



HOUSE OF COMMONS

# Northern Ireland Affairs Committee

## Oral evidence: New Decade, New Approach: two years on, HC 1070

Tuesday 8 February 2022

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Members present: Simon Hoare (Chair); Scott Benton; Mr Gregory Campbell; Stephen Farry; Sir Robert Goodwill; Claire Hanna; Ian Paisley.

Questions 1-73

### Witnesses

I: Rt Hon Conor Burns MP, Minister of State, Northern Ireland Office; Stephen Rusk, Head of Economy Group, Northern Ireland Office; Paul Flynn, Deputy Director, Political Affairs, Northern Ireland Office.



## Examination of Witnesses

Witnesses: Conor Burns, Stephen Rusk and Paul Flynn.

Q1 **Chair:** Good morning, colleagues, Minister, Mr Rusk and Mr Flynn. Thank you very much for appearing before us this morning for this session on New Decade, New Approach. This is a sort of temperature test as to where we are, if you will.

Minister, you will not be at all surprised to learn that I am going to kick off by asking you—we are aware that you did make a comment on the Floor of the House yesterday evening during the debate—to give us your take on the current state of play. The Secretary of State is currently mid-air, just about to land, or somewhere or other in Washington. If you are able to say what the intent of that visit is, the purpose and the hopes that the Secretary of State carries with him, that would be very helpful indeed.

**Conor Burns:** Thank you, Chair. Good morning, colleagues. Thank you for affording me the opportunity of coming this morning to give evidence to you principally on NDNA, although I completely understand your wish, Chair, to talk about more current matters at the start, which I am very happy to do.

As I said to the House yesterday, the Government profoundly regret the withdrawal of the First Minister from the Executive and the consequential removal therefore of the Deputy First Minister. The Secretary of State issued a statement shortly after that decision was taken. We have urged the DUP to get the First Minister back in. We believe that a stable Executive is in the interests of the people who matter most in this, the people of Northern Ireland.

Clearly, lots of work can carry on even with the current disruption. The Assembly is still sitting. There is legislation that is in train that can be completed before the dissolution of the Executive and purdah for the scheduled election in May. Ministers are in place departmentally, but new initiatives that would require Executive sign-off cannot be started at this point. That is regrettable. Our message to the leadership of the DUP is that we would like them to go back. The decision has been linked firmly to what is perceived on their part as an absence of progress in the Government's discussions with the European Union on resolving the challenges around the protocol. I am very happy to talk a little bit about that as well, if the Committee wishes.

Very candidly, I have to say that the Government are clear on our intentions with the Commission on the protocol, and the withdrawal of the First Minister will not fundamentally alter the Government's determination to carry on engaging with the Commission to find resolution and to find solutions in respect of the situation in Northern Ireland, recognising the uniqueness—it is an overused word—of the position of Northern Ireland as part of the United Kingdom single market



but also buttressing against the single market of the European Union in the form of the Irish Republic.

In that sense, from a UK Government point of view, in terms of protocol conversations, the plan is clear and is continuing to be played out, led by the Foreign Secretary and supported by our colleague Chris Heaton-Harris.

**Q2 Chair:** If these events were taking place in Scotland, Wales, the Greater London Assembly or any sizeable county council, I would be tempted to argue, there would be a lot of media coverage in GB and a lot of obvious political energy. In his contribution to the debate last night, Mr Paisley talked about the sort of disconnect to the Union that the perceived trend of English nationalism in political discourse seems to be having. Are these sorts of events within Northern Ireland just priced in—"It is Northern Ireland. They are always different. These things always go on"—and therefore the urgency of the situation is not fully grasped? Are we not in a position whereby we have to ask and, indeed, answer the fundamental question: "Can permanent devolution be made to work in Northern Ireland, given the current arrangements that we have"?

**Conor Burns:** In response to that, I would say that the situation in Northern Ireland is self-evidently different from the other devolved Administrations in Scotland and Wales. That was the nature of the compromises that were reached: the Belfast/Good Friday agreement and the mandatory power sharing almost regardless of the result of a particular election. I am not dismissing it by saying, "We have been here before." In fact, the very document that we are going to go on to talk about in some detail was a product to unblock where we were before.

What is fundamentally different about where we are now to where we have been before in Northern Ireland is that the Ministers are still in place and the Assembly is still sitting. In that sense, there has been a political withdrawal of the First Minister, with the consequent result that the Deputy First Minister has left as well, but we have not witnessed a collapse of the institutions in the way that we have before.

One big takeaway from last night—I say this with friendship to all parties in Northern Ireland—is that there was a degree of positioning for an event that is already in the diary. We are six weeks away from the dissolution of the Assembly for those elections in any case. I think we would be having a very different reaction to the current events if we were perhaps two or two and a half years away from a scheduled Assembly election. So I would not go so far as to say it is priced in. The circumstances we are in today are very different from a full collapse of the institutions way out from a scheduled election.

**Q3 Chair:** I take your point about the event and positioning, etc. I suppose one could argue that that is the usual run of the grain of the doing of politics, but do you share my concern—if you do not, you are clearly at liberty to say, to state the blindingly obvious—that at this time more than



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ever, given all that has gone before and the challenges of Covid, as we come out of that and as people are looking to politicians of all stripes to put their shoulder to the wheel, now is not the time to be effectively using the good people of Northern Ireland, irrespective of where their colours are, as it were, in the middle of the debate? It is only those who can usually least afford a hit who are going to be hit.

**Conor Burns:** I broadly share the sentiment that you express, Chair. Last night I slightly ran out of time. I deliberately agreed with the Chair to keep my remarks short to allow as much time within the hour for colleagues representing constituencies in Northern Ireland to contribute. I returned yesterday lunchtime from five nights and six days in Northern Ireland. I talked about how my trip was bookended. I started at Clonard Monastery on the Wednesday evening with a very good talk by the boxer Carl Frampton, and I ended it with two church services on the Sunday, on the Shankill with Reverend Tracey McRoberts, who does amazing work, and with Father Martin Magill of St John's on the Falls. They are leading lights in the 4 Corners Festival.

I met a lot of ordinary folk in Northern Ireland over the course of that visit. I met with businesses in Lisburn at the new artisan market on Sunday afternoon. I met victims in Fermanagh and Enniskillen. I engaged with the Armagh, Craigavon and Banbridge local authority to talk about its plans for its city deal and what levelling up might mean, including the Armagh gaol being potentially brought back into use. I spoke to a lot of genuine ordinary folk, and I spent time with family as well. There is real frustration. People in Northern Ireland understand that, particularly the challenges around the national health service in Northern Ireland. That was already a big challenge versus other parts of the UK and it has been made more difficult by Covid. There are infrastructural challenges and education challenges.

I say this gently. In Northern Ireland I find there is always a disconnect between what a lot of the public are talking about and the priorities for them, and sometimes what we talk about when we talk about Northern Ireland in the Chamber of the House of Commons. The sentiment that I was picking up very strongly was, "Just sort it out. We need stable Government. We want you all to work together to deliver for us. It is our Northern Ireland, and we need you to work together to make it a better place."

Q4 **Chair:** Minister, you and I are county parliamentary colleagues. I am not saying this out of an obligation to say nice things about you, but—it comes across in all that you have been doing since you have been appointed to the post of Minister of State—you have very clearly invested what I would describe as emotional capital into the brief, with a preparedness to go out and talk to groups who often feel like they are often talked at, but not talked to, and to listen to them.

For what is it worth—I know you need no encouragement—I encourage you to continue in that vein. The feedback we get is that it is very



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welcome and very positive. It is seen as a meaningful engagement exercise.

**Conor Burns:** Thank you, Chair.

**Chair:** You can give me that fiver later.

**Conor Burns:** I was initially reluctant to take this role. It is not a state secret that I turned it down in 2019. I do care about Northern Ireland. My family is largely still there. I went to primary school there for a few years. I returned a lot in my teens to stay with my grandmother in north Belfast and my grandfather in Ballycastle. It is somewhere that I, in a very real sense, still regard as home. For my constituents listening, Bournemouth is my actual home, but when I get off the plane at City Airport and see the Tayto sign saying "Welcome home" there is a little bit of my heart that feels like I am coming home.

I did say to officials right at the beginning, "I want to go to places that perhaps Ministers normally do not go to and talk to people. Please do not keep putting me in front of the people who will tell me what they told my 10 predecessors. I want to get out there beyond those who appoint themselves to positions of community leadership to the actual communities themselves."

**Chair:** As a Welshman, let me say that it is all about the land of my fathers and that emotional coil that we have for the place we call our spiritual home, if nothing else. Robert Goodwill's spiritual home is Yorkshire, but can we focus on Northern Ireland?

Q5 **Sir Robert Goodwill:** Good morning, Minister. You are very welcome. Turning to New Decade, New Approach, has it met its aim of transforming public services and restoring public confidence in devolved government? To throw your own words back at you, has it unblocked the situation we had before? That is an exam question.

**Conor Burns:** It is a question with multi-layered potential answers. The aim of New Decade, New Approach was to restore devolved power-sharing government in Northern Ireland. Self-evidently, it achieved that first aim. Even within the current challenges, that element of it can be said to have been successful.

If you look at some of the immediate things that it set out to do, it successfully brought an end to the nurses' pay dispute in January 2020 by giving an extra £200 million over three years for healthcare workers' pay. It has put the Executive's finances on a sustainable footing with the £350 million to relieve budgetary pressures. It has put £93 million into the objective of transforming public services in Northern Ireland through the transformation programme. It has supported the Executive in delivering the fleet of low-carbon buses for Belfast and the north-west with £50 million in low-carbon transport. It has delivered the promised Northern Ireland graduate entry medical school, which I visited in Derry/Londonderry recently, with £7.7 million through that at Magee.



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There are various other bits that it has delivered. We have honoured the £1 million Barnett-based investment guarantee that was set out in NDNA.

It can be said to have made a genuine impact in a number of its objectives. As we go through this morning's session, I am sure we will look at elements that are still to be delivered, elements that are on track and elements that are challenging. It was a very broad, comprehensive and wide-ranging agreement that was entered into. In conclusion, as part of the answer, we remain committed to delivering the obligations that are on the UK Government within it.

**Q6 Sir Robert Goodwill:** There are very few problems in Northern Ireland that the politicians there would not say could be solved by giving them more money for whatever. In effect, that is what we have done. Has that money been effectively spent? Has it been cost-effective for the taxpayer?

**Conor Burns:** It is best that we look at the findings of the independent Fiscal Council, which has oversight of this. It is not the job of the UK Government to micromanage moneys that we hand over to the Executive in agreements for them to deliver on agreed priorities. It is right that there is oversight of that money. Our obligation is to honour the commitments that we, as the Government, entered into with our friends and allies in the Irish Government in signing up to this.

