

Northern Ireland Affairs Committee

Oral evidence: [The Work of the Secretary of State for Northern Ireland](#), HC 397

Wednesday 14 September 2016

Ordered by the House of Commons to be published on 14 September 2016.

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Members present: Mr Laurence Robertson (Chair); Mr Stephen Hepburn; Lady Hermon; Kate Hoey; Jack Lopresti; Dr Alasdair McDonnell; Nigel Mills; Ian Paisley; and Gavin Robinson

Questions 1 - 70

Witnesses

I: Rt Hon James Brokenshire MP, Secretary of State for Northern Ireland; and Sir Jonathan Stephens KCB, Permanent Secretary, Northern Ireland Office.

Examination of Witnesses

Rt Hon James Brokenshire MP and Sir Jonathan Stephens KCB.

Q1 Chair: Secretary of State, you are very welcome, and can I congratulate you on being appointed to this role? I am sure you will find it very interesting and very challenging at times. We look forward to working with you, so congratulations on that. Just before we start, can I also congratulate our former member, Oliver Colvile, who was a very good member of this Committee; it was a pleasure to work with Oliver, but I am sure you will find him to be equally as helpful and knowledgeable as we did. Thank you Oliver for all of your work on this Committee. I will also congratulate Lord Caine on his elevation. Jonathan and I have known each other a long time, having worked on Northern Ireland issues for many years, so congratulations. Secretary of State, would you like to make a brief opening statement and perhaps introduce your colleague as well?

James Brokenshire: Yes. Can I thank you, Mr Robertson, for your kind words of introduction? I feel very honoured and privileged to hold the role of Secretary of State for Northern Ireland. I would also like, in doing so, to pay tribute to the work of my predecessor, Theresa Villiers, who worked tremendously hard. She made a significant contribution to political life in Northern Ireland and worked tirelessly for the people of Northern Ireland. As a result of her success in negotiating the Stormont House and fresh start agreements, Northern Ireland is a stronger place and politics will be more stable for many years. It is important to put that on the record at the outset.

My priorities in coming in as the new Secretary of State are clearly to maintain political stability, to promote economic prosperity and to ensure that people are kept safe and secure. Those three elements are really key in terms of how we look, through the months and years ahead, in a very positive way, to what Northern Ireland can be and what it will be. I very much appreciated the opportunity over the summer months to get round and meet as many people as I could; to see what a beautiful place Northern Ireland is and how it is attracting tourism in increasing numbers; and to listen to people's hopes, ambitions and aspirations, as well as, yes, some of their concerns and anxieties, and how we can work together to create a strong, prosperous Northern Ireland.

Within that, my priorities stemming from it include how we move forward on the issues of the past around the Stormont House legacy bodies; how we absolutely ensure we have a successful outcome for Northern Ireland as the United Kingdom looks to a future outside of the European Union; and how I see myself as playing an important and key role in advocating for Northern Ireland, within government and outside, to underline that it remains a great place to work, to do business and to come to. That was certainly a message that I gave loudly and clearly when I went to



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Washington last week, to really emphasise that Northern Ireland remains open for business and that we want to see continued foreign direct investment and businesses being established.

There is a big agenda there, as well as on confronting and combating paramilitarism, which continues to cause so much division and fear within so many communities, and all the crime that is linked to it. We must make continued progress there, which is why I was in Dublin yesterday, to sign the treaty establishing the new commission to support and galvanise activity on that front. Yes, there is a full and busy agenda, but it is one that I am very much looking forward to, and I will be working across communities as well, to ensure we fulfil that shared ambition of seeing a strong, vibrant, positive Northern Ireland into the future.

Q2 Chair: Thank you very much. Sir Jonathan, you are very welcome; it is good to see you here again. Thank you for coming. Thank you, Secretary of State. I wonder if we could start on the real big issue, I suppose, Brexit, which I will ask one or two questions on and maybe bring colleagues in as well, before we move on to other issues. It seems to me that there is agreement between the United Kingdom and the Republic of Ireland that the border should remain a soft border. What are the prospects of that happening, in terms of people and in terms of goods? What are the challenges and what are the prospects with regards to that?

