



Constitution Committee

Corrected oral evidence: Future governance of the UK

Wednesday 27 October 2021

10 am

Watch the meeting

Members present: Baroness Taylor of Bolton (The Chair); Baroness Doocey; Baroness Drake; Lord Dunlop; Lord Faulks; Baroness Fookes; Lord Hennessy of Nympsfield; Lord Hope of Craighead; Lord Howarth of Newport; Lord Howell of Guildford; Lord McAvoy; Lord Sherbourne of Didsbury.

Evidence Session No. 14

Heard in Public

Questions 184 - 206

Witness

I: Colum Eastwood MP, Leader of the Social Democratic and Labour Party.

USE OF THE TRANSCRIPT

1. This is a corrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.

Examination of witness

Colum Eastwood MP.

Q184 **The Chair:** Welcome. This is the Constitution Committee. We have been conducting an inquiry for some weeks now into the future governance of the UK and have taken evidence from a whole range of people. We are very grateful to Colum Eastwood MP for coming to give evidence this morning. Welcome.

Colum Eastwood MP: Thank you very much.

The Chair: We want to get into some detail as we go through this discussion, but can we start by getting some idea of your view of the current state of the union? At this stage we do not want to go into the protocol or things of that kind, but the overall relationship and indeed perhaps what your view is of how things were working pre-Brexit.

Colum Eastwood MP: I do not think the union is in a great state. That is the short answer. As an Irish nationalist, I am not too annoyed about that. I genuinely think, given what is happening in Scotland, given what is happening in Ireland, largely as a result of Brexit, that Brexit has accelerated a journey that we were probably already on. My view is that the United Kingdom is coming to an end and that we are now in a process of management. I do not see Northern Ireland staying within the UK for many decades more.

There are demographic issues, but I do not like to put too much emphasis on demographics. My view on the constitutional position is about much more than how many Catholics or Protestants live in Northern Ireland. I think the argument is almost being made for us by the kind of Brexit we have. The people of Northern Ireland did not want Brexit at all—66% voted to remain in the European Union—and I would say if the referendum was held again tomorrow, a much higher percentage would vote to remain. Brexit has been a big disrupter in the political process in Northern Ireland, of stability and also of the confidence that we have in the contract that the people in Northern Ireland have with the British Government. I think many people who would previously not have even entertained the idea of Irish unity are now thinking about it in a way that is interesting and unexpected at this time.

The short answer is I think the union is in a very bad place. I am somebody who wants to see Northern Ireland's place within the United Kingdom come to an end, but I do not believe in a kamikaze approach to it. I want us to make a positive case for Irish unity, one where people feel that their traditions, their cultural expression and their identity as people who see themselves as British will be fully respected and accommodated and they will feel a full part of the future. However, my political analysis of where we are at is that things have changed massively, particularly since 2016.

Q185 The Chair: We will come on to the part that Brexit had to play in a minute, but how much do you think that that trend, as you put it—you said it was not just about numbers—is generational and how much of it is because of the attitude of the British Government in how they deal with Northern Ireland, outwith Brexit?

Colum Eastwood MP: I did not want to lead with that, but I do think the attitude of particularly this British Government and the cavalier approach that they had to issues in Northern Ireland—whether about the legacy of the past, Brexit, or just their general disinterest and I think their lack of honesty at times in how they deal with people in Northern Ireland—is saying to many people, particularly young people, that we do not see ourselves as part of the United Kingdom. I keep going back to Brexit because my view is that Brexit was an English nationalist agenda. That is fair enough for people who believe in that, but if you are an Irish person, whether you see yourself as British in Ireland or an Irish nationalist, that is alien to us, particularly to young people, who want to see themselves as part of an international interconnected world. All of that has rocked any confidence in the UK Government that would have been there.

The stability and comfort that being part of the European Union gave to us was assumed when the Good Friday agreement was signed. People living in Northern Ireland, sandwiched between the Irish Republic and GB, people with conflicted identities, could work within the structures of the Good Friday agreement and our nationalities would be respected with that constitutional comfort blanket that the European Union provided. That has been taken away against our wishes, which is even more disrupting. Yes, it is generational and it is the attitude of this particular British Government. Lots of factors have come together to put us in a very different place. I do not believe anything is inevitable, but my political analysis is that it is going in one direction and I do not see very much being done to change that.

Q186 Lord Sherbourne of Didsbury: Good morning. I will focus my questions on the Northern Ireland Protocol. I have three questions. First, you talked about Brexit having accelerated the trend. How much do you think the protocol in particular is problematic, or is it just part of the general problem of Brexit that has worried you?