**Q7 Sir Robert Goodwill:** New Decade, New Approach states that all funding provided in the financial package accompanying the deal will be withdrawn if the institutions collapse. Does this statement hold in the current circumstances? I appreciate that only one other domino fell when Mr Givan resigned. We have not had the whole table fall. Are we still not in that situation?

**Conor Burns:** It is pretty clearly set out on page 54: "conditions of the UK Government financial commitments in support of a restored Northern Ireland Executive". It says, "This funding package is accompanied by a number of conditions designed to ensure that UK Government funding contributes to increasing overall fiscal and budgetary sustainability in Northern Ireland's public finances. The funding is dependent on the functioning of the institutions and all funding provided in this financial package will be withdrawn if the institutions collapse".

That was part of the agreement. The institutions have not collapsed, so we are not in a position to start delving into that to any degree. We do not need to delve into that with any degree of urgency at the moment. It is important to note that the moneys allocated and promised through NDNA were not for that particular term or mandate. The commitments will follow through to the creation of a new Executive post the elections in May.

It is always unwise to speculate in politics, and particularly unwise to speculate in Northern Ireland, but it will throw up a particular challenge



if, for whatever challenge, there were not to be a newly formed Executive. The Executive are the delivery partner for the allocations of the moneys agreed in NDNA. Were there not to be a delivery partner in the form of a stable, functioning, enduring Executive, that would cause a challenge for the Government.

**Q8 Chair:** Is it a challenge? Surely it is pretty clear. In the circumstances that you set out—clearly, we are not there yet; let us hope we are never there—HM Treasury, which is under huge pressure with UK-wide public finances in general, surely is not going to be willing to keep writing cheques to a body that is not functioning when one end of the bargain agreement has fallen away. There would need to be some clear messaging that actions and decisions have consequences.

**Conor Burns:** With the rumours of a reshuffle in the air today, Chair, that sounds to me, if I may say so, like a wonderful audition for a job at the Treasury to claw back cash.

**Chair:** No, it certainly was not that.

**Conor Burns:** I said it would throw up a challenge. If your delivery partner, for whatever reason, is no longer there, they cannot be your delivery partner. The commitments of the Government, through NDNA and through the commitments undertaken, are unwavering commitments to the people of Northern Ireland. There is an alternative interpretation of the language of page 54, which is that the funding would not be provided to the Executive but could be provided in other ways to certain projects that are very important for communities in Northern Ireland.

**Q9 Chair:** Twitter was alive with the sound of very pained voices over the weekend from many in the voluntary sector, who were saying, “Our funding is dependent on this. Things are going to be cut.” Could moneys go directly to the third sector via the city deal or via local government? Could those be identified as delivery partners?

**Conor Burns:** Let me clearly say that we want to see a return of the First Minister and Deputy First Minister in the Executive to take us through. There is some very important outstanding business to be conducted before the dissolution of the Assembly. Before the elections we want to see a commitment by all parties that they will respect whatever the public decides as the outcome of those elections and a commitment to form a new Executive. We want to continue to deliver the commitments that we have undertaken, as the Government of the United Kingdom, through NDNA with a successor Executive and Assembly post-May.

I do not want to go too much into a speculative game of what would happen if that was not there, save to say this. Our ultimate commitment is to the people of Northern Ireland. I am very alive to those challenges. I said in the House yesterday that I helped Canon Stephen Ford of St Anne’s Cathedral in Belfast and his team in their collection for the Black



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Santa appeal before Christmas. I was in Belfast Cathedral on Sunday afternoon at the service where they announced they had raised over £150,000. There were about 150 voluntary organisations represented in the cathedral to come and collect grants that will make a real difference. These are not big charities; these are the grassroots charities operating on a shoestring, entirely populated by community volunteers. If you give these people a grand, it makes a huge difference, the equivalent of half a million to a national charity.

In the situation where the Executive was not there, we would want to try to make sure that we were standing alongside those people who are delivering those vital services.

Q10 **Sir Robert Goodwill:** For the avoidance of doubt, you are basically saying you are very hopeful that after the election there will be the restoration of the power-sharing agreement, and if not there will be financial consequences for all the communities in Northern Ireland. You will not just find ways of shuffling the money via other routes. Therefore, it is imperative that there is an agreement following that election.

**Conor Burns:** Post-May, we want to see a reformed and stable Executive that is able to operate in this space. The Executive and the Assembly are only weeks away from an election. It is the same here, by the way; this is not just in Northern Ireland. It becomes harder to make decisions, particularly controversial ones, the closer you get to an election. Post-election, we want to see a stable Executive formed with a new mandate and a period of delivery ahead of them. We want to partner with that Executive as the UK Government. Clearly, much of what is agreed in NDNA demands, needs and requires there to be an Executive for us to partner with. If there is no Executive, that is challenging.

Q11 **Sir Robert Goodwill:** When this Committee was operating during the long period when there was no functioning Executive in Northern Ireland, we quite enjoyed our wide-ranging remit across education, health and all sorts of things. We got the impression from the officials that they were on an automatic pilot for which the co-ordinates had been set some time ago but were no longer relevant to where they were going.

On the basis of hoping for the best but planning for the worst, if there were another prolonged period without a functioning Executive, are there things that we could do better in terms of getting planning permission for power stations or new schools and moving forward on initiatives? Should civil servants be given more latitude in that or is there an opportunity for Ministers in your Department to set those directions—I will not go further than that—rather than relying on a decision made by a Minister in Northern Ireland 18 months ago?

**Conor Burns:** I can see why you want to go in that direction. If I overly speculate in this particular area, I am conscious that it has the potential to be the lead story in a number of Northern Ireland papers tomorrow about what Government would do in the event of X, Y or Z.





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We want there to be a stable Executive. Clearly, there will be learning from the three-year hiatus previously. You are absolutely right. From talking to officials within different Departments in Northern Ireland and learning from that time—you know it yourself as a former distinguished Minister—there are decisions that can only be made politically. They can only be made by elected people, and officials are reluctant, quite rightly and quite properly, to start to operate in that space without political cover. It is us who ultimately come to the various institutions and are held to account for our decisions and the implementation of those decisions.

There will be learning. People suffered during the hiatus—“suffered” is perhaps too strong a word. Because there was no clear political leadership, because there were no political leaders at that point in positions of Executive authority, there were decisions that needed to be made that could not be made. Civil servants were reluctant to overstep their legitimate and understood mandate. I speak for myself, but I think I speak for all of us: we would be very reluctant to see that go on for another three years, if that happened.

We really hope, and I hope, that in the weeks ahead we will see clear commitments on behalf of all the political parties that they will find a way to work together to reform the Executive after the elections.

**Sir Robert Goodwill:** Thank you. You have very carefully navigated that path.

Q12 **Chair:** Minister, can I take you back to a rather decrepit radio studio in Dorchester in which you and I did a joint interview and phone-in, if you remember, during the referendum campaign? You and I proved, I hope, if nothing else, that one could disagree but not be disagreeable in the disagreement. At that point both you and I committed to abiding by the decision that the British people took, irrespective of whether it accorded with our own personal view.

In response to the question from Sir Robert, you said that we as politicians have to listen to what our bosses and our political masters—our voters—say. We may not like what they say and the decisions that they come to, but we honour them, we abide by them and we implement them. Is that your position and is that your message to all of the parties in Northern Ireland with regards to the upcoming Stormont election?

**Conor Burns:** With the newfound interest in words that I use as a Minister in the Northern Ireland Office—I am acutely aware that people are not remotely interested in what I say but in what I say as Minister—let me choose my own words. The agreements that were reached in the Belfast/Good Friday agreement, as amended by St Andrews, set down the structures that the parties have operated within over the last couple of decades and more.



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I said earlier that it is a system of mandatory power sharing, mandatory coalition, with parties that, as we all know, have many different views on many different things. We have come to live with, if not necessarily embrace, that particular way of governing, sharing power and delivering in Northern Ireland for the people of Northern Ireland. It is incumbent on everyone in Northern Ireland to state openly and candidly that, whatever the result of the election, there is a determination to reform an Executive and deliver for the people of Northern Ireland.

In that interview, and more generally, you and I have always lived by the principle, I think of Lord Denning, although I have never been able to source it as Lord Denning. I use it often in writing to constituents who disagree with a particular position that I take. There has been quite a lot of that in recent days. I will update it so that I use the non-sexist language. I say, "Two reasonable people can perfectly reasonably reach opposite conclusions based on the same set of facts without each surrendering their right to be considered a reasonable person."

The bosses are the electorate. We have lost elections in the past, and we have accepted the result and got on with it. Whatever the result of the elections in Northern Ireland, the thing that is overwhelmingly in the interests of the people of Northern Ireland is a new Executive being formed to deliver for the priorities of the people of Northern Ireland.

**Q13 Ian Paisley:** Minister Burns, it is good to see you here. No one doubts your interest in Northern Ireland. Thank you for that. How do you account for the silence of the Prime Minister?

**Conor Burns:** The silence of the Prime Minister on—

**Ian Paisley:** Since Thursday on Northern Ireland.

**Conor Burns:** The Prime Minister has been heavily involved. He has spoken to the Secretary of State. The Prime Minister and I spoke on Friday evening when I was in Portaferry. The Prime Minister takes a genuinely deep interest in this. The Prime Minister knows of my interest in Northern Ireland and my background in Northern Ireland. It is not exactly a state secret that the Prime Minister and I go back a bit. We consider each other friends, certainly strong allies. I would hope that the fact that he asked me, as one of his closest friends in the House of Commons, to serve in the Northern Ireland Office could be taken as a declaration of his interest and commitment to Northern Ireland.

I do not want to diminish what is going on, but I am not sure at the moment what a prime ministerial intervention would be seeking to achieve. We have been very clear that we would like your party to put the First Minister back in. As I have said, and you all know better than I, the Ministers are still in place. Business is still being conducted; the Assembly is still sitting; legislation can still pass. The only things that cannot happen are those new initiatives that would require the sign-off of the Executive.



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We do not want to overdramatise what is going on. We are quite close to the period of dissolution anyway for a scheduled election that is only weeks away. I can assure you that the Prime Minister is taking a very keen interest in this, and he is overwhelmingly committed to resolving the thing that Sir Jeffrey Donaldson has said is the reason for the removal of Paul Givan as First Minister—the protocol.

**Q14 Ian Paisley:** The Prime Minister's silence we could interpret, then, as a tactical and calculated decision by the Prime Minister, deliberately, to say absolutely nothing publicly and not to speak to the people of Northern Ireland directly. We have to accept that he is speaking to his friends and he is speaking to his other Cabinet colleagues, but he is not going to speak to anyone in Northern Ireland about this issue.

**Conor Burns:** He is speaking to the Secretary of State for Northern Ireland, who has responsibility for these matters. He spoke to me, as I say, on Friday evening as Minister of State for Northern Ireland when I was in Portaferry in Northern Ireland. He is keeping a close—

**Q15 Ian Paisley:** No, I got all that. It is the other issue. This is a calculated tactical decision by the Prime Minister to keep quiet. This is a decision that he is not going to speak about Northern Ireland publicly.