James Brokenshire: I remain positive that we can achieve that clear goal of not seeing a return to the borders of the past, for all the reasons that members of this Committee will be very clear on. You will know just how important is the way in which goods, services and people, not only for work but to live their lives, cross between Northern Ireland and the Republic of Ireland every single day of the week is. We have had some very positive initial discussions and engagement with the Irish Government. They absolutely share that intention.

The work ahead will look at how we can establish and work with them around the common travel area, seeing that very much as the external border, and how data and systems will be important in that, but, equally, recognising how technology is progressing. It is also important to recognise that a number of EU member states have already said that they acknowledge the very special circumstances that exist on the island of Ireland. The arrangements in respect of the border are very much up there in terms of those issues.

Therefore, I go into this in a confident way, knowing that there is a shared ambition with the Irish Government. This absolutely is one of my key priorities in advocating for Northern Ireland within that approach, clearly working with the Executive, who have a very important role to play and share that clear ambition too.

Q3 Chair: Do you feel that the Prime Minister does as well?



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James Brokenshire: Yes. The Prime Minister, in her meeting with the Taoiseach, and indeed on her visit to Belfast, was equally clear in saying that she does not want to see a return to the borders of the past. This was, again, the message that David Davis sent when he was in Belfast and on his subsequent visit to Dublin. Equally, it is important to recognise that David Davis's first official visit as Secretary of State for Exiting the EU was to Belfast and his second visit was to Dublin. That underlines the focus and commitment that we are giving as a Government to get the right solutions and ensure that we achieve the best outcome for Northern Ireland within this.

Q4 **Chair:** One of the arguments during the Brexit campaign was that we need to secure our own borders. How do we do that if we have a land border with what will be a European Union country? How do we actually make sure that we do secure the border? I mean from people who are dangerous, not from tourists.

James Brokenshire: As you will know, in my previous role as Immigration Minister, where I had responsibility for borders and border security, this was very much one of the things that I was working on and dealing with at that point in time: how we strengthen the common travel area and how we work in very close co-ordination and co-operation with the Irish Government. The relationship there is as strong as it has ever been; that is an important fact to recognise. How you use data, how you work together and how in the UK we have strengthened a number of our border systems to be able to share information in a smart way, to identify people as they cross the border, are very relevant themes as we now look to the future and to strengthening the common travel area.

We recognise that there are the challenges of international terrorism, with people wanting to travel to commit acts of violence and create fear. Therefore, we need to continue to work smartly around that. As a Government, while, yes, the public have voted to leave the European Union, that does not mean that, as a country or a Government, we want to walk away from the very strong relationships that have been forged with so many countries. We recognise that close co-operation is needed if we are to maintain our security, and indeed the security of other countries too.

Chair: Are there any other questions on the border?

Q5 **Ian Paisley:** It is really on the Brexit issue. I should say congratulations on your appointment, Secretary of State, and you are very welcome to the role. I hope that the perceptive among us who look at today's proceedings recognise that, probably for the first time in a very long time, security considerations are not our number one priority. Just pinch yourself for a moment and recognise that. Normally this Committee recognises the security issues we have to deal with because of a threat, and things are slowly but surely changing for the better. That is a very positive note, and I hope it reflects that your tenure in office will be a positive tenure.



Turning to the issue, we have seen tourism burgeoning in the last few months, since 23 June, because of the change in pound sterling against the euro. That has been very helpful for the tourism sector; it has been very helpful for some other sectors. We want to maintain that momentum going forward with Brexit. I have written to you separately about a whole host of issues, in terms of making sure that when you bat for Ulster at the Cabinet table you remember that we made a deal on foreign payments—thankfully we got them maintained to 2019, but beyond that. We made a deal on corporation tax, and a deal on how we share out the money we are saving that we would normally pay to Europe and how much Northern Ireland gets of that.

