

Northern Ireland Affairs Committee

Oral evidence: [New Decade, New Approach Agreement](#), HC 160

Thursday 7 May 2020

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Members present: Simon Hoare (Chair); Caroline Ansell; Scott Benton; Mr Gregory Campbell; Stephen Farry; Mr Robert Goodwill; Claire Hanna; Ian Paisley; Karin Smyth; Bob Stewart.

Questions 1 - 44

Witnesses

I: Rt Hon Julian Smith MP; Lilah Howson-Smith, Former Specialist Advisor at Northern Ireland Office; and Sir Jonathan Stephens KCB, Former Permanent Secretary at Northern Ireland Office.



Examination of witnesses

Witnesses: Rt Hon Julian Smith MP, Lilah Howson-Smith and Sir Jonathan Stephens KCB.

Q1 **Chair:** Good morning, colleagues, and welcome to our second virtual Northern Ireland Affairs Committee meeting. I hope that it will go as well this week as it went last week.

This week, we turn our attention to an incredibly important document, “New Decade, New Approach”, which heralded the present resurrection of Stormont just a couple of months ago, although it does seem a lot longer ago than that. I am very pleased that Julian Smith, the former Secretary of State, is joining us this morning as one of the key authors and architects of that document.

Julian, for the record, I ask you please to introduce yourself and your team, and then I will throw you to the tender mercies of my colleagues on the Committee. Thank you.

Julian Smith: Thank you, Chairman. Before I start, could I just take the liberty of sending my condolences to all people and families who have lost loved ones in Northern Ireland and across the island of Ireland as a result of covid, and to pay tribute to the Northern Irish health workers who are playing such a key role on the frontline?

I am joined today by Sir Jonathan Stephens, who was the permanent secretary of the NIO until January, and who played a key role on this agreement, and by my special adviser, Lilah Howson-Smith, who also was key to closing this agreement, along with many talented people from the UK civil service who assisted for the last three years and then through the last seven months when I was Secretary of State.

Chair: Thank you for that, Julian. We now turn to our first question. I look to my colleague, Bob Stewart, please.

Q2 **Bob Stewart:** Good morning everyone and hello to Julian and your team. It is really nice to be the first question up. I have to say that I am very sad that you are not still the Northern Ireland Secretary. We are personal friends, so there we are; that is my personal view.

I will kick off by asking why you and your team were so much more successful than previous efforts.

Julian Smith: Thank you for your kind comments, Bob; those are much appreciated.

I think there were a number of factors that meant that the deal happened in January. Many of those were the context of the circumstance after the election in December. There were negotiations for many months—indeed, for almost three years—to try to get Stormont back up and running. It was



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one of the longest periods since the Good Friday agreement that it was in abeyance.

As we got through last year, I think that the key thing that became apparent was that the waiting lists—over 300,000 people on health waiting lists in Northern Ireland—coupled with the first strike of nurses in over 100 years in the United Kingdom was putting huge pressure on politicians. That came out in the general election in December, when a number of the established parties lost Members of Parliament and new MPs came on board, and I think that to a woman and man candidates were reporting that voters were fed up.

I think the second thing was that, for whatever reason, the various parties put a lot of trust in me and also in Simon Coveney, the Tánaiste, and we were able to combine the voter demand for power sharing to recommence with intensive discussions, which were pretty much based on trust. They were pretty choppy at times, but people did ultimately compromise and sign up to the deal.

Q3 **Bob Stewart:** I emphasise that everyone, I think, on the Committee knows that you were quite acceptable to all sides. That is actually largely down to your team, so well done to you on that.

I want now to ask the second part of my question. What sort of lessons do you think the British Government in London—of course, we are all British; I want to emphasise that, so the London Government—have learned from your negotiation in order to stop another stalling of the process or to oil the wheels to make things happen better in the future?

Julian Smith: I hope there are some things in the agreement itself, in terms of the time that now is allowed for Government to continue without the institution being brought down, to give people time to renegotiate the transparency arrangements and various other parts of the agreement that should help if there is a problem. But I hope that the biggest message, and the biggest message I want to get across today, is that 22 years after the Good Friday agreement, which provided a transformation in Northern Irish society—you knew that society many years before that and how bad it became. It is still the most violent part of the United Kingdom. I hope that intensely looking after, caring for and being passionate about the success of the Good Friday agreement is the message from January this year.

Q4 **Bob Stewart:** This is my last point. You were in close co-ordination and proximity with a lot of people during these negotiations, and a lot of good will clearly came from personal contact. Was this good will used to ensure that there are other things that will work outside the New Decade, New Approach to government deal? I mean, for example, people saying, “Well, if we go wrong here, let’s meet and sort this out.” I mean informal-type agreements that we cannot let this happen again: “Whatever the paper says, let’s make sure that we can sit down and fix it so that this absurd situation doesn’t happen again.” Actually, the nature of that question, Julian, is probably such that you can’t answer it, because people won’t



say, so I will put it another way. Was huge good will on all sides generated by this deal?

Julian Smith: I think people did learn to trust certainly the British and Irish Governments to a certain extent—some parties more so than others. On the overarching point you make, I do think, having been Chief Whip during the Brexit years and seen how frayed the UK's relationships across a range of areas had become, you are right in the implication of your question that politics does come down to people; it comes down to relationships. That is important in closing a deal like this, but also in dealing with the legacy of the past and in dealing with problems as they come up and how we get out of the covid crisis. I think your approach to politics, the approach that I fully agree with, is to focus on developing trust and developing relationships.

Bob Stewart: Thank you so much, Julian. That's me done, Chairman.

Q5 **Chair:** Julian, if we look north of the border, we see a really sturdy Scots pine, in terms of the roots of Scottish devolution. Wales took a big step yesterday by becoming a Parliament, not just an Assembly. That has had quite a lot of tending and nurturing. Do you get the impression that the Westminster centre, as it were—No. 10, the NIO and Parliament—understands that the devolved settlement with regard to Northern Ireland is actually a rather more tender plant? People can't just say, "Right. New Decade, New Approach done. It's resurrected. We can get on and go and do something else now." It will need careful nurturing, looking after, fostering, co-operation and working alongside. Do you think that is understood, and is there the bandwidth in Westminster, in your assessment, to achieve that? We cannot go back to the in-out, on-off approach that we have had hitherto.

Julian Smith: First of all, the Prime Minister and No. 10 were hugely supportive during this deal and allowed me to get on with it, and were then hugely supportive in coming to the agreement, but it does require a huge amount of time in order to make sure that these relationships are continued and looked after on an almost day-to-day basis. The first thing to say in answer to your question is that it does take time, and it is always going to be difficult for any Government to put the amount of time that is required in an area as tricky as this when there are other things on, but I would encourage that to happen.

The second thing is, just on a practical basis, that we re-established the strand 1 institution of the Good Friday agreement; the other strands—the north-south bodies, the ministerial council and the BIC—are all ways that the Government of both countries can show their commitment and, again, as Bob Stewart alluded to, ways that relationships can be developed and enhanced.

Q6 **Chair:** Sir Jonathan, do you have anything to add on that from a civil service perspective?