**Conor Burns:** No, there is no calculated decision to remain silent. The Secretary of State has issued a statement on behalf of the Government, which was issued after he had spoken to the Prime Minister, and he was clear what the position of the Government was. That is the Prime Minister's position as well: we would like the First Minister to be reappointed to the Executive. That would allow the Deputy First Minister, should Sinn Féin and she wish, to be renominated. It is important to acknowledge that, even were the DUP to renominate a First Minister, that is by no means a guarantee, because she has to be renominated separately. We must acknowledge that the decision is not, in that sense, totally in the hands of the DUP.

The Prime Minister is closely involved, but the Secretary of State for Northern Ireland has spoken for Her Majesty's Government on this. His statement was clear.

**Q16 Ian Paisley:** In the spirit of two reasonable people disagreeing, I think it is a mistake for the Prime Minister to say nothing.

**Conor Burns:** I am sure the Prime Minister will be made aware of this session. When I next speak to the Prime Minister, I will convey that view to him. Tomorrow he will come to the House of Commons, I believe, for Prime Minister's Question Time. I believe he is doing PMQs tomorrow; he is in the country. There will be an opportunity for colleagues to question the Prime Minister in that forum.

**Q17 Claire Hanna:** Thank you, Minister, for your openness so far. I appreciate that you maybe have not had the opportunity to read it, but the report into a series of murders in south Belfast was published this



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morning. It is genuinely very shocking reading. The pattern of collusive behaviours that essentially facilitated the murder of innocent people and thwarted the killings in my constituency being properly investigated is a three-decade-long perversion of justice. Those families are, as Members will know, just some of thousands who have not had truth or justice after killings at the hands of paramilitaries and state forces. In this case, it sounds like paramilitaries and state actors acting together.

You can see the healing and cathartic power of the type of truth that those families have had today. It underlines how counterproductive it would be to take away the potential of those avenues for other families, regardless of which type of militia took their loved one. In that context, could you give us an update on how and when the Government intend to introduce legislation for dealing with the past?

**Conor Burns:** Claire, thank you. On the very specific thing, I did hear about this on the news this morning. If I may, I am not going to go into it in detail. I have not had an opportunity to have sight of the background to that. I heard it on the news this morning. There was not sufficient time between that breaking and us coming here this morning for me to have frankly any sight of the report. I would want to read that very carefully before saying anything on that, not least because, as you know, Claire, words matter in Northern Ireland more than almost anywhere else in the UK. I will not, if I may, go there.

Q18 **Chair:** Minister, what you have said is perfectly understandable. Once you have done that, would you be willing to share the Department's response to that report with the Committee in a timely fashion?

**Conor Burns:** I would be very happy to undertake that someone from the NIO will write to the Committee, when we have had time to digest that report, with whatever we will want to say on it.

Q19 **Claire Hanna:** I appreciate where you are coming from on this specifically, but I want to understand what the latest is on the Government's proposals.

**Conor Burns:** Yes, I am going to come to that. Forgive me; I was not going to seek to dodge that question at all.

**Claire Hanna:** No, that is fine.

**Conor Burns:** I just did not want to be drawn on that very specific, clearly very sensitive and probably legally challenging answer to the first point. On the wider legacy proposals, clearly the Government produced the Command Paper in July and undertook to listen to responses to that. The Secretary of State has been in the lead in the Department on the legacy side of things. I had meetings in Fermanagh and Enniskillen at the end of last week, talking not just to victims' groups but to victims themselves.



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We have listened carefully. It is a very complex area, as you know. The Government remain committed to bringing forward legislation in this area. We have taken time to try to get it right and to test different options internally. That is the right thing to do. We need to be honest and act with humility in this space. Almost whatever you do in this space, some people are going to be very unhappy.

In my engagements—"engagements" is such a pompous word, is it not? Let me stop being a politician for a second.

**Chair:** "Conversations"?

**Conor Burns:** In my meetings, my talks, my interactions with those who have been themselves direct victims of terrorism or who have lost loved ones, often decades ago, the pain is as real as the day it happened. They live with it every day. Often, really, the one thing they want is the one thing that none of us can give them, which is to have their loved one back or for the experience they have had not to have happened.

That is why I am very conscious, in all the internal conversations we have, that the victims must be at the heart of what we are doing, and societal understanding and reconciliation must be the objective of what we are trying to do. We remain absolutely committed. The Secretary of State's commitment that we will bring forward legislation is intact. I cannot say too much about where we are in this precise moment, but we have been testing very strongly different options and we remain committed to publishing the legislation.

Q20 **Claire Hanna:** I appreciate that you are not going to give us a very broad update on that, and I appreciate the sincerity of all that you have just said. You will know that those families know and do not expect you to bring their loved one back, but I have no doubt that, if you have had these conversations, you will understand that the proposals in the format in which they were released last March are not acceptable to victims. Are you indicating that there is to be a departure and a change from the direction of travel, as outlined last March?

**Conor Burns:** I am indicating to you, Claire, that the Government were sincere in what they said when they published the Command Paper in July—that we would listen and listen carefully, and that we would engage and engage widely. That process has been ongoing both at a ministerial level and at an official level. Lots of that, for obvious reasons, has been in private.

We have listened to a range of views and a plethora of suggestions about how the objectives outlined in the Command Paper could be achieved. We are considering genuinely very carefully at this stage what the next step should be in advance of bringing forward the legislation.

**Claire Hanna:** I have confidence that, if it is shaped by those views, it will change. Also arising from the NDNA negotiations, what is the status



of the package of legislation on culture and identity?

Q21 **Chair:** Claire, just before we go on to that, reverting back to legacy, Minister, could you say whether the guiding principle of the Department on this, as you know, very important and sensitive issue is either to seek unanimity, or as near to unanimity as possible, before moving forward or to minimise opposition?

**Conor Burns:** The objective is to get the right outcome and to get something that works. I got in a little bit of trouble a few days after I was appointed. I went to party conference and—I will not use “ambushed”—I was met—

**Chair:** There was not an enormous piece of gateau.

**Conor Burns:** No, there was no gateau involved and no sponge fingers to poke one in the eye. I met the BBC political editor, who asked me about the proposals. I said that we had achieved unanimity in the sense that we had united all five main political parties in opposition. Only semi-facetiously, I said that if they could find an alternative that they could all agree on, the Government were all ears. That demonstrates how difficult doing anything in this space is. Frankly, the easiest thing for the Government to do would be what previous Governments have done and do nothing. The Secretary of State is to be commended for trying to find something in this space.

I had a very powerful conversation with a very senior church leader in Northern Ireland in late autumn. He was talking about how language like “moving on” or “drawing lines” is not appropriate in this, because we are talking about people who are profoundly damaged, and who will always bear a deep hurt and scar in their heart and in their psyche. That is the balancing act that we are trying to find: something that can help heal. I do not know what the word is. It is not even “closure”.

**Chair:** “Progress”?

**Conor Burns:** Yes, maybe “progress”.

Q22 **Claire Hanna:** In that regard, while Governments have done nothing to implement it, victims, the organisations that represent them and the parties have discussed, rehashed and renegotiated this so many times and every time, in every round of that, the outcomes for those families get worse. People do not have an appetite to keep going back and saying the same thing about what they need. That is where I will leave it. The victims have made their views very clear. I do not believe that you will have met any group who will have endorsed the proposals as announced last March. If in good faith—I believe in good faith—you are trying to find some consensus, you will not find it in what was proposed. I hope it does evolve.

**Conor Burns:** I can say to you very candidly, Claire, that we have been listening to a whole variety of views from many, many different groups.



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The Secretary of State is thinking very carefully about what the final shape of the proposals in the Bill should look like. I got quite a hard time in an Adjournment debate recently, either before or after Christmas—it does not matter—from some of my colleagues, who are very exercised as to how long they think this is taking.

It is our view that it is important to get it absolutely right, and to be sure it is rock solid and it will work before we bring it forward. We are carefully considering that now. When we are ready, we will come forward with the draft Bill.

**Claire Hanna:** The cultural package should be more straightforward.

**Chair:** Before we move on to culture, and we do want to come on to that, Mr Benton has just indicated that he wants to come in with a legacy question.

Q23 **Scott Benton:** Good morning, Minister. Just a few moments ago you alluded to the point I was going to make. Everybody in this room is aware of the complexities and difficulties of moving ahead in this very sensitive area. It was quite telling when you said this was an issue that Governments for many years, if not decades, have avoided because it has been put in the “too difficult” box.

You alluded to the recent Adjournment debate from one of my Conservative colleagues on this issue. Clearly, we are now approaching the halfway point in this Parliament. In the manifesto that I and you stood on, we as a party said we would deal in some sense with this issue. Are you fully aware of the frustration that many Conservative colleagues have that we have not yet grasped this nettle and moved on, and the impact that is having within the internal mechanics of the Conservative Party? Can you just comment and elaborate upon that? Do you understand the frustration that people like me have on that issue?

**Conor Burns:** I am almost tempted to pass that question on to an official so I do not inadvertently create any news. I am very alive to that. I am very conscious of the commitment that we gave in the manifesto. I am also very conscious that, were the proposals that we come forward with to be seen solely as a mechanism to provide a solution for only one group, that would be very challenging in Northern Ireland and could also be very challenging legally. That is why we are taking time to make sure that what we come up with offers a route to satisfaction—that might be the word I would neutrally choose—for all those who have been impacted by the Troubles in Northern Ireland.

If we step it back for a second and look at the driving motivation in what the Government are trying to do, it is the recognition that—Claire, you have alluded to this—given the distance between many of these events and today, the probability of successful criminal justice outcomes diminishes with every passing day, month and year. That is why the Government were looking at alternatives to that but were also conscious



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that one of the things we hear frequently is people talking about the hope of justice. That is why we are listening very carefully and considering our steps incredibly carefully before coming forward with the legislation.

It would be unforgivable if we rushed this and reopened old wounds. It is incredibly painful for many people who have suffered to talk about this. It is still very raw for them. If we were to reopen all that and find that what we had proposed did not work, it would be unforgivable. I get the frustration. Colleagues do not hold back, as you know.

**Scott Benton:** Some particularly so.

**Conor Burns:** Indeed, and some hold back even less outside the Chamber than they do inside. I have been left under no illusion about the strength of feeling, but in that sense I do not apologise for us collectively, as the NIO, taking time and considering it carefully. The Secretary of State has been very close to this since he began the process on his appointment. He is unshakable in his commitment that we will bring forward the legislation, but he is also absolutely determined—I believe rightly so—to make sure, when we bring it forward, that it is as close as we can get to the right solution and it works.

Q24 **Chair:** What I would say to you, Minister, is this. If any colleague of any party runs up to you, taps you on the shoulder and says, “Do you know what? I have got the easy solution to this,” run away, because they are misleading you.