There are issues of trade east-west and how we get into that trade negotiation with the new Trade Ministers that have been set up; something to address the apprenticeship levy and bring funding very directly to Northern Ireland; and connectivity, in terms of our connection and the implications of the Davies commission. Can you indicate to us that, when you are at the Cabinet, those will be key priorities, making sure that Northern Ireland gets the best deal?

James Brokenshire: Thank you very much, Mr Paisley, for your very kind comments. You are absolutely right: in coming into this role, I firmly recognise how much progress has been made since the Belfast agreement. Northern Ireland has been transformed over recent years and I see it as part of my role to continue that progress. There is still work to do, and I know how hard fought so many of those gains have been and, therefore, I want to see that continuing. This is why those issues of political stability and economic prosperity are absolutely at the heart of my agenda.

What was also notable was the letter from the First Minister and Deputy First Minister in underlining the priorities they see as the key to the negotiations moving forward, some of those being high-level, significant issues that we need to be very conscious of as a Government in seeking to get the UK-wide negotiation in the right place. That direct dialogue with the Executive will continue, and it is really important that it does. I know that work is going on to look at the different sectors that might have either opportunities or issues on their minds, so that we have good analysis to inform the work ahead.

Q6 Ian Paisley: Secretary of State, the people of Northern Ireland want to hear from you that you are going to champion Ulster at the Cabinet table. You are the only voice that Northern Ireland has there. When David Davis, Mr Fox, Mr Johnson, the Prime Minister and others argue for their divisional spoils, we want to make sure there is a loud, championing, unifying voice coming from the Secretary of State for Northern Ireland. Will you do that championing work for us?

James Brokenshire: I have already said that I see one of the key roles in the months ahead as being that champion for Northern Ireland in government; ensuring that we have that strong voice in government;



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advocating for Northern Ireland and the best interests of Northern Ireland so that we get the best possible deal. I have said that in terms. It is important that I work alongside and with the Executive too, so that we are all seen to be working together, pulling together and really focusing on the task at hand, which is to achieve a very positive outcome. I remain positive and optimistic, not simply about the negotiation but also about how we can see further trade and new opportunities as a consequence of our future outside of the European Union.

Yes, I did not campaign for or vote for Brexit, but I feel a very strong, personal duty to act, reflect and give effect to the message that was given across the United Kingdom around this. I will do my utmost in the role that I have to see that Northern Ireland gets the best possible arrangements, and that we are not going into this in a half-hearted way, but that we are embracing this and looking to the future in a way that will be successful. I am confident that we can and will be for Northern Ireland.

I am taking the stance that I am, not just in government but also externally. One of the reasons why I was keen to go to Washington early on was just to underline some of those key messages, knowing the amount of connection and business links between the US and Northern Ireland, and how we would absolutely remain open for business. We encourage that. We want to see that further investment and to deliver that sense of purpose to US businesses as well.

Chair: Sylvia, we are still on Brexit, by the way.

Lady Hermon: Yes, we are certainly still on Brexit.

Chair: Ian covered most people's interests there.

Q7

Lady Hermon: Not quite the two issues that I would like to cover with the Secretary of State. First of all, many congratulations on your appointment. I am absolutely delighted that you have been appointed Secretary of State for Northern Ireland. You were an excellent Immigration Minister in the Home Office and I have every confidence that you will do a great job in Northern Ireland; we are depending upon you doing a great job in Northern Ireland.

Two issues come to mind, which my colleague Mr Paisley has not yet touched on, though he endeavoured to cover much. You referred, Secretary of State, to the joint letter by the First and Deputy First Ministers, which was sent to the new Prime Minister on 10 August and was also copied to you. Among the priorities, they quite rightly highlighted the importance of EU migrant workers not only to private organisations and businesses in Northern Ireland, but also to the public sector. I have to urge you to give some reassurance to those EU nationals who are working in hospitals and care homes right across Northern Ireland in whatever capacity that they are safe to stay and to lead a perfectly normal life, without this thought that, in two years' time or whenever Brexit is actually triggered, they might be invited ever so



nicely to leave.