Secondly, do you have a view about the role of the European Court of Justice? There is talk about it being a reduced role, but would it be a matter of concern?

Thirdly, what is your view about what you think the outcome will be as the British Government and the EU negotiate this matter and also the reaction of the Executive in Northern Ireland?

Colum Eastwood MP: A lot of the issues around the protocol are issues around Brexit. The protocol is the new buzzword to describe the disruption that Brexit was going to bring. The protocol is far from ideal. There are difficulties with it. In very simple terms, the British Government decided to remove itself from the customs union and the single market, almost forgetting that there was a part of the United

Kingdom sitting over here with a land border with over 300 crossings, very few of them by motorway. The idea that you could just do that without there being any impact at all is politically impossible. It is also totally impractical in terms of trade to have a border on the island of Ireland. There had to be a solution to all of that and that is where the protocol comes in.

The European Union, in my view, has been very aware of the issues in Northern Ireland and I think has spent a lot more time than the British Government has in discussing the impact of Brexit and the protocol with people and businesses in Northern Ireland. We have seen the proposals that the European Union has put forward. The Union has stretched itself hugely, much more maybe than the British Government expected. The response by Lord Frost may have shown that he was caught slightly off guard. Yes, the protocol is cumbersome and difficult, but it is kind of essential. There has to be something there to manage this trade disruption that the hard Brexit chosen by the British Government has caused.

You could have had a very different kind of Brexit if the Government had wanted that. There could have been a Brexit that acknowledged that. If you remember the referendum, the current Prime Minister and many other people talked very much in terms of a political Brexit, but not an economic Brexit. We now have both and the impact is being felt in Northern Ireland.

I have never met a single person in Northern Ireland who has asked me a question about the ECJ. Imagine our surprise when it became the number one issue, when all the other issues were dealt with and we had to have another issue. That is a red herring that should not become a red line, particularly for the DUP. I think Jeffrey Donaldson, the leader of the DUP, has made a huge mistake. The DUP has said it will leave the Northern Ireland Executive. It has already removed itself from the North-South institutions and has said it will leave the Northern Ireland Executive if the party does not get what it wants around Brexit. Then of course Europe proposed what it wanted and what anybody has asked for on the ground in terms of business. Business has welcomed it.

The proposal from Europe is only a proposal. In my view, you should not tie your political fortunes to a British Government that has let you down time and time again. I would argue that the British Government have not been very honest with the DUP. There was never going to be a border in the Irish Sea, for example, and now of course there is. Where it leads in terms of the political situation in Northern Ireland is difficult to say. I think the DUP has made a strategic mistake in again tying our fortunes to a British Government that have demonstrably no interest in them or the future of Northern Ireland. We are seeing the issue of the ECJ being used to continue the battle.

I cannot work out what is going to happen. The question is—and I think this is the obvious question—does the British Government want to sort this problem out with the European Union or do they want to continue

having the battle and the argument? For particular sections of the British press, this can be very useful when inflation is rising, fuel costs are going up, universal credit has been cut and people's standard of living is going to be squeezed over the next few months, particularly over the winter months. Is the ECJ argument going to be used as a useful political tool at any given moment or does the British Government want to do a deal? It is very difficult to work that out.

Normal rules do not apply with this British Government, in my view. I have never ever heard a senior government Minister standing up and announcing proudly that they are going to break the law in advance of doing so. It is impossible to work out what they will do. I do not believe this is a serious position in terms of the ECJ. I do not understand how you could not involve the ECJ when what we are talking about is Northern Ireland remaining part of the European economic bloc while having a fantastic opportunity to trade into the European market and the British market unencumbered. That is something that businesses in Liverpool, Manchester and London do not have.

It is a fantastic opportunity to turn around our ailing economy. I do not understand why we would not grab that with both hands. Neither do I understand why unionists would not grab it with both hands because if people are doing well economically it makes my case more difficult to make when the formal discussions around the constitutional future begin. But nothing surprises me, given what has happened since Brexit and before Brexit; very little about the strategic direction of unionism in Northern Ireland surprises me.

Q187 Lord Dunlop: You talked earlier about the attitude of the British Government, and certainly the Government have expressed a desire to put relations with the devolved Governments on a firmer footing. Part of the way they want to do that is by reforming the structures for managing intergovernmental relations. In the context of Northern Ireland we hear a lot about the East-West and the North-South institutions under the Belfast agreement, but how much attention is paid to the intergovernmental structures between the UK Government and devolved Governments and to what extent those structures could make people in Northern Ireland feel that their views are being taken into account, for example, when formulating positions on trade or other international agreements?