**Conor Burns:** Quite.

**Stephen Farry:** Stormont House—it is what we all agreed to.

**Claire Hanna:** I was going to say.

**Chair:** Claire, let us turn to culture.

Q25 **Claire Hanna:** Speaking of easy solutions, the package on cultural identity was agreed by the parties. What is the status of that? When will it be brought forward?

**Conor Burns:** I have lived this one as well. I have met groups on Irish language, Ulster Scots and Ulster British. What is the phrase in the pack itself? Can you find that for me?

Q26 **Chair:** While you are finding that, Minister, you are probably aware of this, but the Secretary of State has confirmed in the last several minutes that there will be no early election.

**Claire Hanna:** It saves me a question.

**Conor Burns:** Thank you for that breaking news. You will notice I have not fallen off my chair at that announcement.

**Chair:** I would be surprised if you had.





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**Conor Burns:** This was a commitment for the Deputy First Minister and the First Minister to lead this legislation through the Assembly. We gave an undertaking that, if that had not happened, we would bring it forward as the UK Government here in the House of Commons. That remains our commitment. The legislation is pretty much ready.

**Claire Hanna:** It was ready.

**Conor Burns:** There was some technical sharing of the Bill between the parties in the run-up to Christmas. I recall that Mark Larmour was doing some engagement when I was in Northern Ireland around 22 December. It remains our commitment. We are disappointed that it was not taken forward as an NDNA commitment where it sat with the Executive and the Assembly.

I cannot give you a specific time. I am not going to do that. I have found in my time in the Northern Ireland Office that I should give time commitments only when I am absolutely certain that I can be held to them.

Q27 **Claire Hanna:** The issue is that a time commitment was given. That is why I am glad that there is an agreement that there will not be an early election. The Assembly at least is still trying to catch up with itself. It has the opportunity, on the Floor of the Assembly, to bring through some of the legislation and apply normal democratic standards to that. This is part of the problem of the culture of side deals that has pervaded over the last 20 years. What exactly was it that you had agreed with Sinn Féin last summer? Has that commitment been broken on this particular package?

**Conor Burns:** Forgive me. When you ask what we agreed with Sinn Féin—

Q28 **Claire Hanna:** There was an opportunity. The legislation was not brought forward in the Assembly. My party attempted to bring forward an amendment to the New Decade, New Approach legislation to do it here transparently, and I believe that was superseded by a side arrangement between the Northern Ireland Office and Sinn Féin. I am not sure exactly what was in that, but there was an understanding that the legislation would come forward by October or by autumn. All the leaves are brown and they have all fallen off the trees, so that has passed. Is that a breach of that commitment?

**Conor Burns:** You are going to have to forgive me on this, because my knowledge of any side deal is as great as yours. I did not join the NIO until 17 September last year. My involvement with the cultural identity and language package was really to pick it up within my portfolio of responsibilities in the sense of advancing the drafting of the Bill, doing engagement with communities who take an interest in this and getting the Bill into a state of readiness for introduction. I do not want to say I take no responsibility for anything that happened prior to my arrival; that



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would be wrong, because I am responsible and accountable for the actions of the Department.

It is true to say that undertakings and aspirations for dates were given that we did not meet. There is no point in trying to dissemble that. The Secretary of State was genuine in his desire to bring it forward by the end of October. We did not do that for a variety of reasons—other business and political timing matters—but we remain committed to the undertaking we have given that, were it not legislated for in Stormont, we would do it here in Westminster. That remains the case.

**Q29 Chair:** If you work on the presumption that HMG are committed to doing it but would prefer to see Stormont do it, and if we all accept that there is advantage to lancing that boil, if I can use that phrase, to make it a non-election issue for Stormont, is it your plan or the Secretary of State's plan to say to Stormont, "You are coming to the end of your tenure. Unless you do it by X, we will do it. We have a Bill ready. We will carve out two or three days of Westminster parliamentary time for the Commons and the Lords, and we will take it through all its stages almost in one hit"? Are you having those sorts of conversations with PBL and the Leader of the House?

**Conor Burns:** You would not be surprised to hear that there are conversations with business managers around timing on some of this. I am very reluctant to sit here today and say, "This is the date for introduction". I do not want to give a date where I cannot be certain.

**Q30 Chair:** I am not asking you to give us dates. I understand that entirely. What merit would you attach to the strategic political plan of saying to Stormont, "You have this shelf life between now and dissolution. Realistically you could get it done between now and whatever date that happens to be"—somebody would need to work out what it is—"and, if you have not done it by then, Westminster will do it before Northern Irish voters go to the polls"? You take the sting out of it as a political issue. I am not asking for specific dates but just a comment on the potential of that overarching delivery strategy.

**Conor Burns:** Sorry, I just wanted to check—

**Chair:** We can adjourn for a minute or two.

**Conor Burns:** No, it is absolutely fine. I just wanted to check whether I could say as explicitly as I wanted to say what I am about to say.

**Chair:** You are among friends, Minister. You can be as explicit as you like.

**Conor Burns:** Everyone in here understands the subtleties and complexities. We witnessed my friend earlier attempting to write a press release on the back of me saying that the Secretary of State and I had spoken to the Prime Minister. I do not want to say anything that is going to inflame any tensions in Northern Ireland at this time.



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What I can say very candidly is that it is our expectation that this is not going to be passed by Stormont before the end of the mandate and dissolution. We are absolutely expecting that we are going to have to do this in Westminster. We remain committed to bringing this legislation forward in Westminster. I cannot say to you that it is going to be the 15th of this month or the 6th of next month.

Q31 **Chair:** I am not asking for a specific date. You will understand if I press you on this.

**Conor Burns:** Yes. Can I respond to what I think you are about to press me on? It would clearly be in everyone's interest if this piece of legislation, which by the way—this is very, very important—acknowledges, enhances and respects both traditions in Northern Ireland—

**Chair:** Exactly; it is a two-sided coin, is it not?

**Conor Burns:** This is not a nationalist or a Unionist piece of legislation. It is definitely the Government's view that it would be a good thing if this were completed and did not become a contentious element of what is already going to be a pretty contentious election campaign.

**Chair:** Your answer negates my need to press you.

**Claire Hanna:** I will try to leave it there, too.

Q32 **Mr Campbell:** Minister, just on the culture package, over the period of time that it has gone back and forth, it has been mischievously misinterpreted as an Irish language Act. Of course, Sinn Féin demanded a rights-based standalone Irish language Act. Setting aside the label that might be put on it, if we were to look at what you are proposing—you alluded to it being virtually ready to go—and compare it to what NDNA describes it as, what would the differences be?

**Conor Burns:** I have NDNA in front of me, and I am familiar, as others will be, with what the draft Bill says. It would be my view that it is a pretty faithful read-across from what was agreed in NDNA to what the proposed legislation says.

Q33 **Mr Campbell:** I was not involved in the briefing, but from colleagues in some of the briefings before Christmas there appeared to be significant departures from NDNA.

**Conor Burns:** Could you give me examples of what your colleagues think those were?

Q34 **Mr Campbell:** The Ulster British commissioner, their powers and how that person and that office would be described were significantly changed from what NDNA had described. That is why I am asking you this. If we were to look at what the proposed draft Bill will say and then put beside that what NDNA said would appear, what differences would there be, if any?



**Conor Burns:** It would be fair to say that the legislation will faithfully implement what was agreed with NDNA. It is not exactly a state secret that there has been a difficulty in finding an agreed title for the Ulster Scots/Ulster British commissioner in a way that there has not been a difficulty in finding an agreed description of the Irish language commissioner. When you see the draft Bill, you will see where I think we are going to land. I think you will find it faithful to NDNA.

Q35 **Chair:** Just on the Bill, in an ideal world we would love to see it in draft form, but I appreciate that we probably cannot. Are you able to give us a taster, an amuse bouche if you will, as to how many clauses the Bill has—not what they say, but how many clauses?

**Conor Burns:** Forgive me, Chair. Can you just start that last bit again? I was just seeking clarification on whether we might be able to show you, privately, the draft Bill. I am happy to give an undertaking that we will show you, as Chair, privately the draft Bill.

Q36 **Chair:** Thank you. That would be hugely appreciated. For the benefit of the Committee, just so we have some idea or expectation that we might lobby for to the Leader of the House for parliamentary time, how many clauses are within it? Is it an 80-page Bill? Is it a three-page Bill?

**Conor Burns:** I am going to rely on my officials to get into the thick of it.

**Paul Flynn:** I cannot tell you exactly how many clauses are in it, but the draft legislation was published alongside NDNA in January 2020. There will be very modest changes to that in terms of the extent of the legislation.

**Chair:** We are not talking about a Finance Bill here, are we?

**Paul Flynn:** No, we are talking about something that is comparable in length and size to the legislation that was published in January 2020.

**Chair:** Thank you. I am grateful. Minister, if your office could liaise with Mr Habberley, that would be really helpful.

**Conor Burns:** Through the Clerk, we will ensure that can happen.

**Chair:** We are very grateful.

Q37 **Stephen Farry:** This is very similar to what the Chair said previously. Could the Minister give us an absolute guarantee that we would see this legislation passed before the Assembly election? You have touched on this already, but I want to confirm that you see extremely compelling reasons for getting this done now, rather than risk this issue being thrown into the mix in whatever situation we face post the Assembly election and potentially being reopened.

The reason I am asking that is that there were promises made in the St Andrews agreement, back in 2006, which were not delivered at the time and then were reopened again in subsequent negotiations. There is a history around this situation. Could you just confirm that there is an



absolute guarantee that it will proceed and that you understand the compelling rationale for getting it done ahead of the Assembly election?

**Conor Burns:** Stephen, I am not going to give you an absolute guarantee. It is a good try, but you would not have expected me to do that. It is very firmly the Government's intention that we bring the legislation forward before the elections. That is clear. I am being deliberate in saying that.

As I alluded to the Chair, I do not want to try and give a timeline that, for whatever reason, events might derail. We are very alive to the argument that you are making, and I alluded to that in a previous answer—that it would definitely be advantageous if this was not something that became a dominant contentious issue in the election. I would much prefer the election to be dominated by education reform, getting the health service up to the level of the UK, what we do to address the skills shortage in Northern Ireland, the productivity gap, the fact that Northern Ireland has a higher proportion of adults with no qualifications and the highest proportion of economically inactive adults anywhere in the UK.

I would love an election to be dominated by, in a sense, domestic Northern Ireland things, not by the cultural identity and language package. That is firmly our intention.

Q38 **Ian Paisley:** Minister, you are a Eurosceptic. You are on the centre or centre right of the Party. You are an energetic inspiration to many of the young members of your party, as you well know from your activities.