James Brokenshire: Interestingly, the last time I gave evidence to a Select Committee, it was the Home Affairs Select Committee, just before the summer break, where I gave a number of specific answers in relation to this. I underlined that the Government want to give that assurance to EU citizens here in the United Kingdom, alongside getting that reassurance for UK citizens in other EU countries, so that there is no bargaining chip, frankly, on either side. In my previous role, I underlined that sense of assurance; that we would look at this sensibly, in a very considered way; and how we can get to and want to get to that point.

Therefore, I recognise, as the Government have done, the information and the rights that are already there in respect of people gaining permanent residence if they have been exercising free movement rights for five years and being able to get on and get citizenship there. There are no changes until we leave the EU. Again, it is important to stress—and some people have perhaps highlighted division around all of this—that we are looking at this calmly and carefully. Nothing will change until we leave the European Union.

It is just to give that sense of assurance on how we are approaching this and, therefore, the careful considered way in which we want to get to that position of giving clear assurances for the future: to those who come to our country to contribute and work in our public services, as you rightly identified; as well as to businesses more generally of how we recognise the contribution that they make.

Equally, we have to reflect on the clear message that was given by the referendum, which was that free movement cannot continue as it has done hitherto. That is why the Home Office and the Home Secretary will be looking very carefully at this policy to identify ways in which we can approach this. I am sure that she and others will be providing further information, as and when we have reached conclusions on that.

Q8 **Lady Hermon:** That is helpful. It might not be particularly clear, but it is helpful. In other words, it is not going to be a bargaining chip; that is the point that you are making. You are unable to give a categorical assurance, apart from to those who are five years habitually resident—that is the key word—in the UK; they can proceed to acquire citizenship of this country.

James Brokenshire: The point is that those rights continue to accrue, if you see what I mean. There will also be a range of other legal issues, and I highlighted a few weeks back to the Home Affairs Select Committee considerations that there will clearly be over things such as Article 8 of the European Convention on Human Rights. All of these considerations will weigh very carefully and thoughtfully in the work that will be and is being undertaken by the Home Office around this.

Q9 **Lady Hermon:** The other issue is completely different, but is a very



critical issue for the people of Northern Ireland. As you will be well aware, I am sure, Secretary of State, the day after the EU referendum, when the result was known on Friday 24 June, a number of people in the Sinn Féin leadership were out, calling for a border poll. That was deeply unhelpful and created even more uncertainty. Would you, as Secretary of State, take this early opportunity to give the assurance to the people of Northern Ireland that you have absolutely no intention of calling a border poll?

James Brokenshire: I have been very clear and consistent, throughout my time as Secretary of State, that I have clear obligations under the Belfast agreement: if I think a majority of the public in Northern Ireland favour a united Ireland, I am obliged to call a border poll. I have seen no evidence to satisfy that requirement at all. Indeed, the recent polling has firmly underlined that there is strong support for the existing political settlement and that people continue to get behind all of that. That gives a really clear message, and so, as far as I can see, there is no evidence that would lead to me triggering that.

Q10 **Lady Hermon:** You indicated that you have tried to meet a variety of people since becoming Secretary of State. When you have met the Sinn Féin leadership, have you raised this issue with them and asked them if they would ever so kindly recognise the facts and hush up about calling for a border poll?

James Brokenshire: It is not necessarily for me to tell other political parties what they should or should not do. I have simply been very clear, in my standpoint as Secretary of State, in saying that I have seen no evidence to require me to trigger a border poll. The majority of the public remain firmly behind the political settlement. Others will say or do what they choose, but I am very focused and clear on the responsibilities that I hold and the evidence that I see, which does not mean me triggering a border poll.

Q11 **Mr Hepburn:** A question I was asked out on the streets was this: under free movement of people, what is to stop someone in the future, when we have exited the EU, flying into Dublin and getting access to the UK that way, through the north of Ireland?