Colum Eastwood MP: I think structures are important, but attitude is probably more important. We have learned in the 23 years since the Good Friday agreement that you can have all the structures and mechanisms in place, but if people do not want to work with those mechanisms and structures, they are irrelevant.

In general terms, I am not convinced that there would be a very positive experience with the BIC, for example, from Ministers in devolved areas. I do not think the British Government have been very forthcoming in that arena. There is another institution of the Good Friday agreement that has been totally underused, which is the British-Irish Intergovernmental

Conference, which allows us to talk about things that are not in the devolved space and gives Northern Ireland Ministers a fairly unique position. It has met very rarely. During the early Brexit years we were arguing that that would have been a fantastic place for some discussion to be had between the British and Irish Governments when discussions were being marred by the nature of the negotiations between the European Commission and the United Kingdom Government. It is not for me to argue on behalf of people who want to secure the union as to what the right structures should be. That is probably for others.

Our experience has not been good. I fundamentally believe that the North-South institutions have to be protected. They are not being protected as we speak because the DUP has walked out of them. They have been run down over a long period of years anyway; funding has been stripped from them and not properly reinstated. I also believe, even as somebody from my constitutional perspective, that the East-West relationships are very important and that structures that are properly used and properly engaged in are very important and will be important, regardless of the constitutional position of Northern Ireland.

Q188 Lord Dunlop: I take your point about culture being very important, but cultures can be reinforced by structure and the Government did table a package of reforms to improve the relationship between the Government and the devolved Administrations. I think the Prime Minister wrote to the devolved leaders at the beginning of September to say that, in his view, that package was ready to be agreed. What role will Northern Ireland play in reforming those structures? I was quite surprised when Naomi Long told us last week that the reform package had not even been discussed in the Executive.

Colum Eastwood MP: I do not sit in the Executive, but my understanding is that it has not. Of course there is some tension right now, which is not new, at the top of the Executive and very little business is getting done. It is one thing for the Prime Minister to send a letter and to make proposals but the Government brought in the internal market Act not that long ago, which gave the British Government the power to intervene in the devolved space right across the piece in areas where they really have no business intervening. You have to wonder, if you are sitting in a devolved institution, whether the British Government appreciate, support and recognise the devolved Administrations—given some of the things that Boris Johnson himself has said about devolution in Scotland—and what the commitment is there.

Given particular experiences over the past few years, some of us have a very jaundiced view of what this British Government might be intending when it comes to their engagement with the devolved institutions, whether they be in Scotland or Northern Ireland. I think a lot of this is driven by an interest in the future of Scotland rather than the future of Northern Ireland, but that is an old story.

Q189 Lord Howell of Guildford: Following on from Lord Dunlop, I have a structure question first. Northern Ireland has an independent or separate

Civil Service, unlike Scotland and Wales. In my own experience, I have found them extremely good to work with, very efficient and very well informed and experienced. What is your view of a separate Civil Service? Do you feel it is a plus and is it something that you would urge on your Scottish friends? That is my first question.

Colum Eastwood MP: Yes, in general. There are some fairly obvious examples of where the Civil Service in Northern Ireland has fallen down. The RHI scandal, for example, is a fairly notable one. I would argue, though, that politicians are responsible for ensuring that civil servants are on top of their game. In general, I think it is absolutely a good idea to have independence within the Civil Service. The Civil Service should be independent and solely focused on Northern Ireland. However, I have a rule about not involving myself in Scottish, Welsh or English affairs and I think it is for them to decide what they do in the here and now and in the future.

Q190 **Lord Dunlop:** Second, you mentioned British-Irish relations, London-Dublin relations, which are obviously a vital part of this scene. What about Belfast-Dublin relations? When I was involved in these affairs, relations were quite close on a practical level. Since then, there has been a growing mood in Dublin, which comes out very loudly, that their desire for unity is very much less than it was and that they are ready to accept different arrangements, which might not be absolutely along the lines of the borderless pattern within the island of Ireland but might still involve reasonably close relations. What does your party think about closer relations with Dublin and what do you think your colleagues generally feel?

Colum Eastwood MP: Relationships are not good between Dublin and London. I think that is pretty obvious. Simon Coveney, the Minister for Foreign Affairs, said that they are the worst that they have ever been. I can think of a few times in history when they have been a bit worse, but certainly since 1998, they are as bad as they have ever been. That is probably a given.

Relationships between Belfast and Dublin in terms of the Governments are harder to pinpoint because of course there are five parties in government in Northern Ireland. We have a fantastic relationship with the Irish Government. Our Minister in the Executive, Nichola Mallon, who is in charge of infrastructure, has done a lot of very good work with Eamon Ryan, who is the Minister for Transport in the Republic of Ireland. Is that co-operation repeated across the Northern Ireland Executive? It is not.