**Chair:** I am not sure we want to go down that road.

**Ian Paisley:** Perceptions are very important in terms of where Northern Ireland sits. You responded to the points that Mr Farry has made in terms of bringing forward language measures, which is perceived to be to the advantage of one community over the other. There are perceptions now about Northern Ireland's standing in this Government. It is now relegated to the Foreign Office. You will know what that looks like, whether it is intentional or not. What do you say to Unionists who may be tuned in and listening and hanging on the words of this Government about the commitment of this Government to the Union in real terms?

**Conor Burns:** The commitment of this Government and my commitment to Northern Ireland's place in the United Kingdom is unshakable. I have been very clear that whilst the Government of the United Kingdom have an obligation as the co-guarantor of the Belfast/Good Friday agreement, as amended by St Andrews, and those agreements acknowledge that the future constitutional destiny of Northern Ireland lies properly in the hands of the people of Northern Ireland, that obligation of being the honest broker and the guarantor of those agreements in no way diminishes my support for the Union. I would not be neutral about Northern Ireland's place in the United Kingdom.



But I would use the phrase that I used a couple of weeks ago in a debate at the Cambridge Union, where I spoke alongside Sir Jeffrey. I said, "In Northern Ireland I am not a Unionist. In Northern Ireland, I am a supporter of the Union". There are many in Northern Ireland who, for a whole variety of reasons—the economy or the national health service—would support the Union but not identify as Unionist. I am a Unionist here. I am a Unionist in GB, but in Northern Ireland I am a supporter of the Union.

The characterisation of the cultural identity and language package as somehow an Irish language Act, which is a phrase I hear often, is something that I hear more from the Unionist community than I do from the nationalist community. I had a very interesting meeting in Derry/Londonderry in the autumn. I am trying to remember the name; officials might be able to provide me with it before I finish. A number of their booklets are sitting on my desk in the office. It was a loyalist/Unionist community group, whose specialism is around protestant, Unionist and loyalist identity.

They gave me a very good perspective on it. They said, "This is a bit of a win for Unionism, actually, because this is the first time that there has been proper recognition of Unionist/loyalist identity". There will be funding for loyalist marching band culture and so on. They were talking about the opportunity—this is already happening in parts of Derry—of using the traditions and the carnival side of various anniversaries as an opportunity to attract tourism. It is called—I would be happy to connect you with them—the North West Cultural Partnership.

They did not totally agree with this characterisation. In fact, they totally did not agree with the characterisation of the proposed legislation as being in some way a great Irish language Act. I believe Jeffrey has been to see them, and they gave that perspective.

**Q39 Ian Paisley:** You are definitely not neutral on the Union; you have campaigned for the Union as opposed to for Unionists. I get the very important distinction you are drawing. The Republic of Ireland is certainly not neutral on the Union either. In my view at times it can be perceived to be openly hostile to the Union. What is the Northern Ireland Office doing to hold the Republic of Ireland to account on its obligations, which have been put in writing in the document that we are discussing today? Where is the measuring of what they are supposed to be doing, and who does that? They appear to be able to mark their own homework and get away with it.

**Conor Burns:** That is a good question. NDNA breaks up into three elements, does it not? There are the obligations on the Executive to deliver commitments that are in NDNA; there are the obligations on what the United Kingdom Government undertook to deliver not just in terms of money but in other areas; and there were the obligations on the Government of the Irish Republic.



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One of the reasons why this particular evidence session is so helpful, Chair, is that it was a great opportunity for me, with officials, to do a deep dive on where we are with NDNA. Lord Caine, our Lords Minister, recently answered to this in the passage of the Bill that we completed yesterday in the House of Commons. He gave an undertaking—this was on behalf of the Government and agreed by the Secretary of State; I was aware of it also—that we would publish regular updates on where we are on NDNA implementation.

One of the questions that was put to Lord Caine in that session in the other place, in the Lords, was how we would track the undertakings that the Republic of Ireland had entered into within NDNA. That is a conversation that I would be very willing to enter into with the Irish Government, because it is important that there is a degree of transparency on all sides and that everyone is honouring the obligations they entered into.

With NDNA sitting substantially within my portfolio, particularly the economic aspects of it, this was one of the questions that I put to officials. “Pages 58 to 62 of NDNA set out the undertakings agreed by the Irish Government. Some of these are general in nature. However, spending commitments are attached. I would like a breakdown of these in detail”, which I have been provided with. We do, obviously, take an interest in what the Irish Government undertook.

**Q40 Ian Paisley:** They are not held to account in the same way. You are being put in front of a Select Committee, transparently being held to account on Her Majesty’s Government’s commitments and having to face some challenging issues. They are not. There is no accountability or transparency whatsoever in terms of their role. Is that a flaw?

**Conor Burns:** We are accountable as Her Majesty’s Government to Parliament. That is why I am sitting here and why I was very clear with the Chair beforehand that I will answer questions not just on NDNA, which is the topic of your conversation today, but at the beginning more widely. That is the nature of ministerial accountability to Parliament. That is not just on the Floor of the House, where it is sometimes quite easy, not that we ever do, to dodge a question, but also here, where it is calm and forensic, and the Chair rightly gives Members multiple opportunities to follow up until the Minister has provided a satisfactory answer.

With the ingenuity of the Chair and the imagination of the Members of this Committee, I am sure you could find a way, if you wanted to, to invite representatives of the Irish Government to appear before you.

**Q41 Ian Paisley:** We have interviewed the ambassador, but it has always been in camera. He won’t go on the record publicly. That is obviously his remit. Is it a flaw that the Republic of Ireland’s Government are not being held accountable on their commitments on what we keep being told is a very important and very carefully balanced international arrangement?



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**Conor Burns:** I am accountable on behalf of Her Majesty's Government for this agreement.

Q42 **Ian Paisley:** You are accountable. You are being held accountable, and we appreciate that.

**Conor Burns:** The Executive are, ultimately, accountable, through the mechanisms there, but also, in a sense, I suppose, the Executive are accountable to the UK Government, particularly around some of the funding stuff. If undertakings are not being delivered, we are the accountable body financially. The Irish Government are responsible for what the Irish Government have undertaken. I am struggling to find a word. *[Pause.]* The Irish Government are accountable—

Q43 **Ian Paisley:** No, they are not.

**Conor Burns:** They are accountable for their own mechanisms.

**Ian Paisley:** It does not cut the mustard. They are not accountable.

**Chair:** Minister, can I try to cast this, as it were? You, as a Minister of the Crown, are accountable to this Parliament. Ministers of the Republic are accountable to theirs. I think what Mr Paisley is driving at, which I would suggest is a perfectly legitimate question, without wishing to recast Mr Paisley's question, is what opportunities do you and the Government create for discussion with the Irish Government in a sort of take stock approach, to check on progress, sticking points and how to work things out? That could be formal intergovernmental stuff; it could be informal. But it would be helpful for the Committee to know that there is that joined-up-ness, if there is such a word, between the two Governments to make sure that what everybody wants to see done is indeed done in as timely a way as possible.

**Conor Burns:** Yes. The reason I hesitated in my last answer is that the answer to the question is going to be an honest one, but not necessarily the most satisfactory. That is that, in the quarterly review meetings to track the progress of the implementation of NDNA, the Irish Government's commitments will be part of that process and those will be published.

However, when I say that it is unsatisfactory, I had expected at some point that you would stray into the joint board, the implementation review, how often it had met, when it would next meet and why it had not met for so long. I had my defensive positions prepared on this.

In the light of this session, I am sure the Irish Government will be watching. If they are not watching, they will get the read-out of this. I am sure the Irish Government will have heard what has been said today. I am very happy to give the Committee an undertaking that I will reach out to counterparts within the Irish Government to make them aware of the interest in the undertakings that they have given as a partner within NDNA.





Q44 **Chair:** That is a very interesting use of the word and I wanted you to clarify that. You have just used the word “partner” and I think that is the right approach. It is a partnership of equals, with a commitment to joint delivery, supervision of it, nudging in the right direction, etc. There is not a junior partner in this relationship, is there? This is a partnership of equals between the UK Government and the Irish Government. Nobody has the whip hand on this.

**Conor Burns:** There is a very real sense that the agreement was an agreement reached between the then Secretary of State for Northern Ireland, the then and now Minister for Foreign Affairs, Simon Coveney, in the Republic of Ireland, and the parties in Northern Ireland to restore power sharing. There is a very real sense that, as I said a moment ago, there are three sets of people, three institutions, that gave commitments that are to be delivered. They were the Executive—the parties in that sense—the Government of the United Kingdom and the Government of the Republic of Ireland.

In that sense, we of course are partners within the delivery of NDNA. Some of the commitments that the Irish Government undertook, particularly around transport infrastructure and so on, are things that are good for—I do not use this as a political term—the island of Ireland. We recognise Northern Ireland’s absolutely central place in the United Kingdom, but people travel within the island and have family across the island—in both traditions, by the way.

Q45 **Ian Paisley:** Are you accepting that it is a partnership of equals? Are you accepting the premise that this is a partnership of equals? It is an agreement, but it is not necessarily a partnership of equals.

**Conor Burns:** It is in the sense that commitments have been given by three distinct institutional bodies, each of which has to deliver. If you want to look at the financial commitments, clearly the commitments are not equal. I would accept that, but the agreement was an agreement negotiated and supported by both Governments with the parties, so everyone has a stake in making this work, in making power sharing work, in making governmental and political stability in Northern Ireland the norm, not the exception. I would not get too hung up on a particular—

**Ian Paisley:** You know what Presbyterians are like, Minister, in terms of the weight of words and whether sovereignty is included in that partnership or not.

Q46 **Chair:** Minister, before we add to Mr Paisley’s press release generation, and in the interests of saving paper—

**Ian Paisley:** I had not issued a press release.

**Chair:** I am picking up the tongue in cheek phrase that you used. Minister, I think you have addressed what I was trying to seek. When one uses the phrase, “They are accountable to us,” it suggests an asymmetric approach to this. We are dealing here with two sovereign Governments.



**Conor Burns:** Do you mean when I said, "They are accountable"?

**Chair:** No, it was Mr Paisley's question: "How do you hold the Irish Government to account?" When you start to use the word "account", it suggests that there is a senior and a junior—that there is a 51% or a 49% share, or whatever. What I think you have said, which is helpful in this regard, is that, as far as HMG are concerned, when HMG are dealing with the Government of the Irish Republic, you are dealing with a partnership of equals, that is, two sovereign Governments that agree on lots and disagree on some. But it is the parity of esteem. You cannot pick up the phone and ask a Minister of the Irish Government to do something and for a report, and expect to get it. We are not running the imperial Parliament.

**Conor Burns:** No. In that sense, that is absolutely correct. If we go back to the beginning, the power sharing and the institutions that we have in Northern Ireland today are born out of the Belfast agreement. The two Governments, the British Government and the Irish Government, are the guarantors of those agreements.

Sorry, it is now in a Northern Ireland file, but this predates my appointment to the NIO. This is my copy of the Belfast agreement, which is heavily annotated, as amended by St Andrews. I also have my heavily annotated copy of the protocol in here. These things all overlap. These things are all interdependent in many ways.