Sir Jonathan Stephens: Just to agree with Julian, I think that the lesson of not just the last few months but the years since 2010 is that Northern



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Ireland remains a priority for the UK Government. Over that time, the size of the NIO has had to increase significantly, partly of course because of extra responsibilities to do with Brexit, but also because of a recognition of the need for the sort of support and facilitation that Julian has talked about. It is important that, now and in the future, UK Governments continue to facilitate and to maintain those links and relationships between the UK Government and the Executive and all the other institutions, to demonstrate the degree of priority that Northern Ireland has for the UK.

Chair: Do any colleagues want to come in on this question? I am not seeing any indications, so let us move please to Mr Paisley.

Q7 Ian Paisley: Good morning, Mr Chairman, and thank you for calling me, and good morning to you, Julian, and your team. It is nice to see you back in front of the Committee, though not as Secretary of State, obviously. Thank you for the comments that you made with regard to the people who have fallen because of coronavirus in Northern Ireland. I know that people will appreciate those kind sentiments and regards. Our hearts go out to all of them.

Can I also say, on a personal level, that it was a pleasure working with you, Julian, when you were Secretary of State? In terms of the victims of institutional abuse, I think that your name will go down in history as the person who was prepared to go the extra mile to get that matter delivered, once and for all. I think that people are eternally grateful for that leadership and courage, which you did not have to show, but you demonstrated that you could do it, and you did do it, so thank you for that.

My first question is to do with the fact that the last Assembly collapsed. There were then negotiations, a new agreement was put in place, and apparently safeguards were brought into the New Decade, New Approach that will, hopefully, prevent people from walking away. We unfortunately have a grievance culture that means that some people think that it is their right to walk away and bring down institutions unless they get what they want. Do you believe that the safeguards that are now in place will actually prevent a future collapse of the devolved institutions, or are they just a sticking plaster?

Julian Smith: First of all, thank you, Ian, for your remarks, and thanks to you and the Democratic Unionist party for the role that you played in getting the deal. Obviously, we had had discussions for a long time, but when it came down to the last moment the DUP moved quickly. I would also like to put on record my thanks to Nigel Dodds, who is no longer a Member of Parliament but played a key role in those final hours.

In terms of the safeguards, there are provisions around the fact that it is possible in this agreement to go for many, many more weeks with a First Minister and Deputy First Minister in place or with a Government able to function. If there has been a breakdown of trust, the agreement delivers a longer period where there is time to get another attempt at moving things on. One of the challenges, as you will know, is that power sharing relies on



two parties. It was a frustration for the Alliance, the UUP and the SDLP, and it does require the two parties to get agreement, but there is a longer time now in this agreement to do it. There will be more transparency measures around ministerial codes and how the petition of concern is used, and I think that that will help ensure it is more difficult, but it will require maybe more political conversations between particularly Sinn Féin and the DUP. That had broken down a bit. I found I was sort of the broker, as Simon Coveney was. The more those inter-party relationships can develop—they are developing all the time—the better. Obviously, that will not focus on constitutional issues, but can focus on a whole set of issues that voters are very keen to get resolved.

Q8 Ian Paisley: You obviously feel that there is a better and a growing relationship. A lot of commentators would say that there is still really bad body language and bad feelings between my party and Sinn Féin. In the other parties there is almost a ganging up mentality that still exists. Do you feel that that is eroding or is it getting worse? I constantly have the impression that we have a grievance culture in politics in Northern Ireland and that we constantly grind this axe of grievance. Even over covid-19 there appears to be in the background the grievance culture emerging: “If we don’t do it our way, then we’ll walk out.” Do you really think that that is evaporating? I hope it is, but are you getting that sense from your contacts?

Julian Smith: First of all, I would pay tribute to Arlene Foster and Michelle O’Neill and the Executive, who have, within weeks of coming together and within weeks of not actually having a great deal of conversation between the parties, dealt with the biggest crisis in decades. They have done a very good job. Despite all of the rhetoric, they have worked well together. Your underlying point is important, though, Ian. I would urge parties to focus on power sharing. The fact that power sharing and the delivery of public services is an area where Sinn Féin, the DUP and the other parties are all working together does not mean that there are not differing views on the constitutional issues, but I see no other world—no other landing zone—than the Good Friday agreement. I would urge everyone to focus on the Good Friday agreement to its fullest extent. That really would be extremely helpful as we come out of this crisis.

Q9 Ian Paisley: Mark Durkan, a former MP, described some of the Belfast agreement, or the Good Friday agreement as you refer to it, as “ugly scaffolding” that had to be removed when it came to operating a fully functioning Assembly in the future. Do you think we will ever see momentum towards a normalised democratic institution where, instead of having enforced coalition, we have coalition by agreement? Do you see that on the horizon, or do you think that that is potentially another generation away?

Julian Smith: You are certainly right that not having a voluntary coalition and having enforced coalitions or whatever creates incredibly tricky situations when you try to negotiate this deal, and it puts in place some very difficult incentives. At the moment we have seen a number of changes in the institution and the running of the Assembly and the



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Executive through New Decade, New Approach. I am sure things can evolve, but the most important thing is for the parties to work together—I do think that is happening. We need to invest much more money and effort in mentoring new Ministers and young politicians, and old politicians—indeed, all politicians in Northern Ireland—and get across this message that the key reason this deal got done was that voters may have had a view on the constitution, but, above all, they wanted health, education and other public services operating better.

Q10 Ian Paisley: I know that colleagues are going to come to the issue of money, so I will stay away from those questions, which you have raised, but I have one final question I would like to ask you. I hope you can answer this, and I do not want to put you on the spot, but were there any reforms that you thought would have been desirable and that we really should have put in place but you just were unable to negotiate or get over the line in time? Is there anything you think politicians should focus their mind on to get in place urgently so that we can really secure these institutions for generations?

Julian Smith: In the paper, in terms of the UK Government commitments, we referred to a number of conditions regarding the money that the UK Government were providing in the support package—the financial package—after the institution was re-established. Those conditions were on the reform of infrastructure; the reform of the planning system; and the investment in how you get the health service more efficient after the Bengoa report and how you get education working better for all young people in Northern Ireland. Those things have to be owned by the Executive; it cannot just be the UK Government saying, “We want these.” If the Executive can own those and think about an equivalent of the Office for Budget Responsibility—the fiscal council, the fiscal commission—if those things can happen, that would be a real boost to how governance happens in Northern Ireland. We all know that we went for three years with a key part of the United Kingdom ungoverned—we had the civil service, unable to make decisions—and I think these reforms are critical.

Q11 Ian Paisley: Your final answer prompts me to ask: if things were to go to an undesirable position again, where the institutions collapsed, do you not think it would be incumbent on a British Government at that point to step in and do their duty, and to restore direct rule?

Julian Smith: Clearly, when we were getting into December last year, we were going through Brexit and we were dealing with all sorts of issues, particularly around health, where I was, as Secretary of State, being asked to intervene, I think we were getting to the end of the road in terms of a responsible approach to governance. But, quite rightly, the previous Minister—*[Inaudible.]* And the Belfast agreement was preserved as much as possible. My personal view is that it is very difficult through direct rule to deliver the Good Friday agreement, and there is a huge amount of power in power sharing. To give that back to London would be a real loss for Northern Ireland, and I really hope, and I truly believe, that power

sharing will continue and that the leading politicians do understand the consequences of failure.

Ian Paisley: Thank you.

Chair: Mr Farry, you wish to come in.