I would not suggest that there are very close relations between the Executive as a whole and the Dublin Government. Also, as I have said already, the DUP has just unilaterally absented itself from the North-South institutions in this period as some sort of negotiating tactic. I find that all very strange. The other part of the tactic is that we walk out of government if we do not get what we want, which is a bit like holding a gun to your own head and saying, "If you don't give me what I want, I'll shoot".

To your overall question about the Irish Government's future position on the north of Ireland, every political party in the Republic of Ireland will tell you that they are in favour of Irish unity. I am very much in favour of Irish unity. How you get there and what it looks like is an open question. The Taoiseach's office now has a Shared Island unit and a Shared Island Fund, which is now at about €1 billion, which I argued for with the Taoiseach and it was a very easy conversation. His approach is similar to ours; it is about building relationships. It is an understanding that, yes, there is a line on the map, but as John Hume used to say, "the biggest problem is the lines in people's hearts and minds" and we have to resolve that. It is not one or the other, in my view, it is both.

The united Ireland, the new Ireland that I believe in—and I think the Taoiseach believes in—is one that is about bringing people together as much as bringing institutions together. It is an open question as to what constitutionally all that would look like. Will there be a devolved institution at Stormont? In my view, there probably should be, in a future united Ireland, a constitutional set-up. There are all sorts of questions about that. Some of us are engaged now in trying to find the answers to that. It will not be as people used to imagine. It will not happen overnight. I do not think there will be just a unitary state where we will all go down to Dublin and sit in Dáil Éireann. I think there will be a much more nuanced approach. But this is a very live debate and discussion, much more live than it ever was before.

I have set up a New Ireland Commission and we have many people who disagree with us sitting on it, many people who would see themselves as unionists, others who would see themselves as maybe former unionist and open and then there are people who are from a much more traditional nationalist perspective. My argument for doing that is there is not much point in us continuing to talk to ourselves. We have to test the arguments and discuss them with the people we need to convince about what all this should look like. We are in the early stages of that and other people are having those discussions as well. In general, the whole thing will look a lot different than we might have imagined 20 or 30 years ago.

Q191 The Chair: Could you just say a word about the Shared Island Fund? Who makes decisions about it and how is it structured?

Colum Eastwood MP: It sits within the Taoiseach's office. It started off as €500 million and in the recent Budget it has been extended and doubled. They are very much engaged in discussions with people on both sides of the border, particularly in border areas, about how they can intervene to develop economic relationships and intervene on social projects as well.

The Chair: Is that at a local level, not at the Northern Ireland Executive level?

Colum Eastwood MP: No. The decisions are being made in the Taoiseach's office, but the discussions are being had at a local level. It would be good if the Northern Ireland Executive were more engaged in it.

I am not so sure how engaged they are right now. Some Ministers are individually engaged, including our Minister. I suppose the old story is that there is £1 billion to be spent—let us figure out how to spend it. We have an Irish Government in Dublin who want to spend money in Northern Ireland and I suppose whatever your political persuasion is, that seems like a good idea.

Q192 Lord Hope of Craighead: I would like to ask you a question about a devolution issue and it is a very particular one. What is the position when the UK Government expresses a wish to legislate on areas that are devolved or partly devolved to Northern Ireland? We have three examples, one of which is the abortion issue. I think your party was in favour of that. The second one is the intention to legislate on the Irish language issue and my understanding is that your party is also content that it should do so. The third example is a very different issue. It is the proposal to introduce a statute of limitation with regard to legacy issues. I think your party is opposed to that. First, is it possible to find a way of determining which side of the border the proposal would be? For example, would one say that if it is an issue on which there is broad consensus that would be all right? If that is the test, how can one determine that in an issue like abortion, where it is very difficult to determine whether there is a consensus? Indeed, the probability is that the Assembly would not have been able to pass the measure. Can you guide us as to what the determining factor is to decide whether it would be proper for the UK Government to legislate in those areas and where it should be discouraged?

Colum Eastwood MP: In general terms it should be discouraged, but we have to recognise that we remain part of the United Kingdom until people like me can convince enough people otherwise. On the abortion issue, my party did not support it, but we have a conscience position and the two MPs, of which I am one, did. It was a very particular issue, a human rights issue. The Supreme Court ruled on it and the Assembly was not capable of dealing with it. I just do not believe you can have a human rights issue that is pretty fundamental just left unresolved because politicians will not act, when courts have spoken. Almost whatever your position on that difficult issue is, I think politicians have a responsibility to act and to take responsibility. I understand why people find that difficult, but I do not believe that politicians can do a Pontius Pilate—"It is not my problem"—particularly when a court has ruled and it is very clearly a human rights issue.

