance co-operation.

There is an annual cross-border conference on tackling organised crime, provision for co-operative arrangements on joint disaster planning and the jointly chaired forensic science project advisory group that allows co-operation on forensic evidence between the two. There are two extant MoUs between the PSNI and the Probation Service in Ireland.

Perhaps I can come back to Mark on the observations around the working of the Joint Agency Task Force but, from my perspective, it is part of an overall structure that supports very effective co-operation.

Mark Larmour: The Minister has given a very full summary of the work of the Joint Agency Task Force. As he has indicated, there is excellent day-to-day co-operation between law enforcement partners north and south. That is enhanced by those slightly softer arrangements around things like secondments where organisations get to understand each other's culture better, which aids in the medium-to-long-term areas like information-sharing.

Those arrangements will very much carry on post transition, and that is certainly the intent. The level of co-operation and the level of information sharing between PSNI, for instance, and An Garda Síochána continues to build and improve day by day. It is not something that we would have any concerns about given the shared interest in tackling some of the significant issues that we face, including the severe threat from terrorists and, as we have already discussed, the impact of organised crime.



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Q173 **Mr Campbell:** We have seen quite a bit of activity in the English Channel as organised criminal gangs gear up for the end of the year. They are obviously concerned that there may well be significant changes that might prevent or inhibit the movement of peoples across the Channel. Equally, I would have thought the same for criminal gangs operating between the Republic and Northern Ireland, whether directly into Northern Ireland or using it as a route to get into GB. I just wonder, over the course of the next six to eight weeks, as we go up to 1 January, what intensification there is with the task force to prepare for that date and beyond.

Mark Larmour: From my perspective, there has always been an agility around this. As you will also know, organised crime groups working in the border areas will change their mode of operation in terms of what they deal with, depending on what they are going to make the most profit from, be it for fuels, cigarettes or whatever.

Equally, the criminal justice response to that has to be agile to meet that. Again, we have been very successful in working with partners to address that over recent years. The work of the Organised Crime Task Force and this joint agency all support that and build that day-to-day co-operation between agencies north and south. It is something that partners will keep under review over the coming weeks.

Mr Walker: Mark mentions the Organised Crime Task Force, and of course that is the more internal-focused task force, looking at what we can do within Northern Ireland. There are some important figures worth pulling out, because you were asking, Greg, about the performance of these organisations, particularly with regard to human trafficking. Its latest annual report highlights the fact that it has helped to rescue 59 victims of modern slavery; recovered about £1.4 million under confiscation orders; and frustrated, disrupted or dismantled 72 organised crime groups. That shows that there is an effectiveness in what is going on at the moment. Certainly with regard to wider issues being led on by the Home Office with regard to people trafficking and those issues, this is something that they are well plugged into and well supported on through that joint task force.

Q174 **Mr Campbell:** Is there an assessment, Minister, of whether the intensity of operations of the criminal gangs is likely to increase over the course of the next couple of months?

Mr Walker: That is not something I have heard directly from them, but of course they are constantly looking at what the intelligence says on these things and are constantly monitoring as to what needs to be done in this respect. We recognise the importance of being able to work on this and the importance of being able to share information through the CTA Forum and through the discussions that take place under those auspices, and to ensure that we continue to protect the whole of the UK, including Northern Ireland, from the risks of organised crime and people smuggling.



Q175 **Ian Paisley:** It is good to see you again, Minister. In less than 40 days, if the Government successfully negotiate an extradition agreement with the European Union based on the Norway-Iceland agreement, will the agencies that operate and utilise that be able to do so by 1 January 2021?

Mr Walker: You are talking about negotiations that are still ongoing. As set out in our published approach to negotiations, the agreement, we believe, should provide for fast-track extradition arrangements similar to those in force between the European Union and Norway and Iceland, with additional safeguards for wanted persons. This would replicate the capability that is currently available in extradition co-operation between the UK and Ireland. There is also an aim for similar agreements to be in place on judicial co-operation, particularly around operational co-operation and mutual legal assistance.

I know that both the UK and Ireland are fully committed to negotiating a strong agreement on outstanding areas, including extradition, to ensure policing, security and justice co-operation continues. I see no reason why that could not be up and running and operational from day one post the transition period. As you will appreciate, negotiations are still ongoing with the EU and I cannot pre-empt the outcome of those.

Q176 **Ian Paisley:** I would not expect you to and I would not ask you to do that. It is, as I say, less than 40 days, and so one would expect that there is going to have to be some sort of sharing of information with the agencies that will have to operate these new regulations.

If we do not have a Norway-Iceland agreement up and running by 1 January 2021, will the British Government seek to negotiate a bilateral agreement on extradition with the Irish Government as a contingency plan?

Mr Walker: Of course, the security of our citizens is a top priority for all parties and we will always continue to consider ways in which our co-operation with Ireland could be enhanced or strengthened. It would not be appropriate to say more while the EU negotiations remain live. My understanding is that there is good will between both sides to address this issue. The clear preference of both parties is to do it through the overall EU agreement and that is clearly what we are focused on right now.

Q177 **Ian Paisley:** Any new agreement on extradition that is put in place will not be exactly the same as what is already there. A point that I have tried to make—I wonder if you agree with this—is that a new agreement could be equally as good if it is different. It still could be equally as good as what is there. I do not know if you have any views on that.