The spirit with which I would approach the relationship between the Government of the United Kingdom and the Government of the Irish Republic is summed up in section 3 of the declaration of support for the Belfast agreement, which says, "We are committed to partnership, equality and mutual respect as the basis of relationships within Northern Ireland, between north and south, and between these islands". It is not about who is the senior player. This document was about getting the institutions that this document created back up and running, and this document is guaranteed by the British and Irish Governments.

Q47 **Ian Paisley:** The partnership is not an issue. It is the partnership of equals, in terms of the equal status of what they are over and put in charge of. I contend that the Irish Republic is not equal to Her Majesty's Government when it comes to the territory, sovereignty, people, laws and finance of Northern Ireland at all.

**Conor Burns:** Of course it is not. That is a statement, with respect, of the obvious.

**Ian Paisley:** Sometimes the obvious needs to be stated.

**Conor Burns:** In that sense, if you want to look purely at the scale of financial commitment, nor are the Irish Government an equal partner in what happens on the ground by virtue of what was agreed at NDNA. In that sense, it is totally true.



**Mr Campbell:** We would be bankrupt if they were.

**Conor Burns:** Not being an expert on the fiscal position of the Republic of Ireland, I am not going to get drawn into that. We are, in that sense, equal partners in our commitment to what is good for Northern Ireland. As I say, they were more than participants and partners within NDNA, because NDNA was reviving what had fallen or become barren, but which had been created under the Good Friday/Belfast agreement, of which the British and Irish Governments are the co-guarantors.

**Chair:** I am conscious of time, Minister. We had you for two hours. We have not wasted a moment, but we have been dealing with big and important issues, and we are grateful. I want to try and cover the ground that, as a Committee, we agreed that we wanted to cover with you. I am now going to turn to Gregory Campbell, in the interests of making some progress.

Q48 **Mr Campbell:** Going back, Minister, to what you said at the very start, where you elaborated on the different packages of expenditure, I would like to get a global sense of what the expenditure has been. For example, in NDNA there was commitment to a total package of about £2 billion, as I understand, £1 billion of which would have been on a Barnett consequential base. In terms of that £1 billion, given it is two years, can you give us roughly what the expenditure has been between NDNA and the present time of that £1 billion, setting aside the breakdowns and the different departmental allocations—just the global sum?

**Conor Burns:** Of the total package of £2 billion under NDNA, by the end of 2021 £710 million has been spent. My colleagues may want to come in in greater detail on this. If I may, when they come in, I want to talk a little bit about some of the other stuff on top, because the settlement for Northern Ireland—the block grant—has been the most generous financial settlement since devolution began.

There have been many other funding streams that have gone into Northern Ireland in recent times, over and above the NDNA money. There is the new deal for Northern Ireland, £400 million, £617 million city deals, Peace Plus £730 million. There is a huge amount. If you wanted to tempt me into a breakdown on some of the criticisms that we have received from Executive Ministers in the Finance Department, I would be happy to do that too.

**Stephen Rusk:** There are two billions in this £2 billion package. As the Minister said, £710 million of the billion of additional funding will have been spent by the end of this financial year. The other billion was a Barnett investment guarantee, effectively saying to the incoming Executive, "You will have available to you at least a billion more over the coming years through Barnett". Actually, we very quickly reached that outcome, not least because of the pandemic. But even discounting that, the Government are honouring that £1 billion of additional Barnett coming through over the five-year period.



Q49 **Mr Campbell:** On that, so £710 million of the £1 billion has been spent. At what juncture would the remainder, the £290 million, be allocated?

**Stephen Rusk:** The NDNA package was anticipated to last over five years. On the assumption that we have now been through two full financial years since the agreement, there would be a further three financial years to spend the remaining, as you can spot, smaller proportion of the funding. That will be spent over the remaining three years.

Q50 **Mr Campbell:** If you were to go on then and look ahead, depending on where and to whom it is allocated, if the current position holds, as it would appear to, unless there is a resolution to the protocol issue, is there copper fastening of that spending for the next period of years? There is no diminution of that.

**Conor Burns:** It will be spent by the new Executive, with its new mandate, which will joyfully be formed post-May, will it not?

Q51 **Mr Campbell:** If you are telling me the protocol will be sorted that quickly, that is excellent news, Minister. I really appreciate it and we can begin a press release now.

**Chair:** Maybe we should all hold off the press releases.

**Mr Campbell:** I agree.

**Conor Burns:** The NDNA commitments, as I said earlier, are not limited to a particular Executive or Assembly term. The moneys in that sense, as Stephen has rightly said, can flow beyond the current mandate into the next mandate. We covered this a little bit at the beginning and I do not want to get drawn into too much detail about what might be the approach. The ideal scenario is that there is an Executive formed post the elections in May and the NDNA delivery programme continues in the way that it has in the last couple of years.

Q52 **Mr Campbell:** There has been a lot of discussion and talk about the draft budget from the Finance Minister and the Executive. Setting aside the Executive issue at the moment, up until now, with the Executive in place, there would appear not to have been a consensus about a draft budget. That is fairly common knowledge, with, apparently, only Sinn Féin being in favour of what the Sinn Féin Finance Minister was proposing as a draft budget. If we assume that that remains to be the case in the absence of an Executive, would that affect the spending power and how it is allocated, if there is no budget agreed?

**Conor Burns:** Hopefully, the encouragement of the Secretary of State and all of us for the Executive to be reformed would still allow a budget to go through before purdah. Realistically, listening to various things, including some stuff that was said yesterday on the Floor of the House, it now looks unlikely that there will be a budget passed in the current



mandate. That will have to be a priority for the reformed Executive after the May elections.

Q53 **Mr Campbell:** There is the period between now and then.

**Stephen Rusk:** In the period between now and then, the Finance Minister will need to set budgets for Northern Ireland Departments to use, so that they can continue to spend up until the Executive will have agreed a formal budget for next year and the two following years.

**Conor Burns:** It is important, by the way, to understand that, in setting those departmental budgets in the absence of a budget, the Finance Minister will be dealing with a block grant for Northern Ireland that will be £15 billion this year and £15 billion on average for the next three years, which is the largest block grant since devolution began.

The Fiscal Council, the independent body established to scrutinise the Executive finances, has described the budget as an unexpectedly big increase that has enabled the Finance Minister to propose a freeze on regional rates and deliver significant increases in health spending. So, from our perspective, Northern Ireland is doing pretty well here. We are now spending £121 per person in Northern Ireland through the Northern Ireland Exec, compared to £100 per person of equivalent UK Government spending.

Q54 **Mr Campbell:** On the wider issue of the Executive not being in place as of last Thursday, the Government have repeatedly stated over the course of the past year that they understand the issues created by the protocol. We have heard numerous statements about how it was not working as it was envisaged. Given the problems that there are at the moment—and that has resulted in the Executive now being down—have the Government forward-planned, if there is not a resolution and we get the full implementation of the protocol, what problem areas there would be then that would have to be encountered, in addition to the Executive not being in place?

**Conor Burns:** Look, I would say two things in relation to that. First, in my view, the Commission needs to reflect carefully. We have been saying for some time that the way the protocol is working, the implementation of the protocol, what we would regard as the overzealous nature of the implementation of the protocol, was causing significant societal disruption within Northern Ireland and was causing pressure to be put on the political institutions in Northern Ireland.

We have been making those points to the Commission. The Foreign Secretary has been making those points, supported by the Secretary of State and the Minister of State in the Foreign Office, Chris Heaton-Harris. I said earlier, and I am being candid with you here, that the Government will carry on those talks and those conversations. I suppose you could argue that the withdrawal of the First Minister has highlighted that. I am not sure that it has radically changed at all what would be the



Government's interactions with the Commission and the pursuance of a line that is very clear.

Going back briefly, if I may, I said I was happy to wade into this a little bit. A lot of people pontificate about this and I am not convinced they have always read it in the detail that it deserves. The front page of the protocol talks about emphasising that, in order to ensure democratic legitimacy, there should be a process to ensure democratic consent in Northern Ireland to the application of Union law under this protocol. It talks about the United Kingdom and the EU's shared aim of avoiding controls at the ports and airports of Northern Ireland.

It talks about how the determination of the application of this protocol should impact as little as possible on the everyday life of communities in both Ireland and Northern Ireland. It talks about the importance of maintaining the integral place of Northern Ireland in the United Kingdom's internal market.

I cited the example yesterday on the Floor of the House of, I think, Greens of Lisburn, where they explained to me that they used to have four or five varieties of shortbread. They now only have the one, because manufacturers in GB have decided, due to costs, certification and so on, that it simply is not worth their while or profitable any longer to supply to Northern Ireland. There is a multitude of examples and I thought it much more useful to find real examples that we can talk to the Commission about.

We talk in theoretical terms about trade diversion, trade disruption, friction at borders. These are phrases that don't resonate with ordinary people on the streets, going to the supermarket or their local deli. You have real examples, such as that of a cheese company here that decided to no longer use X supplier as its preferred delivery partner due to the increase of length of time required to ensure the correct paperwork is completed and only pallet deliveries are likely to be offered. That is a small cheese manufacturer that can no longer supply to Northern Ireland.

**Q55 Mr Campbell:** Before Christmas, 19 Polish retail food outlets announced that they had closed up—all of them, all 19—because they could not get food from GB to their shelves in Northern Ireland.

**Conor Burns:** There is an example here of a small food company. Branded goods will no longer be supplied to EU, which they have decided includes Northern Ireland. There was another company here where they have said that there will now be an additional £12 plus VAT for shipping from GB, after the order is placed and paid for, on domestic home frying equipment. These were not things that we expected to happen when we agreed to the protocol.

**Q56 Claire Hanna:** Did you not?

**Conor Burns:** No. Look back at what the protocol actually said. This is the point that the Government keep returning to. We want to get to a



position where there is a differentiation between goods that are destined for the Northern Ireland marketplace and those that are for onward transmission through Northern Ireland into the single market—that is, the Irish Republic.

We remain committed and clear that there can be a solution to this that recognises the unique situation of Northern Ireland, being an integral part of the United Kingdom but also sharing a land border with an EU member state and therefore the single market. We remain unshakeable in our commitment to try to find that landing zone. The political disruption that has been caused by the withdrawal of the First Minister, although stating again that Ministers remain in place and the Assembly is still sitting, is diverting a little attention away from our core goal of sorting this, but we remain committed to sorting the protocol.

**Q57 Mr Campbell:** I understand that, Minister, but the point behind my question was that you elaborated there on that considerable number of problem areas and I told you about the issue that emerged before Christmas. The major point that I made in my question was that this has all happened when there has been the implementation, from your perspective in the Government, of an EU-biased approach to the protocol, but it is a partial implementation of the protocol.