James Brokenshire: With existing free movement rights, people are able to travel between different EU member states and, indeed, there are those arrangements that will exist within the common travel area already. That is why I made the point regarding the work that is already being done around the common travel area itself; how you use data to strengthen that; how you use what we have put in place through the immigration Acts to create an environment where it is hard to remain here as someone who has come in unlawfully. I know work is being done by immigration enforcement to identify and take action against those who may seek to try to get into this country illegally and unlawfully. This is why I make the point about the important work that has been taking place, alongside the Irish Government, as to how we strengthen the



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common travel area itself so that, where we have identified people who are a threat or at risk, it is difficult for them to get into the common travel area, therefore strengthening the work between us on the overall security position.

- Q12 **Mr Hepburn:** I take it from that answer that you have already perceived it as a possible problem in the future and you are putting in measures now to ensure that that is sorted.

James Brokenshire: It is rather how we guard against potential abuse and strengthen the common travel area itself. That is a shared objective that we have had with the Irish Government for some time. We continue to work closely together with them. I have had discussions and meetings with Frances Fitzgerald, the Irish Justice Minister, around all of this. It is how we plan and build that into the future. The Irish Government are already undertaking, within the Republic of Ireland, to strengthen their systems, processes and procedures. Member states across the European Union are thinking smartly about borders. This is why, as the United Kingdom, we introduced into our system something called the second-generation Schengen Information System, to give us better alerts at the border to identify those who may be passing.

Sitting suspended for a Division in the House.

On resuming—

- Q13 **Chair:** We were just discussing how we restrict and discourage people coming into Northern Ireland illegally. Just to clarify, will the Government seek to extend the current laws regarding renting properties, employment and benefits to the other members of the European Union? They will presumably have to do that, in order to discourage illegal movement.

James Brokenshire: Obviously, as the Government, we legislate for the United Kingdom. It will be for the remaining European Union states to determine what their arrangements might be. As a Government, we have taken a clear approach to combat illegal migration to this country, hence the various measures that have been introduced through the last two Immigration Acts to create an environment that is less permissive, so people are less able to remain, whether through jobs, bank accounts or being able to rent a property without the ability to check. Those are steps that we have put in place in that way.

The point I was making was that we continue to ensure that we work with the Irish Government to strengthen the common travel area, which is my direct area of focus now. That is a shared ambition that we have with the Irish Government. In the way that we do not want to see a return to the borders of the past, there is equally that sense of common endeavour in how we look to the common travel area arrangement and see how we work together to strengthen it.

- Q14 **Gavin Robinson:** Welcome, Secretary of State. Thank you for coming.



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We shared an exchange during your first session of Northern Ireland questions about the border and what we have been discussing: strengthening the common travel area and the co-operation that exists between the Republic of Ireland and Northern Ireland. Can I ask you to take this opportunity to categorically rule out any hard border between Northern Ireland and the rest of the United Kingdom, be that for people or goods?

James Brokenshire: In the same way that I do not want to see a return to the borders of the past in relation to the land border between Northern Ireland and the Republic of Ireland, I do not want to therefore see some sort of hard border between Great Britain and Northern Ireland, treating, in essence, one part of the United Kingdom in a separate way to another part of the United Kingdom. I am very conscious of both of these elements as we look to the negotiation we will be embarking upon with the European Union.

It is equally important to recognise the common travel area itself as having been in existence decades before either the Republic of Ireland or the United Kingdom joined the then common market, now the European Union. When you look at things like the Treaty of Amsterdam, there is recognition not just of the special circumstances that exist within the island of Ireland, but of the ability for Ireland and the United Kingdom to operate the common travel area. We will continue to draw on these themes, to underline to other European partners the significance that attaches to this.

Some people, rightly, have commented on things like EU funding and the different arrangements that are in place there. Also notable is the recognition by other EU member states and the investment they have made into the peace process and politics of Northern Ireland. Therefore, I remain confident that we will be able to look at this and debate this practically, of course. I cannot give you those details at this stage; we are in the analytical assessment phase. We will not trigger the negotiations and the Article 50 process until such time as we have the all-UK negotiation position ready to deploy. As I say, I go into this in a positive frame of mind, but obviously the negotiation is still to be had.