Mr Walker: That is certainly something that we strive towards. There is lots of evidence that this kind of co-operation on these issues benefits everybody and benefits, most importantly, the communities living in both Ireland and Northern Ireland who are most at risk from crime of this



nature. We should absolutely be seeking to negotiate the best possible agreement that we can.

It is important to reflect that some of the political considerations that stood in the way of progress on these issues 20 or 30 years ago are very different today. There is a much better working relationship between the UK and Irish Governments, and that is certainly something that we would want to maintain.

Q178 Ian Paisley: That is a very sound point, Minister. Last week we heard from the Northern Ireland Justice Minister. I took from that meeting a very serious complaint that she had felt that she and her Department had been left out of the current negotiations. In her words, they just did not know what was happening in terms of those negotiations. Again, the clock is ticking. How do you intend to bring the Department of Justice in Northern Ireland into the loop that it currently feels left out of?

Mr Walker: As she was at pains to point out, this is clearly a UK-EU negotiation, and she rightly set out the boundaries between UK responsibilities and the responsibilities of the Department of Justice in Northern Ireland. Of course we recognise that they are closely interested, and need to be involved, in the solutions. We will continue to build on the very good working relationship, which she also described in her evidence, to deliver that.

You will recognise, particularly when it comes to security matters, that these are excepted matters and ones that need to be led on by the UK. We have established, with our approach to the Specialised Committee and the Joint Committee, a way of involving Northern Ireland Ministers where appropriate, and we can build on that. Were there to be any bilateral discussions of that nature in the future, we would want to make sure that the Department of Justice was fully involved and informed on those. Clearly, what we all want to achieve right now is to get the overall UK-EU arrangement in place, which is strongly in the interests of both parties. We will certainly then work very closely with them on the delivery.

Q179 Ian Paisley: Joe Biden made some very interesting comments last night about the protocol and the arrangements. He seemed to think there were going to be border posts again on our island. What steps are you taking to ensure that the next Administration in the United States of America is better educated on what is actually at play here?

Mr Walker: I am sure President-elect Biden, as a former Vice President, has a good understanding of the workings of the Good Friday agreement and of the arrangements. My Secretary of State has been in touch with American politicians on all sides, and in both Houses, to communicate the important points about our respect for the protocol and our absolute protection of and focus on the peace process, and that there will be no border posts. What President-elect Biden was setting out was a shared ambition for the UK Government, the Irish and the United States that



there should be no guarded border between Northern Ireland and the Republic of Ireland. That is something that we are all absolutely committed to delivering on under all the circumstances that are envisaged from the outcome of the negotiations.

We can provide that reassurance at every stage and we recognise that the United States has a great interest in Northern Ireland. It is a key investor in Northern Ireland. We want to support that and we want that to continue.

Q180 Ian Paisley: From what you are saying, Minister, it appears that it is very unlikely that the Government are going to have to breach the protocol, as was maybe indicated from the Dispatch Box in the House.

Mr Walker: We are committed to abiding by the protocol. We are also committed to delivering what the protocol itself said about Northern Ireland's part in the UK customs territory and unfettered access. It is very important to protect those things as we deliver the protocol, but there is no reason whatsoever that those things should lead to any kind of "guarded border" between Northern Ireland and the Republic of Ireland.

Q181 Chair: Minister, two brief supplementary questions flow from what Mr Paisley was saying there. The first is on the timing issue and the days left, etc. Have you any indication, given the direct impact it has on Northern Ireland and the issues that we have before us today, as to when the House of Commons is likely to be reconsidering the UK Internal Market Bill?

Mr Walker: I do not have that. That is a question for the usual channels, but I understand the Lords stages are coming towards a close. I would expect it not to be very long at all.

Q182 Chair: The other thing is that Mr Paisley may very well be right to say that security arrangements are likely to be different and that enforcement is likely to be different, but that it could, in substance, be equal to what we have today; I certainly share his hope. Given the history and the uniqueness of the problems, would you see it as being regrettable, if not disastrous, were the security enforcement arrangements to be worse than they are now in that they are not equal to them?

Mr Walker: Of course it would be regrettable if arrangements are worse for people both in Ireland and in the UK. That is something that both parties would strive to avoid. We already have some useful structures for co-operation and working together. Clearly, both sides are committed to trying to resolve this through the overall UK-EU agreement. Certainly from my experience in the previous Department, I always found that was something that the EU was well aware of and understood the benefits of.

This is something that we ought to really strive to achieve through that framework. In the event that that proves to not be possible because of other issues, we should work as hard as we can, on a bilateral level, to



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address it. I do not think we are in that territory yet and I hope we need not be.

Q183 **Chair:** You would see a very tightly drawn window to do bilaterals, etc, given that the creation of lacunas will be readily exploited by people who are well primed to do so.

Mr Walker: Yes, but, as I have already set out, there are a number of areas of co-operation.

Q184 **Chair:** There is a greater pressure to get this right, given the history, rather than just the arrangements between Worcestershire and Gloucestershire, for example, or Dorset and Hampshire, not that we ever trade with Hampshire.

Mr Walker: Of course we recognise the huge importance of this. The fact that there are joint task forces in place and involved reflects the importance of these issues in this particular part of the United Kingdom. It is something that we absolutely want to prioritise. An important part of the Northern Ireland Office's job is making sure that that is reflected in Cabinet discussions. I can assure you that that is very much what my Secretary of State ensures.