The language issue was agreed, so the wording of that legislation will hopefully come sooner rather than later. Despite lots of pressing yesterday, the Secretary of State refused to give us a date for that legislation to be brought. I suspect that is about the particular tension with the DUP and the protocol and all those issues. The wording was formulated by the Legislative Counsel of Northern Ireland. The exact wording of the legislation was agreed at the New Decade, New Approach negotiations. I was very involved in those negotiations. The discussions around language were largely between Sinn Féin, the DUP and the British

Government. That was resolved and agreed and it was as a result of longer standing agreements that were not implemented.

What we have as part of that language and culture package is not what people have described as an Irish language Act. It is much more limited than that. I would have wanted to go much further, but it is what it is. It has been agreed and then the DUP and Government were refusing to let the legislation progress. I think that is a particular example of where we all have a responsibility, given what we signed up to in NDNA—many things we did not like—to implement those agreements. An Irish language Act, which would have gone much further, was already agreed years before as well.

In terms of legacy, I recognise the British Government are the competent authority when it comes to legislating on most of the legacy proposals. But I would also argue there was an agreement called the Stormont House Agreement that was entered into by four of the five political parties in Northern Ireland: the Irish Government, the British Government, supported by successive American Administrations, and the European Union, then unimplemented by the British Government.

The proposals that are now being put and are going to be legislated for at some point in the coming weeks, I would imagine, have done something very interesting. They have united the political parties in Northern Ireland in opposition to them. They have united every single victims' organisation that I have ever spoken to in opposition to them. It is an absolute affront to the rule of law and common decency that you would say to people that we are stripping their opportunity not just for prosecutions—because people understand that is not an easy thing to deliver in every case and in many cases—but even to take away the investigations, to take away the opportunity for civil cases and inquests. I cannot imagine for a second that if any of these incidents had happened in Manchester or Liverpool or London we would be even contemplating saying, "I know your mother or your son was murdered brutally. We are going to just let that go now".

I understand the argument being made, which is, "Let us draw a line under this and let us move on" but I know these victims and they will not move on, not because they want to be stuck in the past, but because they have been denied even very basic truths about what happened to their loved ones. There is a principle that you cannot just override. We have to ensure that victims who have been left behind by the peace process for 20 years—we have tried this. We have tried not dealing with it. It is not the case that we have been dealing with legacy; we have not done it. But it has not worked and it has infected the political process and destroyed many lives.

There is a responsibility to those victims, but there is also a responsibility to the future. I do not believe you can decently and properly build a reconciled future unless you deal with this big open wound that is the legacy of our past. I think they have to legislate, but they should legislate in line with the agreement that was made by all of us at Stormont House.

Q193 Lord Hope of Craighead: I picked up from what you said that on the first two examples there was a very particular amount of background work that had been done one way and another so it was relatively safe for the UK to legislate there with the broad agreement of parties—not universal, of course, but a broad agreement that it was proper to do so—whereas in the case of the legacy issue, the consensus test would go the other way. In other words, it is an example of where it would be legislating against the broad understanding of what was proper within Northern Ireland and for the UK Government to legislate in this area should be done with, at the least, very great caution, if at all. Would that be your approach?

Colum Eastwood MP: Yes. The abortion issue was a legal requirement. As far back as Mo Mowlam, she made it clear that the British Government would act if they had to. They never did, but now they have the language one agreed by all parties. The very wording on it was agreed. The legacy issue is totally different.

Q194 Lord Hope of Craighead: My final question is with regard to Section 5(6) of the 1998 Act. It is a very unusual provision because it is not present in the devolution arrangement with Wales or Scotland, but for some reason that I have never been able to discover, it was in the legislation for Northern Ireland. It allows the Assembly to modify legislation passed in Westminster so far as it relates to matters within devolved competence, with Parliament surrendering a bit of its sovereignty to the Assembly. Has that provision ever been used? If not, is there a prospect of it ever being used or is one stuck with the position that you need to get a measure through the Assembly to achieve this?

Colum Eastwood MP: I will have to come back to you on whether or not it has been used, but in general there are different approaches to this. My party would take a different approach than some unionist parties in terms of what we should be doing and using the powers we have. That provision is a recognition, despite all the things we have heard over the past couple of years about “There can be no difference between what goes on in Northern Ireland and the rest of the United Kingdom”. That is a recognition, which is up in lights in the Good Friday agreement, that we are different and we have a different constitutional settlement. It is called the Good Friday agreement and it is very much recognised that we will be able to do things on our own terms within certain confines and that is why, in the bigger discussion we are having at the moment around protocols and Brexit and everything else, we find it quite strange that all of a sudden we have to be exactly the same and there can be no difference between GB and Northern Ireland. I think that provision is a recognition of that fact. We are not “as British as Finchley”, as was once said.