Q12 **Stephen Farry:** Thanks, Chair. Good morning, Julian, Lillah and Jonathan. I suppose I should declare an interest, as a participant in the negotiations and a recipient of a lot of arm-twisting at various points. Most of the discussion so far has been on the internal dynamics around trust and some of the domestic issues in Northern Ireland that drove things forward. The sustainability issue has also been focused on—those internal dynamics. May I ask Julian to reflect on the importance of the partnership with the Irish Government and the wider architecture of the Good Friday agreement? He did mention the dreaded word “Brexit”. To what extent does he think that Brexit, the complications around that and the different forces pulling people in different directions held up progress? To what extent does he think the ongoing controversies around Brexit may create some difficulties, both for the internal dynamics in Northern Ireland and the wider UK-Ireland relationship, which is so important? A nice easy one there!

Julian Smith: First, thank you, Stephen, for all the work you did to get this deal done. The Alliance played a very important role in making all parties think about the petition of concern, how that had been abused by all parties and how it could be reformed. There are some key changes in this agreement to the use of the petition of concern, which are largely down to the Alliance party, the SDLP and the UUP. The Irish Government played an important role through the offices of Simon Coveney and the Taoiseach in doing this deal.

You are right, Stephen, that Brexit did not help. The fact that it did not help was not to do with whether you were for or against it—it just caused a very great turbulence. Obviously, I, as Government Chief Whip, saw that at Westminster, but it also was very apparent in Northern Ireland. The biggest consequence from my point of view was that, again, relationships had become very frayed. I invested a lot of time in that relationship with Dublin, and I think that was helpful for the consummation of the deal in Manchester between the Prime Minister and the Taoiseach.

Brexit will continue to pose challenges. However, I think that everybody accepts now that it is happening, and that is helpful. All I would urge is that we do not get into a stand-off and that we continue to have conversations. It is in the EU’s interests and in Ireland’s interests that an agreement is found. Those relationships that we have developed can be very, very helpful to providing a practical solution to many of these issues. All the Northern Ireland parties have already played a key role in coming together to represent the needs of business and to bring together thinking on this, and I would encourage that to continue.

Chair: Stephen, is there anything else you wanted to come in on on that?



Stephen Farry: No. Thank you very much.

Q13 **Chair:** Julian, in answer to Mr Stewart's question, you referenced the dynamic effect that the December election had had on the process of restoration. Can I just ask you to reflect on two things? First, what is your assessment of the impact of the election in the Republic on the stability of Stormont—I suppose that we would have to caveat that with, "in a post-covid environment"—and on the general stability and the politics of the island of Ireland? Secondly, what is your assessment/fear of the impact on the long-term viability of Stormont in a no-deal Brexit delivery?

Julian Smith: In terms of the Irish election, clearly, Sinn Féin has done exceptionally well there. Whether or not they can—*[Inaudible]*—is currently a discussion that is taking place. I do think that Sinn Féin now being a power in the north, a key player in the Republic and the only British political party with MEPs does mean that the dynamic there has changed. I urge Sinn Féin to continue what it is doing at the moment, which is to invest and commit to the Good Friday agreement, in which it played a key part 22 years ago. That, as I have said, is the only real, workable, position in Northern Ireland at the current time.

With regard to no deal, I probably blotted my copy book sufficiently when I made the point last year that no deal is not in the interests of Northern Ireland—I do not think it is in the interests of the United Kingdom or of the EU. That comes from having had national security responsibility for Northern Ireland and seeing how, even though there have been huge improvements in security, there are still major challenges, particularly around the border. But it also comes from a strong belief, in my mind, that the relationship with Ireland, for the United Kingdom as a whole—the relationship with the EU—has to evolve as a result of a practical approach to concluding Brexit and that that is in the best interests of everybody.

Q14 **Chair:** I share your analysis. Do you think that Sinn Féin—in terms of all the parties involved with Stormont, one has to think predominantly of Sinn Féin, because it has more skin in the game, given its success in the Republic elections—will be able to resist travelling down a road which at least seeks to trigger a new election for Stormont, and—not linked—will also then try to engineer a second general election in the Republic? Because the prize which sits, probably, within their grasp, as they perceive it, is very tantalising, and I have an anxiety that politics is likely to trump public service delivery and reform. I wondered what you thought of that. Have they resisted the temptation?

Julian Smith: I am probably not the best person to give Sinn Féin advice, but I would say that the demand from voters in Northern Ireland was for delivery of day-to-day public services, and to see their politicians getting on with that. The Good Friday agreement does provide not only a power-sharing opportunity, but also a huge opportunity for north and south, through the bodies that I mentioned earlier. There will be huge opportunities post-covid in climate change, in infrastructure—in a whole range of areas—to work together with Ireland, and I would just urge Sinn



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Féin and others to focus on getting things done practically to demonstrate that there is delivery of public services.

The second point I would make is that, as a result of the covid crisis, there is an argument, that should be carefully considered, for extending the mandate of this Assembly by a year. The elections, currently, are due in less than a couple of years, and I do think it is in everybody's interest that we get all the parties—all the parties that took part in this deal—to work together for a good three years to deliver for the people of Northern Ireland, and then to lay out their stall at the next election.

Chair: Thank you. I think we will turn now to Mr Goodwill—Robert Goodwill.

Q15 Mr Goodwill: Good morning, Julian. I think in Great Britain we often underestimate the challenges of power sharing, and indeed Ian Paisley referred to it as enforced coalition. If we had had that situation in Westminster in December, we would have expected Mr Corbyn and Mr Johnson to form an Administration—something that isn't necessarily going to be very straightforward. So it is hardly surprising there have been a number of breakdowns in the power-sharing arrangements over the years—including situations where direct rule was imposed. Julian, could I ask you—you have already referred to the provision of more time, which is a useful addition in the agreement—how the reforms in the New Decade, New Approach agreement would help if there were another breakdown in power sharing?

Julian Smith: I think that the pressure, as a result of the longer period, to continue to govern once there has been a breakdown, is a major feature. There is the fact that opposition parties can be pathed. We have got the UUP, we have got the SDLP, we have got Alliance in the Executive; they can pull out, now, after two years, to then be in opposition. I think the transparency arrangements, where, after RHI, there are clear new ways of doing things and doing things at an international level, will bring confidence.

But, ultimately, it is about compromise, as you know from your time as a senior Minister. I think it does come down to political interaction. There is a clause within the agreement for a regular party leader meeting over and above the Executive, and that has happened. We have got a board between the UK Government and the Executive, which I would urge to happen, and then there is the fiscal council. I think all these ways of meeting and communicating should help, but they are no guarantee against problems arising.

Q16 Mr Goodwill: You described yourself as a broker, and in this most recent situation, I would add the word "honest" to "broker" in terms of getting the agreement put together. How do you think the reforms will help a future Secretary of State in a position similar to you, where an Assembly election has been held but the parties cannot agree on a power-sharing agreement? Is there a greater role for the Secretary of State, or would that depend on who the Secretary of State was?



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Julian Smith: It is difficult, because it does depend on the nature of the scenario. First, talks and agreements have not always been done by the Secretary of State; as you know, they have been done by Senator Mitchell and by others from the outside as well. For a while, I think, during the time of Karen Bradley and James Brokenshire, there was an argument about whether they wanted, or were considering bringing in, people from the outside as well. I do not think there is a specific need for the Secretary of State to be doing it, but it does allow the Secretary of State—or whoever is trying to bond people together again—time.