Q185 **Stephanie Peacock:** Good morning, Minister. What progress have the Government made towards obtaining a law enforcement data adequacy decision from the EU?

Mr Walker: As I said earlier, these are still subject to discussions. In terms of adequacy, it is very important to reflect on the fact that we are operating, effectively, EU law in this country when it comes to these issues. We meet all the standards required and we think there is a very strong case to be made for an adequacy assessment on or before day one. That is something that we have always fed into negotiations, and we are very happy to provide all the assurances necessary to ensure that that can be delivered. I cannot say to you what has been agreed in negotiations because I am not directly party to that and, obviously, the EU will always take the position that nothing is agreed until everything is agreed.

There is huge mutual self-interest in achieving this on behalf of the UK and the EU. Particularly when we look at this area, there is enormous interest from the perspective of UK-Irish co-operation in that being the first and foremost basis for being able to share data. I see no impediment to that being put forward. The question simply arises whether other parts of the negotiations make that more difficult to achieve.

Q186 **Stephanie Peacock:** How do the Government intend to ensure that UK law enforcement agencies can share information with their counterparts in Ireland if there is no data adequacy decision in place by 1 January?

Mr Walker: There are legal fallbacks that you can use in the absence of a data adequacy agreement, and those involve further documentation



and information being stored and so on and so forth. They are not ideal. It is certainly our preference that we should have that arrangement in place. Of course, we have already put in place the UK recognition of legal data adequacy for the EU so, in terms of information being able to flow in that direction, we are already very clear that it can—it can in our law—but we think it makes absolute sense for both parties to get to an agreement on this. In the early stages of the negotiations, the EU were suggesting that this would be possible before the end of the transition period. That is certainly something that it should be in all of our interests to secure.

Even in the event that such arrangements were not in place, it is important that our security services and the relevant organisations are briefed on the steps that they would need to take in order to be able to share data, and that work has been undertaken as a contingency.

Q187 Stephanie Peacock: The Northern Ireland Justice Minister expressed concerns to us over the likely delays in using the alternative transfer mechanisms in the GDPR and the Law Enforcement Directive. How do the Government plan to mitigate against such delays?

Mr Walker: She is right to demonstrate that, as she is trying to speed up the system of justice: we want to do everything we can to support that. The first point is that we want to get a data adequacy agreement working in both directions that will allow that in the most effective way.

If you were to envisage a scenario where that was not possible, we would then have to look at what we might be able to do on a bilateral level to facilitate arrangements to have conversations under the information sharing that takes place under the CTA Forum, etc. We absolutely recognise that it is in the interests of all parties to try to get those arrangements in place and to have effective judicial co-operation arrangements as part of the overall arrangement as well. That is certainly something that we are striving to do.

Q188 Stephanie Peacock: The Irish Minister for Justice has said that, post Brexit, there may be a need to create a record of every data transfer between the authorities. How would this affect the efficiency of data sharing between UK and Irish law enforcement agencies?

Mr Walker: As we have already discussed, we have ongoing negotiations around data and we are aiming for the final agreement to be as strong as possible. In the world of modern technology, it is not necessary to take a huge amount of time to create records of data. You will recognise that some of that process can be automated. But an agreement that dispenses with that requirement and that dispenses with, frankly, an unnecessary process would be extremely welcome. That is why that is something we are prioritising when it comes to the negotiations.

Q189 Chair: Minister, you are not the first witness to refer to—I quote from your opening statement—“a culture of collaboration” between PSNI and



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the Irish law enforcement agencies, and that is of course to be encouraged. We questioned the NI Justice Minister last week, as you know, and we all touched upon this issue of admissibility in court. We all know that there are tricky lawyers out there who will exploit any gap in the regulation—"How did you get hold of this data?"—and, unless it is all done through the proper channels, it is ruled inadmissible.

Is your Department and/or the Cabinet Office taking any form of guidance and advice from the Bar Council, the Lord Chancellor or whoever with regards to what they need, either in making a defence or prosecution case, for things to be deemed to be admissible, so that we do not see a raft of cases chucked out because the floor upon which the exchange of data has been made has not been robust and cannot stand the test of legal inquiry?

Mr Walker: The Justice Minister also mentioned her close working relationship with the Lord Chancellor in that respect. It is important that we work closely across the UK to make clear the benefits of having proper arrangements in terms of information sharing and admissibility. It is certainly something that is being discussed and it is certainly something where we will work closely with the MoJ and the Justice Minister on these issues to highlight the importance of that. We recognise that, when it comes to the police being able to exchange information and that information leading to court, it is important that that is done in a legally robust manner.

It is right to point out that, even in the absence of a data adequacy agreement, there are legal mechanisms through which to exchange data. It is important that those will have been studied by all the relevant authorities. Clearly, by far the preferable outcome is to have an agreement in place and to do it in the most efficient manner possible.

Q190 **Chair:** Yes. We are all familiar with the phrase, "Justice delayed is justice denied". There is a Covid backlog of cases in any event. We would not want to be seeing that backlog increase, would we, in terms of the delivery of justice as a result of having to wait for bilateral or other agreements to be put in place and ratified?