I am asking you whether Government have planned ahead to decide what is going to happen when there is a full implementation of the protocol. This is what we are getting now when we have got protocol-lite. What happens when we get the full-meated version, because it would appear that the EU are not prepared to move? We have been told for weeks and months that they were moving and they have not moved. They are talking about doing checks on passengers now, coming from GB to NI. Well, good luck with that: we will see how that pans out. Have you planned ahead for how the full-meated, the full-milk version of their protocol could pan out, given the problems there are now with the half version? That is the question.

**Conor Burns:** You will know that the Government rightly, properly and responsibly plan and examine a whole range of scenarios. There are various cross-cutting Government committees that look at this stuff on a regular basis. When I was Trade Minister, I sat on the so-called no deal planning committee—XO I think it was called.

There are committees in Government that look at all this stuff and all eventualities. You would expect us to do that, but we remain absolutely committed to trying to find a durable, lasting solution that works for the whole of the United Kingdom, while recognising the unique position of Northern Ireland, sharing a border with both the United Kingdom internal market and the single market of the European Union, in the form of the Irish Republic.

**Q58 Mr Campbell:** You cannot tell us how bad it would get under the full implementation of the protocol.



**Conor Burns:** I can tell you that the Government look at all this stuff, prepare and look at all angles. Given the sensitivity of negotiations, you would not expect me to sit here and start to speculate as to what happens in different scenarios. The Government's position is that we want to find a sustainable and durable solution that recognises that unique situation and Northern Ireland's unique place in the United Kingdom. While we get on with that, we would much rather that you went back and had a fully functioning Assembly to deliver for the people of Northern Ireland.

Q59 **Stephen Farry:** I am going to resist the protocol apart from saying two magic words, "veterinary agreement", as the way through many of these SPS challenges in particular. Minister, I want to take you back to the finance issues around NDNA. In terms of the UK Government's contribution, how do you measure success? What sorts of metrics do the Government have to assess the effectiveness or otherwise of the financial commitments that are made? I am conscious that the Executive, in due course hopefully, if we have one, will have its outcomes-based programme for Government, as Stephen will well know from experience.

**Conor Burns:** There are two ways that you measure that. One would be within the commitments under NDNA, where we committed to provide financial resource to solve particular problems. The nurses' pay dispute would be one of those. Those are quite easy to gauge. There was a problem, we allocated funds and the problem was resolved. The second way is through the Fiscal Council, which looks at this. It is independent and it makes judgments.

Then I suppose a third way is through the Assembly's own committee structures, rather like this. Ministers in the Executive, when it is sitting normally, will be held to account by cross-party committees within the Stormont institutions for the spending and political decisions that they make. Clearly, UK Government take an interest in moneys that we have allocated for certain things. Are they achieving the objectives for which we gave the financial commitments? There is a range of accountability measures there.

Q60 **Stephen Farry:** To follow up on that, particularly in relation to some of the funds subsequent to NDNA around the various levelling-up programmes, I am very conscious that the thrust of the financial package in NDNA is towards what the UK Government can do to make the Northern Ireland Executive much more efficient and effective in terms of spending their money, the Fiscal Council being a very clear example in that regard.

In light of all that, how do you reconcile some of those funds continuing to be controlled via Whitehall Departments, particularly the levelling-up Department, rather than the funding being given to the Executive? That is particularly in light of the potential spending areas significantly overlapping with what the Executive does and what the Executive maybe previously did, through their allocation of European funding.





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Do you recognise that there is a risk of, rather than seeing an efficiency of spend, an inefficiency of spend, potential duplication and overlap, in terms of what the UK Government are trying to do and what the Executive are trying to do? That will lead to waste, a lack of impact and a lack of measurement, because that spending is outwith what the Executive are doing. Do you appreciate those sorts of tensions that may exist over time?

**Conor Burns:** I can see why you raise that. You have raised that with me in a different form on the Floor of the House. I have spoken more generally on this in the past. I am not sure whether I have said it this explicitly or this publicly. There has been a degree of almost standoffishness on the part of UK Government post-devolution in the devolved Administrations. It is very much the view of this Government that there are spaces within which the UK Government have a legitimate interest in all parts of the United Kingdom to spread wealth, prosperity, opportunity, skills and so on.

It happened very much under the Government led by David Cameron, where we moved away, particularly with local authority funding, from just giving a big block grant and saying, "Away you go" to a more competitive funding bidding system. It is important to say that things like levelling up and the shared prosperity stuff are not replacements for core Executive block grant money. These are on top, in the same way that, in regions within England, Simon and I would work on this in our own constituencies and with our local authorities in Dorset.

I remember getting three wins, I think, on something called coastal community funding for my constituency. The local authority, in partnership with the leisure and retail sector, had to be quite innovative in coming up with ideas as to what it would do with money from a certain fund that it could bid for.

For example, when I was in the Armagh, Banbridge and Craigavon council area last week, I was talking to them about the Armagh gaol, a massively important historic building that has been just about maintained, in the sense that they have managed to stop the water coming in, for a long time now. It could be a great asset. I am not committing to anything, but we talked about whether there was a way that, within levelling up, in their engagement with UK Government, through either shared prosperity or another mechanism, they could bid for money to do that.

This is all on top of, as I say, block grant, which is the most generous since devolution. It is a way of working with local communities to find ways that UK Government, in addition to block grant, can support them in delivering imaginative ideas that will improve their community. I make no apology for the UK Government believing that the opportunities, life chances and prosperity of all people in all parts of the UK are of interest to us.



On the day the Prime Minister was delivering his conference speech, I was at the Greater Shantallow Area Partnership in Derry. I am not sure when was the last time there was a sighting of a Minister, let alone a Tory Minister, there. I was talking to them, regardless of their constitutional ambitions. There were not too many members of the No Turning Back group or the Conservative Party in the gathering that I was at. They accepted that, while Northern Ireland is in the UK, they, broadly actually, welcomed the interest and opportunity to have us working with them to deliver for those communities.

**Q61 Stephen Farry:** To come back on that, I certainly understand that, in the areas where the powers are, essentially, reserved to Whitehall, for example around Treasury functions or the Department for International Trade, the UK Government may wish to be more proactive in engaging with devolution. Surely, in those areas that are traditionally and explicitly assigned to the Northern Ireland Executive through the Good Friday agreement and the Northern Ireland Act, that is a reversal of the trend towards devolution. It is actually a pulling back of powers, because that should be an exclusive competence for the Northern Ireland Executive.

I would suggest that the most efficient way is that the money goes as a Barnett consequential to the Executive to spend, to co-ordinate as the local authority in that regard, to make sure it can get the best value in terms of outcomes, rather than two players essentially playing on the same pitch and perhaps talking to one another, but not fully, necessarily, pushing in the same direction.

**Conor Burns:** Again, I can see why you are saying that, but this is not us doing a power grab on things that are the interests of the Executive. These are shared interests in a very real sense. The funding, for example, through levelling up or shared prosperity, if my understanding is correct, is outside the Barnett consequentials, because it is in addition to moneys allocated already to Northern Ireland.

There is, if I may gently say, a real danger of gift horse and mouth territory here. This is stuff that is going to really help communities across Northern Ireland, regardless of allegiance or geography. Clearly, we want to work with the Executive. I can give you a couple of examples. I met the Economy Minister to talk about how some of the stuff we want to do on the levelling-up agenda can align with their 10X, how we can integrate UK Government impetus and heft, and how we can share experience on some of the stuff that has worked in our delivery of this within the metro mayoral regions and bring that learning, so that we are not constantly reinventing the wheel.

Some of it, by the way, is the reason that we have moved from Stormont House to our new, central downtown Belfast Erskine House HQ, which is a UK Government hub, where trade is going to be. I am not sure that it is a good thing, but HMRC is going to be there as well. I think it is our landlord for the moment. Only before Christmas, Anne-Marie Trevelyan, the Trade Secretary, brought the Board of Trade over. There was a



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meeting of the Board of Trade in Derry. I had a meeting with the Economy Minister and the President of the Board of Trade, the Secretary of State for International Trade.

We have opened a DIT trade office. The head of that office was out with me before Christmas at Thompson's Tea in Belfast, talking about how the UK Government and the trade Department can get alongside Northern Ireland, which actually has a pretty good track record of export, and turbocharge that to the benefit of the citizens and economy in Northern Ireland.

Q62 **Chair:** Minister, I am conscious of the time. As a Committee, we warmly welcome the new office. It is great to come out from behind those very impressive walls of Hillsborough.

**Conor Burns:** We are still at Hillsborough. We only sleep there. It was Stormont House.

Q63 **Chair:** Yes, of course. You do not sleep on the floors. But it is great to see it. What we are keen to have assurance on, and I think you have given it, but I am going to ask for an explicit yes or no, is that we have been hearing in another inquiry we are having on investment in Northern Ireland that very often these things get siloed. There is no cross-referencing and so the maximisation of the bang for the collective buck is diminished.

I am going to use, if you will forgive me, without ambushing you, a cake metaphor. Can you assure us that what the block grant and the Executive are doing is the cake? UK Government are the icing and the decoration on the cake, potentially, but we are all working to the same cake recipe. There is that conversation between HMG and the Executive to ask, "What are your initiatives? How can we help, extra funding or delivery?", that is, not doing things that are contrary to agreed policies that the Executive and Stormont have set out, to make sure that there is value for money for the taxpayer and the greatest benefit for the citizens of Northern Ireland.

**Conor Burns:** I remember a politician once being asked by Russell Harty if he wanted to be Prime Minister and he refused to answer. He said, "Can you give me a simple yes/no?" The politician replied, "No, because there are many occasions where the answers yes and no are a like force". Then he said, "Do you want to be Prime Minister?" He said, "I don't know why you made such a fuss about that. Yes, of course I don't want to be Prime Minister".

The answer to that is, "Yes, of course". It is in the interests of Northern Ireland that we are all working together. The Secretary of State for Levelling Up, Housing and Communities has had conversations jointly—and this is important—with the Secretary of State for Northern Ireland, with the First and Deputy First Minister when they were still in post.



We almost end where we began. All this highlights the need to have a functioning Executive for the Government to interact with. The block grant is the block grant. The stuff that UK Government are deciding to do in the nations and regions, in every part of the UK, is on top of that. We want to work with the Executive. We want to align priorities. We want to get the maximum benefit for spending of taxpayers' money in Northern Ireland for the people who drive me on this, who drive, I hope, all of you on this, the people who matter, the people of Northern Ireland.

**Q64 Stephen Farry:** This is my final point on this. No doubt we will come back to it. Speaking as a former Minister in the Executive, the situation we had with European funding was that Department A had its own budget, but also had control over the European funding package. That meant that you had, inside that one Department, under one Minister, a full integration of the funds. That way, there was a much greater impact around things like apprenticeships, skills and disability employment.

There is a lot of fear at the moment as to what the future now holds in that regard. I am sure you will get that from your engagement in Northern Ireland, from a lot of the community and voluntary sectors that previously relied on structural funds, particularly as there is still information to be released by the Government as to what the future holds in that regard.