I also think the changes that have taken place allow the politicians to be held to account in a stronger way. The transparency arrangements and the special adviser codes do mean that, if they are executed, there is a more credible proposition in terms of how the institution is being run. Jonathan Stephens may have an additional comment.

Sir Jonathan Stephens: No, I agree: time is the main provision. It is important to recognise that, whereas in 2017, under the legislation, there were only two weeks allowed for the formation of a Government, after which the British Government was under an obligation to call an election, under the reforms of New Decade, New Approach there will be an initial period of six weeks, which can extend up to 24 weeks, before that obligation to call another Assembly election is triggered. As you all well know, in a period of six months, an awful lot in politics can change and happen. So no one could trigger a crisis of this sort in the confident expectation of a particular electoral outcome.

Q17 **Mr Goodwill:** In the period up to December 2019, there was no majority in Westminster, and the DUP played a key role in keeping Mrs May's Government, and subsequently Mr Johnson's Government, in power. Do you feel that that slightly asymmetric arrangement, where the DUP could go over the head of the Secretary of State, or have undue influence, made it more difficult to get an agreement in the run-up to the election and that, in fact, the Conservatives getting a big majority at the election helped make sure that both main parties in Northern Ireland were in an equal position?

Julian Smith: I think it is correct that it did clarify minds. There was an interaction there with the C&S, but I do think it was possible to have an agreement. Arlene Foster did want to get back into power even when the C&S was there, but it was either a factor or a perceived factor. I think you are right about the majority, because even though many parties in Northern Ireland may not have agreed with it or were not happy, it did clarify the situation.

Q18 **Ian Paisley:** Julian, I would like to follow up a comment you made. You will be aware of the political maxim, "A house divided against itself cannot stand," and when one of the key parties in the Government—the majority nationalist party—which is also the majority party in the Republic of Ireland, has an all-Ireland agenda, which is very different from a Northern Ireland first agenda, ultimately that tension is disruptive and potentially ruinous to the Assembly ever taking root and functioning normally, as we



would expect and desire. Do you not agree?

Julian Smith: The points you made are also strongly made by the MLA Jim Allister, but he is participating actively in the Assembly and coming up with ideas and helping to scrutinise the Executive. Our major challenge is one of focusing minds on the Good Friday/Belfast agreement and on power sharing, rather than on a broader constitutional issue. It has helped that the SDLP, the Alliance and the UUP are part of the deal. I felt very strongly that we wanted all five parties to be involved. I would bring people back to the Good Friday/Belfast agreement and its declaration of support, which recalibrates what was happening prior to the Good Friday agreement in terms of violence, and which refers to the reaffirmation of a number of commitments, including working together with parties that disagree on a constitutional basis. All parties have to keep saying that the landing zone is the Good Friday agreement.

Q19 **Ian Paisley:** Yes, but wasn't Sinn Féin's victory in the Republic of Ireland a complete shockwave to the body politic in Ireland and in the UK? For years, all we had ever heard was, "Oh, Sinn Féin—they won't even do enough to be the official Opposition." The fact of the matter is that the people on the ground in the Republic of Ireland took a very different view about Sinn Féin to that taken by their political pundits and even other politicians.

Julian Smith: My strong view is that the best way to provide an argument that the Good Friday agreement is the landing zone is if the unaligned voters—voters in the middle—are persuaded that governance is good and devolution is working. Although you have commented on rhetoric and approaches in public and whatever, I guess what I did see when I was Secretary of State was many Sinn Féin politicians working with the DUP and others, and actually working with the British Government. It is going to be imperfect, but power sharing is a stunning and unique situation, and, in a way, we should be celebrating it and continuing to make the case urgently that—in my strong view—there is not an alternative.

Q20 **Scott Benton:** Good morning, Julian. May I ask why the funding agreements on public services in the agreement were conditional on political parties in Northern Ireland accepting the deal?

Julian Smith: The budget for the year to—*[Inaudible]*—was agreed in Westminster. The talks package was very much a package to come once the parties had agreed, and I guess was an attempt to provide an incentive and support to the new Executive. If the Executive had not got up and running, there would have been the annual budget from the UK and the block grant, and that would have to have been discussed in the usual way, but this was an additional £1 billion of new money—£1 billion of what is called Barnett funding—to provide an incentive, although we did not discuss the details of that until after the parties had committed.

Q21 **Scott Benton:** Annex A of the agreement clearly states that the "financial package will be withdrawn if the institutions" fail once again. Two broader themes relate to this. First, obviously Northern Ireland has some of the more deprived communities in the UK. Do you think it is morally justifiable



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to put the additional funding at risk if the institutions were to fail, given the impact that would have on public service delivery in Northern Ireland? The second question is, do politicians in the institutions and political parties in Northern Ireland seriously think it is a credible threat that the British Government would remove this additional funding were the institutions to fail once again?

Julian Smith: The most important point is that this was additional funding to support a talks process. Clearly, if there was a failure of the talks, and we reverted back to, essentially, budgets being agreed between the Northern Ireland civil service and Westminster Government, there would have to be discussions around how that was applied, as there were in the three years when the Executive was in abeyance. I think it would also be wrong to say that all this money will be there, although maybe there will be parts of it there in that scenario.

Almost more importantly, the point I was trying to make to parties about this £2 billion package was that the UK Government would then give, and it has given, additional funds in the March Budget and, tragically, as a result of covid. However, the key point for the parties was: "Please prioritise your programme of government and work together to try to granularise what in the document you would prioritise in year one." They are starting to do that. They produced a Budget this week, which is very positive on things like infrastructure and other issues.

I think that the UK Government always stood ready, if a proposition was made, to look at how they could support it. I think there is a huge hunger—there was when I was Secretary of State—from the Prime Minister and from Government Ministers to support the priorities of the new Executive.

Claire Hanna: Hi, Julian. How are you? I suppose it is not that often on this Committee that Ian Paisley, Bob Stewart and I are in one voice, but I think it is fair to say that you—

Chair: Shall we just pause and make sure that *Hansard* has taken a note of that? I think that is incredibly important.

Q22 **Claire Hanna:** Yes, put a placard up.

You are right to say that the electorate were ready for an agreement and a deal well in advance of the larger parties, but I think that the leadership you and Simon Coveney showed on that was pivotal, and it was very much appreciated. The fact that there is no alternative to partnership, compromise and power sharing became clear, and you were right to make that point so relentlessly. It is fair to say that you have been very well regarded across the community, which is a credit to you.

Following on from some of Scott's comments about the finances for the new Executive, I want to understand a bit more the thinking behind the strategy of keeping that figure a little blurry in negotiations with the parties, notwithstanding, as you say, the need to prioritise and to work within the Executive to come up with a programme. What was your



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thinking behind not being clear with the funding commitments? Do you think that might have potentially undermined trust a little, after the deal was made?

Julian Smith: Thank you for your comments, Claire. I was very sorry to hear about the death of John. I also pay tribute to Seamus Mallon, who died just after this agreement. I attended his funeral. His thinking on a shared home place, and what the Good Friday agreement meant, was extremely helpful, in terms of the things I read when I was doing this job.