Mr Walker: No, that is right. We welcome the fact that the Justice Minister in Northern Ireland has been prioritising speeding up the justice system. That is something that is of benefit to everybody and we want to do our part to support that. In that respect, whatever we can do to ensure the justice system works swiftly and effectively has to be supported.

Q191 **Claire Hanna:** Minister, we have heard a lot of evidence that relying on the European Convention on Extradition could cause very substantial delays. I know you have spoken about it already this morning. If we have to rely on the convention and if there are no other sufficient arrangements, are you confident that the Extradition (Provisional Arrest) Act can enhance police capability enough to bridge that gap?



Mr Walker: You are right to say that the Council of Europe convention is not a like-for-like replacement for current arrangements. I recognise the evidence you heard on that. The UK routinely concludes extradition cases under the relevant legislation, however—Part 2 of the Extradition Act—within months for comparable partners.

That baseline, from our end, would be enhanced by the Extradition (Provisional Arrest) Act, which received Royal Assent on 23 October and which strengthens UK operational policing capability by giving our officers the power to provisionally arrest individuals on the basis of Interpol red notices or diffusions from specified countries, which includes all the EU member states, for serious offences. Yes, it does provide us with a tool for accelerating that process on our end.

What we would want to see, if we were in that scenario where we were relying on it, is other partners putting in place similar arrangements so that the whole process could work more effectively in both directions. That is something that would be for further conversations with those partners, not something that we could guarantee through our own legal framework. In terms of the work that needs to be done at the UK end to make sure we can deliver it more efficiently, I am told that that legislation does make a difference.

Q192 **Claire Hanna:** In the context that people will have to put in additional resources, do you have any concerns about the fact that you will have to use diplomatic channels now to address extradition? Have you any thoughts around managing any political tensions that might arise from that?

Mr Walker: I come back to the fact that the best arrangement to address this would be an arrangement that is part of the overall security partnership between the UK and the EU, and that is still something that we hope to see reflected in that. In the event that you were having to use diplomatic channels, yes, there have been political concerns and considerations in that regard in the past. What I would say is that our diplomatic relationship with Ireland is in a very strong place. We understand one another's differences but we work together very effectively as friends. That position is transformed from where it was 30 or 40 years ago. One of the things I have observed as a Back Bencher, joining the British–Irish Parliamentary Assembly and meeting some of the people who were there at the start, is how the degree of understanding and trust has built up enormously over the last 30 years.

We are in a different place to where we were before the current EU arrangements came into place, but of course I recognise that extradition is always a sensitive issue and it requires trust and belief in one another's legal systems on both sides.

Q193 **Claire Hanna:** Have you had any discussions to do with extradition generally with the Irish Government and the Executive about using the North/South Ministerial Council to enhance co-operation? You will know



that there is provision for that body to be used to address any issues related to the EU.

Mr Walker: I have not had those discussions to date. Mark can correct me if the Secretary of State has. In the event that we were not to have arrangements in place through a UK-EU arrangement, we would want to look at all the relevant channels. As you will recognise, those north-south ministerial channels are primarily for the Executive. You had an indication from the Justice Minister of her interest in exploring those issues in her evidence last week.

Q194 **Claire Hanna:** You referenced additional funding to the PSNI to address the challenges of Brexit, and I thought you sounded a note of optimism, potentially, about future funding. Have you had any discussion with the Justice Minister or any requests from the Justice Minister or the Executive about additional funding for policing?

Mr Walker: We have regular discussions with all the relevant Ministers in the Executive. The Secretary of State also regularly meets with the PSNI directly. As you will appreciate, I cannot comment on the detail of the spending review but it is something that we submit our submissions on based on our assessment of overall needs. As I say, that is something that we will continue to monitor very closely as this situation evolves. We certainly want to ensure that the Police Service of Northern Ireland gets the support that it needs and that other organisations involved in security and justice get the support that they need.

Of course, there is substantial funding available to the Executive and I come back to the importance of making sure that there is an independent fiscal council that can make sure that that money is being used effectively and that, when we make the case to the Treasury, it can see that that money is being used effectively, so that we can always make the case most efficiently.

Q195 **Scott Benton:** Good morning, Minister, and thank you for joining us. If there is no deal on a security relationship agreed with the European Union, will the Government prioritise negotiating a bilateral agreement with Ireland covering security matters and explicitly including extradition arrangements?

Mr Walker: As I have said, it is our mutual ambition—everything I have heard from the Irish Government reflects this—that we should have a security partnership in place with the EU. That is what we are focused on today. Of course, we will always do what we can to protect the security of our people and to make sure that we support co-operation. In that event, we would of course be looking at what we could do on a bilateral level in order to take things forward.

As I say, it is the preference of the UK Government and the Irish Government to make sure that we can do this through the current negotiations. We are both negotiating in good faith to achieve that and I am hopeful that we can. Mark, do you want to come in on that?



Mark Larmour: I have nothing further to add. It is all about maximising that co-operation and understanding. As you say, it is on the basis of a very good working relationship between agencies as well as between the Governments around security and justice matters.

Q196 **Scott Benton:** Thank you, Minister. I am grateful for your response. Obviously, we cannot prejudge the outcome of the negotiations with the European Union but, if those negotiations are not successful and we do not get the good deal including assurances on security matters that we all hope for, it is obviously important that we can continue working with the Irish Government on security matters. Are you able to confirm if you have had discussions with the Irish Government on a bilateral agreement, assuming that we cannot agree a deal with the EU?