**Conor Burns:** We have been very clear, and the Prime Minister was very clear on this, that there will be a direct replacement of the funds. You and I will disagree on this a little bit, but it is our own money that we gave away, which then came back, having paid a few civil servants in Brussels. There will be a direct replacement of that money to the regions that were in receipt of that money through the EU. That will now come directly from HMG.

I emphasise that it is absolutely our wish, desire and intention that there is partnership in delivery, that this is UK Government working in partnership with the Executive, local authorities and business groups. There is the city deal stuff. I want to spend a lot of time on those bits that are not yet landed. I want to try to use a little bit of the convening power of Ministers, which is about the only power I have discovered that Ministers have, to get people round the table to think creatively, come up with really exciting bids for that money and do projects that are really going to transform life and opportunity for people in Northern Ireland.

**Chair:** Thank you for the cultural reference to Russell Harty. That has to be the first time a Minister of the Crown has done that at any Select Committee. There will be a few of us in the room who get that and remember with great nostalgia that wonderful chat show host.

**Q65 Scott Benton:** Moving on to governmental oversight of NDNA, are you able to inform the Committee as to how many meetings of the joint board have been held since the agreement and when the last meeting of the joint board took place?



**Conor Burns:** This is the one I alluded to earlier when we were talking about the Irish Government, where I talked about the fact that the joint review meetings would be published. The reason I hesitated is that it was not the most robust answer. If I can find the exact answer, page 11, the joint board has met three times. It last met on 3 March last year. Prior to that, it met on 22 July 2020 and 22 October 2020. You can sense that it is probably due for a meeting.

Q66 **Mr Campbell:** I think “overdue” would be a better word, would it not? It has been a year.

**Conor Burns:** I will give you an undertaking. With the Secretary of State, I will convene that meeting in Stormont, on the day that the First and Deputy First Minister take their seats around the Executive table.

**Mr Campbell:** It is not anytime soon, then.

**Conor Burns:** Is it not?

**Mr Campbell:** No, unless the protocol is sorted.

**Conor Burns:** Sorry, that is a direct answer to your question.

**Stephen Farry:** That depends on who wins the election of course.

**Conor Burns:** The implementation review meetings, again, have not happened as often as they should. Scott, in answer to that, the Secretary of State has a weekly call with the First Minister and Deputy First Minister, or at least did until last week, and lots of this stuff is discussed.

Slightly defensively, I would say that although there have not been the formal, structuralised meetings where we sit down and say specifically, “Let us all sit down and see exactly where we are on each commitment”, there has been an organic, regular return to various undertakings in this as those issues have cropped up over the course of that period. We are overdue a meeting and will do one as soon as the Executive are back, or, if they are not back before the elections, as soon as the Executive are in place after the elections.

Q67 **Scott Benton:** From what you have said, when NDNA was signed there was, I am sure, an expectation of regular review meetings, transparency, openness and governmental checks on the progress in that. Those meetings, for whatever reason—potentially Covid has not helped—have not happened, but it would be unfair to say that the Secretary of State has not been speaking to the First Minister and Deputy First Minister, when they were in situ, about the development of NDNA and the oversight to make sure the package was implemented.

The only concern I have in relation to that is around openness and transparency. For example, in its report on the subject, this Committee requested that the Government produce an annual report to the House of Commons, which I think the Government stated they would do. Clearly, if those meetings are not taking place, the degree to which not just this



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Committee but other stakeholders can have a bit of transparency in terms of progress is limited.

I have two distinct questions. Does that request for an annual report being deposited in the Library of the House still stand as an agreement from the Government to do so? Will minutes of the joint board, if indeed it sits again, be published as well?

**Conor Burns:** Let us take those two in turn and let me use the opportunity of your question to say again to the Chair how helpful the request for me to come and have a two-hour session with you, almost exclusively on NDNA, with slight diversions here and there, has been for me and, I think, frankly, for officials, because it has forced us, in a good way, to really kick the tyres of this thing and refresh ourselves in detail. On Sunday a week ago I spent four hours in the office, typing questions, reading the whole thing again, in preparation for this, so that I would be across the detail of it.

On the annual commitment to publish a report, we can go further than that, because Lord Caine gave an undertaking, as I think I said earlier, to the House of Lords that we would publish a quarterly update on the status of NDNA commitments. That will clearly be, I am sure, deposited in the Library, or we will do it in the form of a written ministerial statement. It will be public and we will ensure that your Committee is made aware of it in advance when that is coming.

I am not going to give an undertaking on publishing detailed minutes. That would be a matter for the Secretary of State to decide. I am sure we could publish outcomes of that in some form, but detailed minutes publication might curtail the robustness and honesty of a conversation internally. We are committed to openness and transparency on this.

**Chair:** It is always useful to know what topics are discussed, irrespective of what the discussion actually entailed.

**Mr Campbell:** A synopsis.

**Chair:** Even just the headings, so at least we know what is on the radar.

Q68 **Scott Benton:** I am seeking further assurances that some of the other commitments from the Government will still be discharged in and around what has already been agreed, particularly in relation to a sub-committee on health and whether that will be established to oversee Government funding. Earlier, you mentioned the acute challenges the Northern Irish health economy has. Can we expect that sub-committee to be established anytime soon?

**Conor Burns:** To quickly respond to the previous one, we are happy to give an undertaking that we will share a synopsis of what is discussed at those. The candid answer on a health sub-committee is that that has not been established. The establishment or not of sub-committees will be a



matter for the joint board. I can ask that that is considered at the next occasion the joint board meets.

Q69 **Scott Benton:** Thank you, Minister. We have covered there some of the issues surrounding the joint board. Moving on to the implementation review meetings, you have spoken about that on two or three occasions already in the House. You stated, I think in November time last year, that there had only been one implementation review meeting so far, but you expected a meeting to take place within the coming weeks. Did that meeting duly take place, and, if not, why?

**Conor Burns:** There has only been one meeting of the implementation review and that was on 11 January 2021. That was attended by the Secretary of State for Northern Ireland, the Minister of Foreign Affairs of the Irish Government and the leaders of the DUP, Sinn Féin, SDLP, UUP and Alliance. You will now guess what I am going to say, which is that we are due or overdue another one. I will take that away from today. That is not to say that there has not been ongoing, regular dialogue, where facets of this will have come up in the course of the regular conduct of business, but I will take that away.

Q70 **Scott Benton:** I have two further questions from that, if you do not mind, Minister. Meetings of the joint board, I suppose, cannot constitutionally take place because we do not have a First Minister or Deputy First Minister. Because the implementation review meetings are party leaders, I guess there is no reason why they could not take place in theory, including at the moment. Can you clarify that that is the case?

Secondly, going back over the fact that, in November, you said that a meeting was due, that has not happened. Are you able to elaborate upon why that has not happened? Has there been a particular party leader or several party leaders who have not made themselves available for that meeting? Has it been the UK Government who have not requested for one of those meetings to take place, or, for example, may it be the Irish Government who have not undertaken to a commitment to hold that meeting? Can you elaborate upon what the delay exactly is?

**Conor Burns:** In answer to the first one, you are correct; there is no reason why a meeting could not take place with the party leaders, even within the current disruption. I am not sure I have a terribly robust answer as to why it has not happened. It has been a combination of distractions, Covid and other things.

I suppose maybe we are a little bit culpable that, because there is such an intensity and frequency of engagement from the NIO with the parties, the Executive and leaders in the course of the day-to-day conduct of business with the NIO and Northern Ireland, unless you want to contradict this, maybe we have not actually sat down and nobody has diarised that we need to have a meeting of the implementation review group. I am going to take that away.

Q71 **Chair:** We would certainly urge one. You will be aware that there are a



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lot of cynics, none around this table or in this room, who view these things as tick-box exercises to move a process from A to B. Then it is forgotten about until there is another panic. In actual fact, to show that wider audience that there is a sincerity about this is not unhelpful. I think that is what Mr Benton was driving to.

**Conor Burns:** I agree with that. I suspect that, so long as I am in my current position, this may not be the last time that I am before you, talking about NDNA. I will not want to be in a position to be giving you the same answer when I return in however many months' time.

**Chair:** No, that is helpful. Colleagues, I am conscious of the time. I am going to take Robert Goodwill. We have had a very good run with the Minister. We have covered a lot of ground, not exhaustive. There were other things we wanted to talk about, but in the interests of your time, Minister, after Robert I am going to draw our proceedings to a close.

Q72 **Sir Robert Goodwill:** Minister, I am conscious of what you said earlier about how rare questions are that would have an answer yes or no. Could I ask whether the Government are still committed to establishing a biannual Cabinet delegation with the Northern Ireland Executive to improve co-operation and collaboration?

**Conor Burns:** The answer to that is yes, we are. I will give you the straight answer. Yes, we are.

Q73 **Sir Robert Goodwill:** Do you think that will be useful, or is it just a bit of window-dressing?

**Conor Burns:** The solemn undertakings that the UK Government gave to implement every line of NDNA were all solemn commitments. While that delegation has not happened in a formalised way, there has been a significant ramping up of ministerial engagement in Northern Ireland from other Government Departments.

I spoke of the meeting with the President of the Board of Trade and the Secretary of State for International Trade with me and Gordon Lyons on 25 November. That same day, for example, the Secretary of State for Business, Energy and Industrial Strategy was with us in Northern Ireland. He also met Northern Ireland Executive Ministers, and he and I jointly opened the headquarters of Catagen, the hydrogen business in Northern Ireland that I was visiting for the third time. Leo Docherty was over, sub-Cabinet Office, but he was over in November.

The Prime Minister was there. I was with him, as was the Secretary of State, on 20 October for the centenary service and visited a primary school. Kit Malthouse went over for a UK drugs ministerial event. George Eustice, the Secretary of State for Defra, was at Linden Foods on 23 September. I actually was at Linden Foods on Friday.

I am not saying that that delivers the pledge to have the Cabinet delegation, but it shows that there is a significant range of Cabinet and





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other ministerial engagement in Northern Ireland. If you ask me for a choice between having the Cabinet delegation and fulfilling the commitment of NDNA, or having a regular pattern of Cabinet Ministers going to Northern Ireland, doing outreach, engaging with Ministers in the Exec, personally I would probably rather have the regular pattern of engagement, but it remains our undertaking to deliver on that.

**Sir Robert Goodwill:** Both would be good.

**Conor Burns:** Both, yes.

**Chair:** There was a television advertisement: "or" is a terrible word; "and" is so much better. On that happy note, Minister, can we thank you and your officials for your extended attendance? Thank you for the clarity and the depth of feeling that you have given to your answers. I know all colleagues will have appreciated that. It is difficult times, we know, and we wish, for what it is worth, you, Brandon Lewis and all involved in this process good fortune. As we started the meeting, let us close it: the good folk of Northern Ireland, of all traditions and of none, are looking for progress. Thank you very much indeed for your time.