In terms of the finances, you are right that we did not talk in detail about the finances before the agreement took place. We did talk—as you know, your party made very strong representations for the Magee Medical School, which was delivered, and other initiatives. Essentially, because the main parties were struggling to trust one another to hold side-to-side bilateral negotiations, I, Simon Coveney and my officials and team were essentially involved in a bounce—trying to bounce people into agreeing. We had spent a lot of time trying to come up with a text that would be acceptable. On the 9th, we went out there and put it on the table and encouraged people to accept it.

On the financial package, if we had come up with a financial package in detail before the parties had committed, I think voters would have been very unhappy. Essentially, what I was saying was, “This is an up-front payment. There will be more to come, but there is a lot more work, when you get into the Executive, to work together and talk about whether you are going to prioritise education and health over infrastructure or other priorities.”

What I was looking for was the communication, which had not been happening in the run-up to the closure of the deal, to happen very intensively after it happened to really hone those priorities. I think that is happening. The budget this week, from what I have read about it and reading it through, looks very positive.

Q23 Claire Hanna: We perceived it as a bounce, so it is quite amusing to hear you describe it as one, albeit it was a successful one. I think it did bring the parties to the same place as the smaller parties and the electorate.

Bearing in mind the impact that covid-19 will have on public finances everywhere, and reflecting on the comments you made around the ethics of using Government funding as leverage, do you think there will be a requirement to reinforce the funding for the commitments in the New Decade, New Approach deal to ensure that the covid response does not suck away all those funds and undermine the longer-term economic reorganisation?

Do you have any thoughts as well on potential future fiscal devolution and the opportunity for the Executive to leverage borrowing powers or other forms of potentially taxing and spending powers to restore a link between good governance and good outcomes? At the moment, there is no penalty paid for poor decisions by the Executive if the funding allocation is



dependant only on their relationship with London.

Julian Smith: I think that is right. In the first few days of the new Executive, every revenue-raising opportunity seemed to be ruled out within 48 hours. There are opportunities to raise revenue. I found it very concerning that the sewerage system was coming up as such a key issue for businesses, hotels and so on. One way of resolving that and getting loans for Northern Ireland Water is to start charging some form of water rate. It is inevitable that to be a full success, some sort of revenue-raising will have to happen.

In terms of future funding, obviously, with respect, I want to be very careful not to encroach on my successor's or the Government's responsibilities. I do think, however, that as long as there is an understanding that Whitehall and the Government have to be fair to Scotland, Wales, English voters and Northern Ireland, if there is a prioritisation of need, and if there is reform happening—that is, that every pound spent gets significantly more—I think the Chancellor and the Prime Minister are incredibly supportive of making the Executive work.

Chair: Claire, do you want to come back on anything?

Claire Hanna: No, but I might in a while if we discuss a bit more about the public sector reforms.

Q24 **Ian Paisley:** Just before you left office, Julian, as you know, there was a lot of lobbying going on for Northern Ireland to be able to host big events and to encourage Northern Ireland to be like a shop window to promote the country. One of those things was the world rally. Apparently you were right on the cusp of granting support for that. Do you think the new Executive should have that can-do attitude to promoting and delivering big events so that Northern Ireland is seen as a place for tourists to come back to whenever we get out of covid-19, and as a place where it is really fun to be?

Julian Smith: I think Northern Ireland is an incredibly attractive destination for tourists. It has demonstrated its ability to run major events in golf and other areas. I would encourage people to continue to go for these landmark events. I think there are things that can be done alongside that as well, in terms of attracting people to the whole island of Ireland. Obviously, after this crisis, we need to do everything we can to keep Northern Ireland open. That is why I welcomed the decision to keep each of the three airports open. We need to drive demand in order to attract visitors again.

Ian Paisley: Thank you.

Q25 **Chair:** We are halfway through our questioning. Just before I come to you, Karin Smyth, I just wanted to ask Lilah Howson-Smith this. Spads are often the power behind the throne, as it were. I know Julian won't mind me talking in that way. Could I ask for your assessment of two things? First, as a former special adviser, do you think the proposed new rules and modus operandi for Spads in Stormont will work and do the trick? Would



you also make a general observation or two with regard to your assessment, as someone present at the talks and at the crunch moments, about the commitment and sincerity of the parties seeing the New Decade document through, and to addressing that gaping chasm of public service delivery, which triggered the electorate to say, “Stop just talking about it. Get on and do it”?

Lilah Howson-Smith: On the matter of Spads, I think the transparency arrangements are really important, in as much as they acknowledge the role and necessarily public scrutiny around special advisers’ behaviour following RHI. I also think that, in that scrutiny, we shouldn’t underplay Spads’ roles, especially in the two main parties, in easing the wheels of those relationships and enabling difficult decisions and compromises to be made. It shouldn’t be seen as a critical measure; it should just be seen as a measure to improve transparency.

On the commitment of individual parties and party leaders to the talks process, what we really saw, particularly towards the end—in the final few days—was a real commitment. All party leaders experience difficulty, in terms of carrying their party with them. In all political parties, there is rarely unanimity of view on whether it is worth taking the risk or accepting things in the deal that might not be palatable to all their supporters. Ultimately, it came down to those political leaders trusting one another and believing that the delivery of public services and the reforms laid out in the deal was more important than the compromises that they would have to make and the effort to which would have to go to bring their party members, MLAs and MPs with them. They had to take that leap of faith.

Ultimately, it was for Julian and the Tánaiste to bring forth that agreement, but it was for them to agree to it and commit to those reforms. There was only so much hand-holding that could be done. Ultimately, they had to make the leap, and I think they did.

Q26 **Chair:** Can I ask you very briefly for your assessment of the Spads now working in Stormont? Very often, special advisers are seen as the keepers of the flame—the Delphic oracles or whatever—making sure their political masters are kept on the straight and narrow. You have spoken, as have Julian and Jonathan, about the spirit of compromise and give-and-take, which manifested itself among the politicians. Is that same spirit alive and well in the cadre of special advisers passing up advice and guidance to their political bosses? If one is in one step and one is out of step, that could lead to some problems further down the line, couldn’t it?

Lilah Howson-Smith: I can obviously speak only for the special advisers of the parties that I met while I was a special adviser. Actually, they have a real role to play—I did see this—in saying to the Ministers or leaders whom they are supporting that these compromises are worth making, perhaps having taken more nuanced assessments of the need for compromise. I saw that a lot. I don’t think they are acting at all counter to the intentions. I often think that, because they might take a longer-term view of the party’s electoral success or of where the party is able to deliver in terms of public priorities, they can be really helpful in driving



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fundamental reforms and policies decisions—for example, around nurses’ pay or infrastructure projects. Often they have an ability to maybe see the longer-term view, partly because, historically, they have not been under the same media or communications pressure that the politicians have been.

Chair: Thank you very much. That was helpful.

Q27 **Karin Smyth:** Julian, it’s nice to see you. As part of the shadow ministerial team, I put on record my and Tony Lloyd’s appreciation for the way that you dealt with us as the official Opposition—in terms of your candour and approach—as did Karen Bradley. It is really important for politics and sometimes gets forgotten in the outside world. Can I bring you back to public service reform as part of the deal? You said earlier that part of the money was conditional on infrastructure planning, health service and education-for-all reform, and on a need for that to be owned by the Executive. What in the deal did you envisage would help with that—for them to own that and come back with regards to the money?