Mr Walker: We are not working on that assumption. It is fair that we focus on the negotiations in which we are currently engaged, which is to absolutely achieve that deal. I think that is achievable and I think the Irish Government recognise that, while the Commission are leading in negotiations on behalf of the EU, they need to focus on that.

As someone alluded to earlier, I know you have heard evidence about the interest of the Justice Minister and the Department in this. As she pointed out, negotiations, whether they are with the European Union or on a bilateral level, are primarily a matter for the UK but it is very important that we keep a strong working relationship with the Department of Justice in that regard, and we absolutely will.

Q197 **Scott Benton:** I appreciate that you are clearly in a difficult position, but, bearing in mind the answer you have previously given, would it be fair to assume that you have not discussed these issues regarding a bilateral agreement with either the First Minister or Deputy First Minister? Would that be a sound assumption to make on account of your previous answer?

Mr Walker: I would not want to comment on conversations that take place between Governments.

Q198 **Chair:** Minister, you may not wish to comment but Mr Benton and I would love you to. Let us tempt you down this road.

Mr Walker: You are always very kind to tempt, but I think I will resist the temptation on this occasion.

Scott Benton: Thank you, Minister. I think I have taken that as far as I possibly could.

Q199 **Chair:** Can I see if I can just take it a little further with the Minister? I am hoping that we will all know the answer to this. Given the issues at hand and given the history etc, one would hope that HMG have not put all of their eggs into one basket, because the need to ensure a seamless transition on these issues is important generically, but specifically, as far as Northern Ireland is concerned, it is most pressing. Minister, without



tempting you down the road that you resolutely do not wish to be tempted down, are you able to give us that confidence that that belt-and-braces approach is in hand?

Mr Walker: I think I can. Through the evidence that I have already given, I have demonstrated that we are thinking about contingencies. We are thinking about what might be necessary in the event that we were not able to achieve our preferred outcome from the negotiations. It is right that our prime focus should be on achieving that mutually beneficial outcome. I believe that arranging that is the preference for both the UK and Ireland. I do not want to go further into hypotheticals but I can assure you that a lot of time and thought has been given to what we will need to do in all scenarios.

Q200 **Stephen Farry:** Given that the European arrest warrant was ruled out in the White Paper on the future relationship back in February, is the Nordic model therefore the Government's preferred alternative policy? Is that the peak of your objectives in the negotiations?

Mr Walker: We have set out that this is a useful precedent. You have heard evidence elsewhere in your sessions about the useful precedent that the Nordic model sets out for co-operation with the EU countries on extradition. I would not necessarily say that any one model has to be the peak of our ambition. We want to achieve the most effective working model for co-operation, and I will leave it to the negotiators to determine what can be achieved.

Q201 **Stephen Farry:** We have already heard, for example, from the chief constable, who said that the Nordic model is effectively the next best or the least worst of all the alternatives. Even in that context, which on paper therefore is the most doable outcome, do the Government recognise that there are still very significant differences between that model and the current European arrest warrant? In particular, there are exceptions for countries not to extradite their own nationals and there is also the potential for political considerations to be brought into the extradition process.

I am old enough to remember a lot of the huge difficulties around extradition on the island of Ireland in the 70s and 80s, with huge controversies around some extraditions. We have seen other examples with other European Union countries in more recent times. Do you recognise that there are going to be gaps that emerge even with what is, in effect, the next-best-case scenario of the Nordic model?

Mr Walker: We are ambitious with regards to the negotiations. Mr Paisley pointed out that our ambition should be to achieve as good an arrangement as possible, and there is no reason to limit our ambitions to achieving anything less good than now. At this stage, I cannot say, "This is what our negotiators are asking for and this is what we can achieve", and so on and so forth. I would love to be able to do that but I cannot.



We absolutely recognise the benefits of achieving an agreement with the whole of the EU on this. In the scenario that some have posited, the security of our citizens is a top priority and we will always continue to consider ways in which our co-operation with Ireland could be enhanced and strengthened.

I will come back to the point—Mark is probably in a better position to comment on this than I am, having been at the NIO a lot longer—that things have changed enormously in terms of the relationship between the UK and Ireland politically and diplomatically since the time you are talking about. It is important that we recognise that we both have a real incentive in supporting the cross-border co-operation on crime that has benefited communities on both sides of the border. We are operating in a very different world to that in which some of those previous political tensions arose. I am not saying there would not be any but I am saying that we should not necessarily draw that direct comparison between what happened in the 1970s or the 1980s and where we would be today.

Mark Larmour: The pragmatism that is displayed by law enforcement agencies north and south around delivering justice is very important to note in this context, compared to the time that you referred to back in the 70s and 80s. It is a very different working relationship, with a very open and pragmatic basis to approach the issues they face where there are challenges.

It is also important to note the willingness of people working in this space to find solutions, because that is another factor that may be different from the time you mentioned. There is a huge willingness from partners. You have heard evidence from the chief constable on this issue. They want to work together to find ways to resolve these issues, and that is something that we should have huge confidence in.