Lord Hope of Craighead: Has it been used?

Colum Eastwood MP: I will find out for you. I will have to check.

Q195 Lord McAvoy: Good morning and welcome. Slightly widening the

discussion, you mentioned early on about the demographics now. We all know what that means. Is there an element within your party or yourself that it is just a case of wait and see and then the demographics will change and you will get the united Ireland you seek? I would not dare compare my knowledge and understanding of Northern Ireland with yours, so I will make that clear. But my experience in Northern Ireland is that a considerable section of the Catholic population would not favour a vote for a united Ireland. Is it the case then that the attitude of "The demographics will sort this out" permeates through your party and affects your policies?

Colum Eastwood MP: No. I mentioned it because it is obvious, but I do not rely on it. If anything, it is crude. It is not exactly the promise of the Good Friday agreement that we all wanted to see. My view is I want to convince people because it makes sense for them and for their lives. There is an obvious correlation and connection between the two things. No, my view is we have to make the case based on economics and what the health service will look like and all of that.

Brexit has brought a lot of those people you might be talking about back to the fold. Many people, who I suppose are comfortable, who would have been rhetorical nationalists, are now very much thinking about how we can get back to the European Union. Largely, part of it is we have a British Government who do not seem to be on our side at all, not that we ever had much faith in them. There is a very different character to this Government than there may have been post-Good Friday. No, I do not rely on it at all. In fact, I resist that temptation that some other political parties might have, whether they vocalise it or not.

Q196 **Lord Faulks:** Good morning, Mr Eastwood. I want to ask you about legislative consent Motions—the Sewel convention. We have heard a number of witnesses who have given evidence, slightly different evidence, but almost all of them agreed it had not worked very well. The Supreme Court in Miller 1 said that the convention was not justiciable. What views do you have about whether the situation could be improved? If so, how it could be improved?

Colum Eastwood MP: I slightly wonder about where that comes from. I do not mean from you, but from people's evidence, because I have not read the evidence. I think you have a British Government who are fairly keen on having the opportunity and ability to legislate in whatever way they see fit, over the heads of devolved institutions. Is the frustration coming from there? I am not sure. I have not heard an awful lot of discussion about that in Northern Ireland and the need for massive reform. I just stick to the principle that where we are entitled to, we should legislate for ourselves, and that has been undermined fairly largely, particularly by the internal market Act. It has not been necessarily acted upon just yet, but the tools are there.

It worries me—it is slightly off-topic, but it feeds into Northern Ireland—in a period where we have one political party threatening to in effect pull down the institutions of the Good Friday agreement, where previously,

under Theresa May's Government, there was a very strong reluctance to bring in what was called direct rule. The British Government could overrule right now if they wanted, with or without the Assembly being in operation. That concerns me and I think there would be a different attitude within this British Government to direct rule.

It is not the question you asked, but I think it goes to the fundamental point: is the Government frustrated by the legislative consent procedure? They might be. I am not so sure. I have not heard an awful lot of frustration in Northern Ireland.

Q197 Lord Faulks: It is more the other way. We have heard evidence from others in Northern Ireland, but certainly from Scotland and Wales, there is a sense that there is not sufficient consultation, that there ought to be an improvement in the procedures or ultimately there might have to be some independent body that decides whether or not legislation can go through, notwithstanding the absence of consent by one of the devolved nations.

Colum Eastwood MP: That is the case. There is frustration around the expectation of the rubber stamp and we need to get much better at asserting the authority of devolved institutions, but that is difficult in the current climate and context.

Q198 Lord Howarth of Newport: Good morning. Can I start by picking up a couple of things you said earlier? You expressed your delight that the Government of Ireland should spend £1 billion in Northern Ireland on its own initiative, but you expressed your horror that the Government of the UK has proposed to spend money in Northern Ireland on its own initiative under the terms of the single market Act. Can you reasonably have it both ways?

Colum Eastwood MP: Yes. It is not the case that the Irish Government—and maybe it was not clear—are going to act in a devolved space. The Irish Government do not devolve anything to the Northern Ireland Executive. We are talking about projects that work mostly alongside border areas that would have a cross-border element to them, which would be supported by local councils and all of that. That is a different thing, in my view, than the British Government coming in and commissioning services and privatising parts of the public sector or whatever they might wish to do, given the power they have given themselves. It is a very different thing. It does not override the democratic institutions at Stormont. It does provide funding, much like we used to have and still have for another 10 years from the European Union.