Julian Smith: Thank you for your comments. Can I just say how pleased I was to hear Tony Lloyd’s voice? I am so sorry that he went through such a tough time with covid. I am grateful to him, you and the shadow NI team for the approach you took during what was a difficult time, both with Brexit and with these negotiations. The conditions that were put on the financial package looked at reform of the health service, reform of education and a number of reforms around how budgets would be looked at going forward. There was a degree of prescription—I think we talked about different groups that could be set up—but how that happens has to be owned by the Executive. On infrastructure, for example, there is a National Infrastructure Commission in GB. Could there be a subset of that group to help in Northern Ireland? Could there be part of the OBR helping on the budget commission and the like? In health, the comments that we put in this agreement around reform of the health service envisaged that there might be some ongoing analysis of where the health service is at and how it could go through further reform following the Bengoa report. We tried to say that, for the new money the Government put on the table, we wanted this to happen, but hopefully we are not too prescriptive. It is vital that that does come from the Executive.

Q28 **Karin Smyth:** Taking Scott’s point that there are some of the greatest levels of deprivation, we know that, following the troubles of 40 years, mental health services face enormous strain, as does the education service’s established infrastructure. We know that these are some of the highest needs of the United Kingdom. As English MPs, we are sometimes shocked about some of the reforms that have not happened, often because of the situation over the past 20 years or so. We need a balance between not being too prescriptive and ensuring taxpayers’ money is well spent and the reforms do follow. I know you do not want to give advice to your successor, but what are your observations about that balance between ownership by the Executive and delivering on those reforms?



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Julian Smith: In social policy over the past year—the Labour party was very supportive of this—there have been huge strides in terms of social reform in Northern Ireland. That has helped, even though there are very strong views on the issue of abortion. Same-sex marriage was put in place in February and I think that movement has helped.

The difficulty for the UK Government is that under the devolution settlement and the rules of Barnett it is difficult to enforce conditions around this money beyond the new money that was there. But I think it is in the Executive's interest to work with the UK Government, because, logically, if the Treasury can show that this money is being better spent, is more efficient and reforms are happening in education and housing—areas such as mental health and youth suicide are major issues in Northern Ireland—then the Treasury will respond positively. It is in the gift of the Executive to respond to these conditions and to work closely with the Government going forward.

I would also urge the UK Government to work—as they are—actively with the Executive. I think the rules around devolution and reserved matters should not mean that there is not an active involvement and encouragement. The areas that you mentioned are vital. As you said, if you take parts of Derry/Londonderry, other parts of the north-west and other parts of Belfast—other parts of Northern Ireland—there is very worrying health inequality. I am sure Northern Ireland will be included in the Government's and the Prime Minister's commitment to levelling up.

Q29 Caroline Ansell: Thank you to Julian, Lilah and Sir Jonathan for your time today. The insight you have provided is incredibly helpful for really understanding this pivotal moment in political history there.

We have talked a great deal about relationships and trust. I want to focus on some of the mechanics around change, and first, the petitions of concern. To what extent do you think changes made to that will build resilience in reducing this as a point of contention between the parties of the new Executive? Julian, what are your thoughts on that?

Julian Smith: First of all, Caroline, it is lovely to see you back in Parliament. I hope you have a second and longer phase of parliamentary life.

The petitions of concern debate was particularly intense in the run-up to talks, and talks stalled as a result of debate around the petitions of concern. Reforms that were stimulated largely by the Alliance party, the SDLP and the UUP focused on moving up the number of MLAs that were required to sign a petition of concern. We did that through some voluntary commitments from the First Minister and then removing the Speaker and Deputy Speaker from being able to sign a petition of concern.

We also made the provision that there would be a six-monthly report by the UK Government on the use of the petition of concern. I think that those reforms will be helpful. There was a series of others—Sir Jonathan can talk about them in more detail—which really focused on private



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Members' Bills and other Bills, and really restricting where it could be used. It did become a big topic of debate; there were some parties that did not want the reform to go further, but I think all parties were committed to ensuring that it worked in a better way and was not abused. That goes back to the fact that, ultimately, the success of this deal and the continuation of the Assembly comes back to that first section of the Good Friday agreement—*[Inaudible.]* Now that issues such as abortion and same-sex marriage are off the table, it will be easier for the parties to respect that.

Q30 **Caroline Ansell:** Thank you. You said that Sir Jonathan might have a word to say on that; Sir Jonathan, your thoughts on those changes in the mechanics?

Sir Jonathan Stephens: Yes, just to add that there was concern that the petition of concern had been abused in a number of cases, so there was agreement among the parties that it should not be used, for example, in the case of standards motions or private Member's Bills and that it should only be capable of being used after the Second Reading stage of public Bills. All that reduced the occasions when a petition of concern could be used.

Chair: Caroline, is there anything else you want to come back on?

Caroline Ansell: Not within the context of the petition of concern, but I was going to ask a further question about the official Opposition. May I do that now, Chair?

Chair: Yes, let's take that question now, while you have the floor with the microphone. Good idea.

Q31 **Caroline Ansell:** Thank you very much. Again, relating to those changes, how will the changes to the official Opposition instalment help to improve the scrutiny of the Executive?

Julian Smith: There is certainly a challenge in the fact that I, as the negotiator with the Tánaiste, wanted all parties to the agreement—*[Inaudible]*—independent MPs, the Green Party and others, to hold the Executive to account, or Back-Bench MLAs. I think that is—*[Inaudible.]* Where we are at the moment, it is vital that all parties are engaged and I think the way things are working through is that Back-Bench MLAs are able to still challenge their own parties, but it is a unique situation.

The changes in the document and in the agreement allow opposition parties to make the commitment that they made for up to two years, and then still come out of the Executive and move back into opposition. The idea there was that there would be a longer period where they could stay engaged. We also committed to a review of funding of opposition parties, and it is important that that happens, so that those smaller parties—SDLP, Alliance, UUP—can get the funds to compete on a level playing field.

It is important that those reforms take place, but, again, this power-sharing arrangement is so unique that at the moment all parties are



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involved, and that is why you end up with some tensions, because they are governing but also have quite strong differing views, and the usual challenge of a major party in opposition is not there.

Caroline Ansell: Thank you very much.

Chair: Thank you very much. Stephen Farry next, please.

Stephen Farry: May I check, am I on question 12?

Chair: You are on questions 8 and 9.

Q32 **Stephen Farry:** Yes. Apologies; I had to drop out there for an urgent call, so thank you, Chair, for your flexibility. May I come back and ask some questions about the public spending context? First of all, could we have a word about the background to the fiscal council? Jonathan, as it has been mooted in various previous iterations of talks agreements, you might wish to reflect on how you see it working and the challenges it may potentially face.

Julian Smith: You are right. This came up in the Fresh Start agreement and was not delivered on, but I think it is part of an international standard of how you govern. We have the Office for Budget Responsibility looking at the Treasury's finances, and I guess what we were looking for here—in return for both the up-front payment and continued additional funds due to the unique circumstances of Northern Ireland—was to really put in place something equivalent to the OBR. Again, I think that it is important that the Executive tries to shape that in the way that it sees fit—for example, can you use a subset of the OBR, is it a commission or a council, who is on it, and so on? I do think the Treasury will want something here, and it is in the interests of this Executive and future Executives to have an independent view of their budgeting processes.

Q33 **Stephen Farry:** Grand. Sir Jonathan, do you wish to comment further on the antecedents of this? I think it goes back to Fresh Start and Stormont House.