Q202 **Stephen Farry:** Picking up on Mark's point and the Minister's point, I fully concur that there is a hugely transformed relationship on the island of Ireland. There may well be some legal complications nonetheless, and we should not be complacent around that. This potentially also applies to any other member states where the courts might entertain some political arguments. We need to be very vigilant around that particular point.

In relation to that issue around co-operation with Ireland, in the event that we had a multilateral treaty with the EU and the UK on extradition, can we also, in addition to that, have a bilateral agreement with Ireland? Are they mutually exclusive, or can it be a both/and situation? Secondly, to what extent is the ambiguity around the UK Government committing to the European Convention on Human Rights in the negotiating mandate, and also some of the domestic uncertainty around the Human Rights Act, a complicating factor in terms of negotiating around extradition? I would also make that point in relation to the data adequacy point.

Mr Walker: To your first point, clearly an agreed framework between the UK and the EU on security matters would address many of these issues,



but it would not prohibit us from having further discussions with the Republic of Ireland. It would be partly a question for them as to whether they would want to go further in any respect, and that is something that I cannot answer for.

As we discussed earlier, there are other measures of co-operation already in place between us, through the Common Travel Area Forum and through the North/South Ministerial Council, which has the potential to deal with these things. Part of the complexity there would be the combination of strands 1, 2 and 3 issues that we might discuss in this respect. In that respect, such an arrangement might be complicated in that scenario. The point is that a good agreement between the UK and the EU in this respect would address many of the concerns that we are already talking about. In that respect, it would put us at a good starting point, and we would continue to work bilaterally with the Irish to see how things could be improved through things like the Joint Agency Task Force in any case.

With regard to your point on the ECHR, we are absolutely committed to the ECHR, and this has been repeated constantly by Ministers from the Dispatch Box. It is an important part of the framework and I recognise that it forms an important part of the framework of the Good Friday agreement. It is something in that respect that we absolutely maintain our commitment to. There is always some confusion in politics, which I have come across many times during my time at DExEU, and perhaps slightly less frequently in my time at the Northern Ireland Office, between the ECJ and the ECHR and some of the very firm lines that have been taken on the former rather than the latter.

It is important that we continue to work in a proper human rights compliant network. I know you had evidence from the NIHRC, and for any approach that we take to extradition, we will continue to take account of its advice very carefully.

Q203 Mary Kelly Foy: Good morning, Minister. The Police Service of Northern Ireland has raised concerns about losing access to the second-generation Schengen Information System, and they have warned of the risks of sub-optimal measures of co-operation when the transition period ends. What alternative mechanisms will replace the system on 1 January 2021?

Mr Walker: In looking at this issue it is important to recognise that Ireland is not currently connected to SIS II. The UK does not currently [inaudible]. In January 2021, in the absence of SIS II, the UK will use Interpol and bilateral channels to exchange information with EU member states on persons of interest, including missing and wanted individuals and lost and stolen documents. This is our current means of exchanging law enforcement information with Ireland, so it is a tried and tested mechanism.

More widely, Interpol was the primary means by which the UK exchanged warnings and alerts with all EU member states as recently as 2015.



Whilst there are capabilities in SIS II that UK has been a keen user of, these are not things that currently affect our co-operation with Ireland, and it is important that the Committee takes that into account. We will liaise with our counterparts in the Republic of Ireland to ensure that our communication continues effectively after they connect with SIS II, which they are due to do next year.

Q204 **Mr Goodwill:** Good morning, Minister. I would like to ask you a few questions about the European Criminal Records Information System, ECRIS. This is an automated system with bounce-backs sometimes as quick as 15 minutes. Bearing in mind that no non-EU countries, not even EEA Schengen countries, participate in this, how do the Government intend to replace the loss of access to ECRIS?

Mr Walker: It is right to recognise that the UK has been a very active user of ECRIS. In a non-negotiated outcome requests for criminal records information would be facilitated under the 1959 Council of Europe convention on mutual legal assistance. That is already used as the basis for exchange with a number of other countries, and, as you mentioned, there are EEA countries that do not have access to ECRIS today. We of course recognise that there is a shared interest through the CTA in being able to exchange data with Ireland. In the event of no agreed security partnership, we would absolutely be open to supporting a rapid discussion within the auspices of that forum on how anything similar could be achieved.

It is important that this is something that we recognise the UK uses actively today, and we would clearly like to achieve a good arrangement with the EU through negotiations.

Q205 **Mr Goodwill:** We heard from the National Police Chiefs' Council that applications under the 1959 convention can take anything between six and 66 days. If that were the case how would that impact not only access to people who are criminals and their records, but also DBS checks? A lot of people, such as teachers and people who work with children, work across the border. Is this going to give us a logjam of applications for those checks?

Mr Walker: It is an interesting question with regards to DBS checks, and it is not one on which I have been briefed. I am happy to look into that and to write to you if I can get some more information on that. With regard to the broader situation, however, we absolutely recognise the importance of this within the discussions we regularly have with Ireland through the contact that goes on in the CTA Forum. This is something we would want to address and still very much hope to address through an arrangement with the EU. As those negotiations are live and ongoing I cannot comment much further, but we recognise the importance of receiving timely information.