Q15 **Gavin Robinson:** Those negotiations are about the relationship between the United Kingdom and the rest of the European Union. Just for the purposes of clarity, can you categorically rule out any border between part of the United Kingdom and another part of the United Kingdom?

James Brokenshire: That is absolutely the approach we are taking to this. Clearly, some checks are conducted on an intelligence-led basis, as would be rightly expected of any other part of the United Kingdom in so many different ways. That is the approach we are taking to the solutions ahead, to ensure that there is a sense of people being able to move freely in that way between Northern Ireland and Great Britain; and that we do not see a return to the borders of the past in terms of the land border to



the south. That is informing our approach as we embark upon the negotiations ahead.

Chair: This is the last question on Brexit-related issues.

Dr McDonnell: Am I only allowed to ask about Brexit?

Chair: At this minute, yes.

Q16 **Dr McDonnell:** Thank you, Secretary of State. It is tremendous to have you here to answer questions in the open and honest way that you always do. It is even better that you have Sir Jonathan beside you and Oliver behind you, to cover your back. What do you consider to be the priorities for Northern Ireland as Britain negotiates its way out of the European Union? How will Northern Ireland be factored in? What role will you have to ensure that Northern Ireland's specific interests are there? Most of us would see a UK negotiation, with the regions and individual nations of the UK being in a very minor place, if there at all.

James Brokenshire: There are a number of elements to that, Mr McDonnell. We have already touched extensively on the common travel area, so I will not repeat that statement. That was one of the themes that came from the First Minister and the Deputy First Minister's letter too. There are a number of other factors as we approach this. I know at the moment this Committee is looking quite carefully at how we approach the single electricity market, which is very unique. It is the first single electricity market that was created within the European Union. One of the meetings that David Davis and I had, when he was in Northern Ireland fairly recently, was to go to SONI, the System Operator Northern Ireland, to understand the overall arrangements and linkages between generation in Northern Ireland and generation in the Republic, and how all of that works together. Clearly, that will be a very important specific element as we look to approach the negotiations ahead.

It is how we are looking at the access we have to the single market. That is what the Prime Minister has underlined. It is that: how we cannot have the existing arrangements in relation to free movement, but are looking to secure the best possible arrangements and access to the single market of the European Union—and how does that then come to Northern Ireland.

There are those other factors, those specific industry sets, that are very relevant. When I say that, I mean things like the agricultural sector and the agri-foods industry, which have such an important role to play within the overall Northern Ireland economy. As Secretary of State, I will be advocating very clearly from a Northern Ireland perspective, as we look to the future, in relation to support for farming. We have obviously had that assurance regarding direct payments and how they will remain as they are until 2020, but how does that shape into the future?

I suppose it is not simply—not that this is simple—the negotiation around some of the specific areas of particular circumstance in Northern Ireland;



but it is then in terms of shaping the policy as we move to the future as well. When Liam Fox, in his role as Secretary of State for International Trade, came to Northern Ireland, he underlined that his approach to this is not the whole-of-UK approach, but rather to see that all the nations of the United Kingdom, with all of their specific benefits, circumstances and opportunities, are well understood. That will shape the approach of this Government too.

Q17 Dr McDonnell: I wonder if I can pick up on the funding to 2020. Surely that is a bit of a false promise, because the EU budget runs to 2020, and Britain is committed to contribute to this current cycle of the EU budget, which will only end in June or July 2020. The promise that agricultural support will be maintained is of no additional value, because the EU will be there and, however the discussions proceed, the likely break point is June or July 2020, at the end of the budget. Otherwise, given the ins and outs of Britain's contribution to the European budget, and equally Britain's benefits from drawing out, agricultural or otherwise, it would be an awful tangle to disentangle in 2018 or 2019. In fact, it would be impossible to do it, as I understand it. The argument really is, in the agricultural sense, where are we at Christmas 2020? Where are we in January 2021? That is the point.

James Brokenshire: Actually, it gives reassurance that the current position will be maintained through to 2020. It is important to give the farming community that clear message, so that they are able to plan and can know that that will be the case through to that point. I do think that there is important value. In the same way, when we are looking at the structural and investment funds, it is important to give assurance that the arrangements that were entered into in the ordinary course before the Autumn Statement at the end of November will continue to be funded post the UK's departure from the EU.