Sir Jonathan Stephens: Yes, in both of which financial commitments, financial reform and public service reform were big issues. We were then very much trying to build on the perceived success of the independence of the OBR in the UK context, and the fundamental purpose of the fiscal council is to provide an assessment of the sustainability of the Executive's finances, plans and budgets going forward. In that sense, I see it as enabling the Executive to take what at times may be difficult and unpopular decisions in order to ensure that its finances are sustainable for the future and that necessary reforms are put in place.

Q34 **Stephen Farry:** I certainly appreciate that there has been a lot of frustration for a number of years that a lot of inefficiencies in Northern Ireland have not been properly addressed. Particularly if we are to make bids for additional resources, we need to have that clear demonstration of the reform process. In that regard, may I ask two follow-up questions? The first is on managing the perception of this being a breach of the norms

around devolution versus being something to enable devolution to succeed. How can that fine distinction be carefully navigated?

Secondly—perhaps this is a more topical point—a lot of the assumptions that were made around Northern Ireland’s finances back in January have obviously been blown very far off course now, due to the natural need for all the Governments in the UK to respond to the covid-19 situation. To what extent can the UK Government-Executive board and the fiscal council be adapted to help the Northern Ireland Executive to manage what is now going to be a much more difficult situation around finance in the short to medium term?

Julian Smith: On the issue of devolution in Northern Ireland versus devolution elsewhere in the UK and the interaction, we are 22 years from the Good Friday agreement, but in my lifetime and, I think, in the lifetime of most Committee Members, we have seen a world where Northern Ireland was in a very, very difficult place. I do not see any circumstance in the coming years where there will not be particular additional help for Northern Ireland to encourage—*[Inaudible.]*

Chair: May I just interrupt you a moment? Julian, your signal seems to be dropping off. I certainly did not catch the last bit of your answer. Could you just repeat it?

Julian Smith: Yes, sorry. I was saying that there will always be, for the foreseeable future, a unique aspect of the Northern Ireland devolution settlement. It is difficult, as I said earlier, to envisage a circumstance where there is not ongoing additional support for the unique circumstances in Northern Ireland, but the implication of Stephen’s question is right: we need to keep reform going and keep that agenda going. The economy is also a very good size to be innovative and to help come up with new ideas on how to deliver public services.

On covid, I think that the fiscal council/commission and all these other initiatives will have to be built in around that. There is clearly going to be continued commitment to dealing with the challenges of covid, but that does need, in the example of Northern Ireland, to dovetail with all these other areas that were already needing help—health, education, housing, mental health, suicides and so on.

Chair: Thank you. Stephen, is there anything you wish to come back on?

Stephen Farry: No, those are all very useful—thank you.

Q35 **Mr Campbell:** Julian, it is good to see you again. I want to ask you a couple of questions going back to what you said earlier. A session like this runs the risk of a bit of navel-gazing and looking back to the past, but I think that is beneficial if we can learn from the many mistakes that were made. That is applicable whether we are talking about the recent past when you were Secretary of State or even the more distant past—you made several references to the Belfast agreement, and even just before that. If we can learn from mistakes made then, that might help us to formulate a future process.



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It was interesting when you said in one of your earlier responses that an extra year on the current Assembly term might be beneficial. Apart from allowing politicians in the Assembly and leaderships to try to bond a bit more and to try to get more accustomed to one another's nuances and gain confidence, what do you see an extra year offering to the people who want to see delivery through Stormont?

Julian Smith: I think that as a result of covid, many things that would have happened in the Executive in the weeks following the restoration have obviously been delayed. Again, I pay tribute to the fact that they have done the Budget, and there is really good work for your area and other parts of Northern Ireland in that. I think the trust issue and the building of capacity among Northern Ireland leaders are important, but more importantly, the thing that gave me confidence during this period was listening to voters and to what people were saying, and what you and other politicians were hearing in December 2019 at the election—that people wanted services to work and Northern Ireland to be working better. I genuinely think that now we have had this crisis, we need to provide time to get those improvements—the overarching improvements in healthcare, the need to start delivering on the city deals and the infrastructure projects, the need to look at education and the education inequalities that still remain, the housing deficit and many, many more areas. If voters can feel at the end of a decent length of this Assembly that these issues are now on track, that will allow a more meaningful election.

My worry is if constitutional politics starts to overtake that, you will still get voters, whatever their view on the constitution, feeling grievance. I think there was a grievance around the pay of MLAs when the Executive was not up and running, and I genuinely think—although it is not my decision—that giving this Executive and Assembly time would help.

Q36 Mr Campbell: Thanks for that, Julian. I have had people expressing views to me, particularly over covid-19, where the Executive seems to be grappling reasonably well with an exceptionally difficult task that we all face, but there is still this propensity to politicise issues that should be beyond politics. I was just wondering whether you had anything in mind in terms of that possible one-year extension that could try to leapfrog over that? In your view, are we just consigned to trying to grapple with that and gain trust across the divide over a period of time, or is there anything dynamic that you think could help achieve that?

Julian Smith: I think it is just about trying to make the case that there are two different strands. There is a strand of constitutional debate, and there is a strand of governing now and the current agreement—the Belfast agreement, the Good Friday agreement—which, as I said, I think is the only game in town.

Certainly during the Liberal Democrat/Conservative coalition between 2010 and 2015, what we saw was that ways were found to have debate and differences of view while continuing to govern. Lilah Howson-Smith has referred to the use of special advisers and the civil service structures.



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The more that people can be allowed to express an opinion on other matters but knuckle down and focus on the day to day, with structures in place and enough resource for that to happen, the more that will really help. Even though there have been noises off in a variety of areas, the current Executive and all parties—*[Inaudible]*—focusing on the crisis at hand.

Chair: Thank you. Mr Campbell, do you want to come back on anything?

Mr Campbell: No.

Q37 **Chair:** Julian, can I ask about the future plans for the status of the Irish language? Are you hopeful that these issues surrounding heritage and identity can be resolved, and do not become the excuse to walk away that some fear they might be?

Julian Smith: It was certainly a challenge during the negotiations. You will recollect that over a weekend in February 2018, Karen Bradley, my predecessor—I pay tribute to the work she did during that time to reach an agreement—found that there was a reaction, particularly among the Unionist community, to that proposition of the Irish language Act. We spent a lot of time in this deal ensuring that that Act focused on translation and facilitation but was not part of overly promoting the Irish language, to the extent that I think Sinn Féin were criticised by some of their supporters for it not going far enough. The amendment to the Northern Ireland Act that is part of this agreement is, as far as was possible, to get agreement from the Unionist community.

This goes back to something Gregory said. With that now having been part of the agreement, it is vital that it is executed in a way that respects all sides of the community in Northern Ireland and focuses on facilitation, translation and so on. It is also important that the balancing measures in the agreement—an office for diversity and the Ulster British commissioner—get up and running at the same time, and above all, that these do not become distractions from the core tasks of governing day to day. We stripped the funding from both of those Irish language and Ulster British commissioners; that funding is within the diversity commissioner, and obviously the question of funding for these issues is going to be a topic for debate and agreement in the context of money needing to be spent, I assume, on covid and other priorities.