I suspect part of those figures with regard to the overall exchanges taking place under the Council of Europe reflect the fact that there are a



variety of countries with a variety of degrees of the development of their co-operation within that Council of Europe framework. We could anticipate that with a close partner and a closer degree of co-operation, it need not be at the worse end of that range, but clearly we want to achieve an agreement that allows for the sharing of information on criminal records much more effectively.

Q206 Mr Goodwill: This is not just a Northern Ireland issue. A lot of people work in the care sector, with children or vulnerable adults, who come from EU countries. If there is going to be a very long delay in getting those criminal records checks, that will cause real problems, particularly for the people who are already here without access to public funds and waiting to start their jobs.

Mr Walker: I recognise that. It is important to also recognise that all systems of this nature are only as good as the information that is put into them. It is not necessarily the case that all EU member states have been as active and efficient in putting information into ECRIS as the UK has. I absolutely take your point in that respect but it would be wrong to pretend that this was an absolutely perfect fail-safe system that gets information perfectly to its recipient every time. Co-operation on these matters is important, and we will absolutely need to find the most effective way of maintaining that with Ireland as a near neighbour and a country that shares the CTA.

Q207 Mr Goodwill: Minister, would the same apply to the Prüm system for access to biometric data, fingerprints and in particular vehicle registration data? We operate the lorry charging scheme in Northern Ireland. I am very keen to make sure that people do not see this as a loophole that they can quite literally drive through if they not register their trucks and pay the fee.

Mr Walker: Seeking the right arrangements between the UK and the EU is an absolute priority in negotiations across all of these areas, making sure that they can work effectively. I would come back to the fact that the importance of co-operation on these issues—movement of people and vehicles and various other things—is absolutely recognised by both the UK and Ireland. In the event of a non-negotiated outcome to the EU negotiations, it would be a focus for all of us to achieve the best outcome on that front.

Q208 Chair: I always make this remark: once a Transport Minister, always a Transport Minister—the only person who can ever get excited about HGV registration. It is always nice to sit next to Robert at a lunch party, so I am told.

Can I ask about the potential loss of access to Europol? It is a real concern that has been highlighted by Minister Long, the National Crime Agency and the Police Service of Northern Ireland. In the event that a deal is agreed, what level of access are UK law enforcement agencies expected to have to Europol?



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Mr Walker: We are seeking an agreement providing for co-operation between the UK and Europol to facilitate multilateral co-operation in tackling serious and organised crime and terrorism. In line with third-country precedent, we have not sought membership of the agency but we want arrangements capable of supporting the scale and nature of our contribution to Europol. With negotiations ongoing and at a very sensitive stage, I cannot go into more detail on that or comment further on that specific point.

In terms of our mandate, I hope I have set out that we are ambitious in wanting to have something that reflects the UK contribution to date. In general, I hear there is good convergence in what the UK and the EU are seeking to negotiate. This is an area where I am reasonably confident that we can get a good outcome so long as other areas of negotiation come together. We recognise that being a non-member is not precisely the same, whatever your contribution might be. It is about having a high level of ambition that allows us to co-ordinate and work together effectively.

Q209 **Chair:** If that ambition is frustrated, what is your assessment of the impact?

Mr Walker: There are clearly arrangements under which third countries, outside the EU and outside arrangements with the EU, work with Europol. In the absence of a negotiated security partnership, that might take more time to achieve, but it is certainly something where we would maintain that ambition under all scenarios.

Chair: There are an awful lot of balls up in the air on this whole issue of security, operability, co-operation, data share and the like.

Mr Walker: I would only observe on that front that that is, of course, part of the challenge of a negotiation in which nothing is agreed until everything is achieved. We were very happy at an earlier date to reach agreement on some of these things, but that, unfortunately, has not been possible within the scope of the negotiation.

Q210 **Chair:** Yes. We are all alert to that. Have your Department or the Government more generally explored how UK and Irish law enforcement agencies can continue to co-operate on joint investigation teams post-Brexit? They are very important.

Mr Walker: Yes. We have talked about some of the work of the task force and some of the importance of being able to work together on this front. It is very important that we have arrangements in place to support that, but this is something that is more straightforwardly addressed in the context of a security partnership and would need to be a priority in its absence. Mark, is there anything you can add on that, just in terms of the investigation approach?

Mark Larmour: Back to the point about the pragmatic and strong working relationships between organisations, there is also the structure.



There are longstanding structures now around tackling organised crime, and we have already referenced the Joint Agency Task Force. All of these bodies will be able to continue to do this work beyond transition, reinforced by some of those softer measures that we have already talked about, around things like secondment between officers working in the PSNI and AGS to understand the culture, etc. We are starting from a good point around this, and, pending the outcome with the negotiations, we will be able to react to that.

I just would want the Committee to recognise the fact there is a very good, strong framework for north-south co-operation, particularly between law enforcement agencies. It would be wrong not to acknowledge that.

Q211 Chair: Minister, this is the last time this year a Minister from your Department is scheduled to appear before this Committee. We know full well that there will be a huge amount of public information and many communications campaigns, from Whitehall, Westminster and Belfast, with regards to communicating the rules and regulations over the festive period for Covid. If a deal is arrived at, clearly the immediate communication needs of Brexit are in some way reduced. If we are in a no-deal end to the transition period, there is a huge task for communicating to business, individuals, producers, farmers, etc. Respecting the devolved nature of many of those issues, is there the headroom between your Department and the Executive to make sure a thorough and professional communications programme is put in place so that people are aware speedily of what they have to do, when they have to do it and how they have to do it?