Q199 Lord Howarth of Newport: Can we turn to the commission for Northern Ireland that has been set up to look at the fiscal powers of the Northern Ireland Assembly? Do you support the devolution of greater tax powers to the Northern Ireland Assembly? How has your experience of the devolution of corporation tax to Northern Ireland influenced your thinking? That is a power that the Northern Ireland Executive has not

used.

Colum Eastwood MP: Corporation tax was one of these, I used to say and still do, where the only economic position or policy that the Northern Ireland Executive really ever had was they wanted to reduce corporation tax and they did not even do that. Corporation tax has become a bit of a moot point, given the global direction of travel around all of that. In general, yes, of course we want to see more fiscal power, but it would have to be tested alongside the implications that would have for the block grant.

Back to the earlier conversation about the Civil Service, the competency that may not reside within it to deal with some of those issues has to be tested. We are open. In general terms we would like to see more power going to the Northern Ireland Assembly and Executive, but the implications of that will have to be tested by the commission. We should think very carefully about all of that.

Q200 Lord Howarth of Newport: The SDLP has in the past demanded new fiscal and borrowing powers. If you had your way as a party and Northern Ireland was united with the Republic of Ireland, would you not have even less fiscal freedom than you have at present? You said there would be a nuanced approach to these matters and to be united, but would there be a nuance that would enable the present territory of Northern Ireland to have at least the same freedoms in terms of taxing, borrowing and spending as it has at the moment?

Colum Eastwood MP: We tend not to demand things, but I think we are talking about two very different things. We are suggesting in terms of the future constitutional make-up of the island of Ireland one where Northern Ireland would be able to play its full part in the life of the island and we would have democratic institutions to recognise and to give voice to that. Right now we have a Government in London who at the last election had fewer than 3,000 votes in Northern Ireland. It is pretty demonstrably the case that there is very little interest and very little reference to political parties or people in Northern Ireland, so we are talking about two very different things.

I am cautious about the devolution of fiscal powers in general. We would like to see more of it, but it would have to be tested against the implications it would have for the block grant and whether or not we have the wherewithal within the Civil Service right now to do it. I would not like to see power granted but capability not provided at the same time.

Lord Howarth of Newport: Greater tax powers might be a bit of a poisoned chalice.

Colum Eastwood MP: In general, no, given it is very hard to get anything agreed within the Northern Ireland Executive at the minute. That is a pretty open question as to how much more power it should have. In general, I fundamentally believe as much power as is practical should be within the hands of local people. I think we have bigger fish to

fry right now to try to ensure we have institutions at all, never mind what they might do.

Q201 Baroness Doocey: You have already mentioned the Shared Prosperity Fund and said the UK Government are interfering in areas where they have no business interfering. Given the Government's commitment to levelling up across the UK, would you accept that it is legitimate for the UK Government to have a role in setting the overall framework for the UK Shared Prosperity Fund?

Colum Eastwood MP: I suppose the Shared Prosperity Fund is a response to the withdrawal of other funds from the European Union, although we have been able, through support from the Dublin Government, to ensure the peace funds remain for another 10 years. That is around £1 billion coming directly of course from the big bad European Union that we have heard about, which has massively funded the peace process in Northern Ireland through community projects, reconciliation projects and economic development.

The Shared Prosperity Fund is an attempt to step into areas where we have lost direct funding from the European Union. I think it will be less impactful and will be less in terms of the dollar amount, as the Americans say, than we have had from Europe. If you think about the structural funds that came from the European Union, there was so much engagement between devolved institutions with the European Commission in terms of how some of that was designed. Our fear is there will not be very much engagement between locally elected people and this British Government. I am yet to be convinced that their intention is to be very involved with the local devolved institutions in how that would all be designed. I think that is yet to be tested. We are not against more money—that has been well demonstrated over the years—but we think locally elected people should be involved and very seriously involved in deciding how it is spent.

Baroness Doocey: I do not think that answered my question, which was: do you accept that it is legitimate for the UK Government to have a role in setting the overall framework? Are you saying that you accept it is, but only with consultation? Is that what that answer was about?

Colum Eastwood MP: I thought my answer was clear. The British Government should not be legislating or spending money in a devolved space without the agreement of the devolved institutions. It does not mean we are against more money. That would be a fairly ludicrous position to hold, but I do not think the British Government should involve itself in the devolved space because what would be the point of devolution if we were just going to go back to have direct rule from London?