Q38 **Chair:** Ian Paisley wants to come in, but following on from that, there is always a danger when a Secretary of State leaves office before the dust has settled on what they have just miraculously secured. Do you worry that your successor could be played by any of the principal parties involved in Stormont saying, “Well, you know, old Smith, he gave us a nod and a wink on this one. It’s not in the document, but he gave a very clear indication of travel on X, Y or Z”? Are you going to be available to your successor, if those sorts of circumstances arise, to counsel whether that was the case?

Julian Smith: I hope and believe that all aspects of the agreement are in the agreement, and the Prime Minister and the Government as a whole



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signed off on the agreement, so I think those commitments are not individual ones; they are commitments from the UK Government at the highest level. I stand ready, whenever anyone in Northern Ireland wishes my help and assistance, to provide it.

Chair: Thank you. Mr Paisley, you indicated that you wanted to come in with a quick question.

Q39 **Ian Paisley:** Going forward, obviously we now have this carefully calibrated situation, negotiated and agreed, with the Assembly predominantly taking Northern Ireland forward, so I assume that it would be absolute folly for Westminster now to intervene on individual policies that might upset that apple cart? Do you agree?

Julian Smith: I think that the agreement is there, with the bulk of the parties, and there are some commitments from each Government, as you say, but it is now up to the parties to come to the delivery of their parts of the agreement.

Q40 **Ian Paisley:** So when we take an individual issue, like abortion, which is now the sole preserve of the Northern Ireland Assembly, Westminster should reverse well away from interfering in that issue. Do you agree with that?

Julian Smith: On the issue of abortion, there was a free vote in Westminster. The advice that I had, certainly, was that the law was that the UK Government had a responsibility to deliver regulations. I formed many of them, but these were delivered by my successor. Obviously, the implementation of them is the responsibility of the Executive. I do think, though, that the UK Government has a legal duty, as I understand it, to deliver those regulations.

Q41 **Ian Paisley:** Yes, I accept what has happened up to now, but now that the Assembly is back in place, for issues like abortion—there are many other controversial issues, as well as less controversial issues—we should now leave this to the Assembly, and give it space to come to its own conclusions and to deliver what the people in this region of the United Kingdom want.

Julian Smith: My understanding of the legal situation was that the regulations are now the law, and the implementation is the responsibility of the Executive. I would not want to go further in these remarks because, obviously, the responsibilities are no longer mine and are those of my successor.

Ian Paisley: Thank you, Julian.

Q42 **Karin Smyth:** To follow up on that point, as I alluded to in my earlier conversations about responsibility on both sides, this link between the devolved Executive and Westminster is obviously one that we have continued to navigate. On the final point, the duty in the law remains on the abortion services, on the Secretary of State, to comply with the law.



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Julian Smith: It is up to the Executive to deliver the regulations that the UK Government has put in place, and those have been put in place as a result of the vote that took place in the summer of 2019.

Chair: Thank you. Mr Farry, did you want to come in with another question? Then, I will move to Mr Goodwill.

Q43 **Stephen Farry:** On a different question, just before going there, I stress that some of us in Northern Ireland were perfectly happy for Westminster to act on the abortion issue. I want to move on to a different point about the substance of New Decade, which is the point on legacy, which is of course subject to a different inquiry by the Committee. I imagine we would be more than happy to have Julian back for that one, too, I would imagine.

Can I ask Julian to expand on what he intended those words to mean in terms of the document that the Government were going to publish within 100 days? Was that specifically meant to be how Stormont House itself was to be delivered, as opposed to what we now have, which is a slightly or substantially different approach put forward by his successor?

Julian Smith: First of all, the legacy words in the New Decade, New Approach document had been largely there well before my time. They were issues that a number of parties insisted on and which were recapitulated in the final period of this deal. The reference to 100 days was really put in to match the UK Government's commitment in their manifesto to deliver a no vexatious claims Bill in Parliament, in the sense that you had to look at soldiers, victims and survivors.

The reference to Stormont House in my mind was, I guess, to the spirit of Stormont House. I think I am right in saying that many parties, despite what they may say publicly, felt that there would have to be a consultation and discussion and that out of that, and as a result of the consultation the UK Government did, the Bill would come about.

I think that the statement made since does allow for that engagement. I would encourage that to happen. I genuinely think that we have to deliver on the commitments of the UK Government with soldiers, but we do need to deliver to victims and survivors. I hope we can do that in a way that reduces cases as much as possible. I leave that to my successor and for others to take forward.

Chair: Are you happy with that, Stephen?

Stephen Farry: For now, anyway.

Q44 **Mr Goodwill:** I think it is clear from what we have heard today that securing the agreement on New Decade, New Approach and restoring power sharing in Northern Ireland has been a great achievement, and it is down to the hard work put in by the political parties and the communities in Northern Ireland—and, indeed, people like Sir Jonathan and Lillah, who have been working hard both behind the scenes and front of shop to do that.



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From the evidence we have heard today, your role in securing this, Julian, as the broker, has been a great achievement. I don't think there would be any dissent on this Committee if we described you as the most successful Secretary of State for Northern Ireland since Marjorie Mowlam. So my question is: why do you think the Prime Minister relieved you of your duties, given that great achievement?

Julian Smith: I think that could be described as a curveball from my North Yorkshire colleague, but I thank him for his comments—

Chair: Julian, I would describe it as the “Columbo” question.

Julian Smith: I thank him for his comments. Look, the Prime Minister gave me the opportunity to serve the people of Northern Ireland and to do this deal. The opportunity to do this deal was an incredible honour. I think also that the Prime Minister does have the right to choose his Cabinet. I am extremely grateful for the opportunity to have done this deal. As I said, I stand ready to help both the Government and the people of Northern Ireland, and this Committee, in any way I can to support this critical part of the United Kingdom. There are no bad feelings—no hard feelings from me.

Mr Goodwill: Great. Thank you. I really appreciate the work that you put in, and I think the Committee would all agree.

Chair: Julian, I am tempted to say that your last answer was more in the style of a former Chief Whip than a Secretary of State for Northern Ireland, but can I echo what Robert and others have said? I think your tenure was cut prematurely short. It would have been much better to have had you in post finishing this important work.

Albeit in the short time I have been chairing this Committee—since last summer, really—I have been struck, across party, both in Westminster and across Northern Ireland, and in conversations I have had with the third sector, the voluntary sector, local government and others, by the very high regard in which you, and indeed your team, were held, and by the very fast bonds of affection that were clearly struck between you and Northern Ireland and between Northern Ireland and you.

If the history books do not record your role in securing the resurrection of Stormont as fulsomely as they should—and I believe that they will—then this Committee is certainly hugely grateful to you for ending the governance anomaly that had too long plagued the people of Northern Ireland.

Can I thank you, Julian, Sir Jonathan and Lilah Howson-Smith for joining us this morning? I think it was very important for us to hear from the authors, the architects—the thoughts of those who were in doing the spade work right from the start. I am hugely encouraged, if I may say so, to hear that you will be a resource of counsel, advice, guidance—call it what you will—both to this Committee in Westminster and to Northern Ireland, as we move forward to hopefully even more fertile fields of peace,



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growth, economic prosperity and social harmony.

Can I also thank, of course, our Clerks and, particularly in these peculiar times, the technical team for making this Select Committee meeting possible? Colleagues, I thank you for joining us and I thank the witnesses again, on behalf of the Committee, for joining us. On that note, I close the meeting.