Mr Walker: The short answer is yes, but you are right to recognise that a monumental effort is required here, and it is a cross-Government effort, whatever the outcome of negotiations. In some respects, there is a greater degree of certainty in Northern Ireland than in other areas because of the protocol. We know some things that will not change because of the protocol and we know some things that will not change because of our commitment to unfettered access. I absolutely recognise the appetite that there is from businesses, particularly the small businesses that dominate the Northern Irish business landscape, for more detail and certainty, and we have to work across the whole of Government to achieve that.

The NIO's role in that is that of co-ordinating, encouraging and supporting, and ensuring that the other Government Departments that might be involved in communications take into account the circumstances of the protocol and are doing that effectively, as well as, yes, communicating on our own behalf where necessary. As you have mentioned, we also have to work closely with the devolved Administration. As you heard from the Justice Minister in her evidence, there is a very strong working relationship at both ministerial and official level. We of course do not always agree with each other on everything



but we ensure that work continues. That extends to the communications effort, where there is a willingness to work and to communicate effectively once people know exactly what they need to communicate.

You are right to point out the huge importance of this and the constraints on all of our time when it comes to dealing with these issues in a Covid setting. It is a key priority for Government to get this right and to get the information out there, and we all hope to be in a position where that can be done as soon as possible.

Q212 Chair: Can you give us comfort on this point? In a whole raft of inquiries and evidence sessions, it has become very clear that the Cabinet Office is the nexus of this whole process, but with some quite distinct criticism coming from across Northern Ireland about a lack of engagement or bespoke understanding within the Cabinet Office of issues affecting people within Northern Ireland, and a foray into some form of consultation and then a drawing back. Is your Department sufficiently integrated with the Cabinet Office to ensure that, within that communications challenge—you have Covid plus the holiday period, in any event—that the bespoke communication needs of Northern Ireland are understood at the Cabinet Office and are not just a de facto, “That is the job of the Executive to explain”?

Mr Walker: Yes. Again, both the Secretary of State and I regularly attend the key internal meetings within Government to discuss these matters and feed into that, and there is a very good working relationship with the Cabinet Office and other Government Departments in that regard. It would be very wrong for anyone to ever suggest that this was entirely the responsibility of the devolved Government. We recognise that there is a complex web of devolved, excepted and reserved issues when it comes to these matters, and that the UK Government need to take responsibility for the outcome of what is an international negotiation. In that respect, we are very much focused on ensuring that is done in the most effective way for Northern Ireland, and that is something on which our Cabinet Office colleagues absolutely are there to support us. It is something where there needs to be that close relationship.

In terms of engagement, of course we have our own business engagement forum and our own engagement through that, but it is important to recognise as well that the CDL has been out and meeting with businesses in Northern Ireland, and quite rightly so, because it is important that he should be talking to people in all parts of the United Kingdom.

Q213 Chair: That is encouraging. I do not seek to question your commitment to or understanding of this issue, Mr Walker, but we did hear, as Mr Paisley raised in an earlier question to you, the evidence from Minister Long about a feeling that certainly her area of the Executive had been very much side-lined in Whitehall-centric discussion. In the preparation of this communications strategy, can you assure us that you are ensuring that the Executive is closely integrated with the Cabinet Office on this,



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and are not just merely going to be given a set of speaking notes and talking points and left to get on with it?

Mr Walker: Yes, absolutely. There are different areas of responsibility within this that fall to different Departments, but there is engagement from the Executive office with those internal Government discussions, as there should be, because they have a very important role to play in co-ordinating and supporting this. This is absolutely something where, at every level, whether it is at the level of individual Departments, where there are those discussions often involving Executive Ministers, or whether it is at the level of the UK Government and the Executive office, there should be that connection. I obviously cannot go into the details of those discussions but I can assure you it is something that we are constantly pressing to ensure that that is maintained.

Q214 **Chair:** Given the fact that it is holiday time as well, have you and the Secretary of State a plan up your sleeve for all hands to the pump within your Department, with all leave effectively cancelled so that businesses and others are not just being told that their call is important to the Department and that someone will get back to them and then that getting back is somewhere towards the back end of January? You are not a hugely staffed Department.

Mr Walker: We are not a huge Department.

Chair: You are perfectly formed but small.

Mr Walker: We absolutely recognise the importance of this period and we will work absolutely effectively to address these things. At the risk of promoting you, Chair, to being the Grinch who stole Christmas, I can assure you we are determined to deliver over the whole period up the end of transition, and we will ensure that we have the resource available where necessary to do that.

Chair: I am not seeking to steal Christmas but merely hinder new year. I am not sure anybody would be calling up on Christmas day to find out what they needed to do. Colleagues, we are in good time this morning. That is due to two things: the pithiness of our questions and the focused nature of the answers from the Minister and Mr Larmour, both of which I am grateful for. Minister, can I thank you and Mr Larmour for your attendance this morning? We send you our hopes and best wishes that these important negotiations and discussions end fruitfully, but, if they do not, that your Department is able to play that full and active role that you envisage in order to ensure that the people and businesses of Northern Ireland are secure, protected, able to trade and thrive. Thank you for your attendance this morning.