Baroness Doocey: You do not think it is legitimate for the UK Government to have a role in setting the overall objectives?

Colum Eastwood MP: It depends on the limits they put on themselves.

Q202 **Baroness Doocey:** What role should the Northern Ireland Executive have in making decisions about how funding should be allocated? Do you think it should just be the Northern Ireland Executive who determines these things?

Colum Eastwood MP: On areas that are clearly and distinctly devolved, yes. I do not know why people would bother electing people to the Northern Ireland Assembly if they are not going to be allowed to do their jobs.

Q203 **Baroness Fookes:** Mr Eastwood, you have made it very clear that you have no great respect for the UK Government, but do you think it would be possible to make any reforms in the UK's territorial constitution that might improve relations between London and the nations and the regions, either significant reforms or possibly modest ones?

Colum Eastwood MP: It is not about respect. I try to have respect for everybody I deal with. I am just fairly scarred by the last few years and how we have been treated and the lack of respect shown to people in Northern Ireland. I do not think it is a question I can answer because it is for those people who want a continuation of the United Kingdom and the improvement of the United Kingdom to make that case. It is probably not for an Irish nationalist like me to make the case on that issue. I would happily engage with any proposals that come forward.

I suppose our role is protecting the institutions of the Good Friday agreement. I would say that it has to be remembered at all times that while the UK does not have a written constitution, Northern Ireland kind of does, which is the Good Friday agreement. It is an international agreement, which has been under some threat for quite a period of time. But in any discussions or proposals that come forward, that is respected, and we are in a slightly different position than other parts of the United Kingdom in that regard.

The institutions of the Good Friday agreement should be sacrosanct. Even a well-meaning proposal may come forward, which may then impact on the very delicate balance that exists in Northern Ireland and the institutions that we have created and formulated over many decades, that that is just remembered when those proposals come forward.

Q204 **Baroness Fookes:** If the UK Government made a really genuine effort to improve relationships, would you welcome that or does it hinder your own particular case?

Colum Eastwood MP: No, I am not of that school of nationalism where we should wreck everything just so we can convince people there is a better future round the corner. That is not what I believe at all. I think a positive case for constitutional change can be made regardless. If there are proposals that do not do any injury to the Good Friday Agreement, we will positively engage with those proposals.

Q205 **Lord Hennessy of Nympsfield:** Forgive me, colleagues and Mr Eastwood, for coming in a bit late. Following up Baroness Fookes's

question, can I go wider to the general constitution of the UK? You were very eloquent about how you regarded in your tradition the constitution of the European Union as a comfort blanket and I heard you saying you do not feel as British as Finchley. I think you put it that way. You have had this very useful position for our wider inquiry of having a detached view, in many ways, of the wider British constitution. For example, you see it from a different angle than I would, given where I was brought up. Have you any thoughts you could offer about our wider inquiry on how the British constitution could be improved? Which bits of it do you think work well and which bits work less well?

Colum Eastwood MP: You are dragging me into dangerous territory from my particular position on these issues. The only argument I can make around that is “Make the proposals and we will look at them”, but I do not believe it is for me to make the case for an improved United Kingdom.

I make the point that our position is different. It is recognised as being different and it is for a very particular purpose that we have at least two traditions on the island of Ireland and Northern Ireland that have been at loggerheads for many a century. We have to find cumbersome and difficult institutions to recognise those and try to get people to work together in their common interest. I think we have done that quite well and I do not want to get engaged in a conversation about disrupting that. Our job is to try to protect it, given the amount of threat it has been put under over the last period. I studiously avoid getting involved in conversations about what Scotland should do or, “Scotland should engage with London” and the same for Wales. I would expect them to do the same with our engagement.

Q206 Lord Hennessy of Nympsfield: I can understand that fully, but given that you are likely to be part of the United Kingdom, where you operate, for quite a while—maybe for a good while—is it not in your interests that the UK as a whole works as well as it can constitutionally?

Colum Eastwood MP: I think it is in everybody’s interests for Governments to work well on behalf of people. I am not sure it is necessarily in our interests for the constitution of the United Kingdom to work well or otherwise. That is not for me. My job is to show there is a different kind of future for people in Ireland. I think we have a different context than people in Scotland, Wales or England would have. There are clearly issues I could comment on as a political commentator that would be different to how I would comment as a political leader, but I just think it is for other people to determine.

The Chair: I think we have met your deadline of getting through our questions in time for you to prepare for Northern Ireland questions in the Commons. Thank you very much for your evidence this morning, which has been very interesting. With that, we will close the public session of this Committee hearing.