Yes, of course, work will then need to be done as the United Kingdom looks to establish new policies, new approaches and new implementation. I see this as a way of giving assurance, but also giving that time and space to be able to do that second step, work with all interested parties, share policy and then implement it effectively when those new arrangements come in.

It is rather how to look at this on a sequential basis, in relation to: the Horizon funding, where we have said we will continue to make those funds available; the structural and investment funds, in the period through to the Autumn Statement; arrangements that would need to be agreed with the Executive from the Autumn Statement through until the UK's departure from the EU; and new arrangements after the departure. It is to give clarity and structure so people can understand what those arrangements will be in terms of timing, sequencing and the approach that we will take in a very measured way; and to give us the ability to reach out and get the policy formulation carefully considered, so that it has the intended effect when it is implemented.



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Q18 Dr McDonnell: Secretary of State, we had a majority in Northern Ireland voting, like you and me, to remain in Europe. How is that going to be factored in? How is that going to be recognised in the negotiations? Will the majority vote be discarded and ignored, and just rolled into the bigger picture?

James Brokenshire: Ultimately, this Parliament voted to create legislation that was on a UK-wide basis. The UK as a whole made its decision. There were some who voted remain, some who voted for exit. The majority of the UK voted for the UK to leave the European Union. It is that overarching approach that we are rightly taking. I know that some have said, "Can one part of the United Kingdom stay within the European Union?" I cannot see how a mechanism could be constructed in that way. The UK voted in the way that it did, and I think it is much better to acknowledge the UK-wide vote, and not just acknowledge it but to give effect to it. As a democrat, I respect that, I acknowledge that and I will give effect to that in my role in government.

The focus needs to be on understanding the issues from a Northern Ireland perspective. I know the Executive are doing that work. I have set up a business advisory group to give me some direct links into business and industry, to look at this on a sectoral basis, so that I am as informed as I can be for the discussions that I have. The Executive are absolutely doing that work. Therefore, the work, the representations and the input that they will have are informed by that very considered approach. It is that work that we need to get on with. We need to really embrace that and therefore ensure that we get the best possible deal for Northern Ireland within the United Kingdom and outside the EU.

Q19 Dr McDonnell: Secretary of State, I congratulate you on your gallant drive and support of the decision that was taken, even though you disagreed with it. Recognising that it was a mistake, and one that will do serious damage to the UK and to individual parts of the UK, surely you must have second thoughts about driving forward. I know some of my colleagues here were all in favour of wrecking the UK, but I am not.

Chair: Dr McDonnell is speaking for himself in this question.

James Brokenshire: There were clearly different views, true, in the referendum campaign, but the people have spoken and we are committed to giving effect to that. As I have already indicated in a very clear and strong way, I am determined that we will make this a success. I see that as the role of the Secretary of State for Northern Ireland within government: advocating clearly and, in a very confident way, getting the best possible deal for Northern Ireland, what Northern Ireland can and will be and the opportunities that it can take.

Q20 Gavin Robinson: Secretary of State, you were in Dublin yesterday signing a treaty on paramilitarism. Can you outline your aspirations for that treaty?



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James Brokenshire: Yes, I was in Dublin yesterday to sign a treaty that would set up a new commission, which I believe will galvanise activity within the Executive to provide inputs and evidence and, in many ways, hold to account the work around confronting paramilitarism: consigning it, dealing with it, confronting it and seeing that it forms no part of Northern Ireland's present or future. As I have said in various speeches over the last few weeks, that is easier said than done. It will be about not just establishing new bodies, as important as I think this new one is, to be able to galvanise that work, but we need to work in communities, give greater confidence and very firmly confront paramilitaries involved in criminality, who are putting fear and intimidation into communities, holding them back and stopping people from getting on with their lives. How can we prevent people from being drawn into that approach? That is a lot of work.

In other words, it is not just the establishment of some new body. It is not just the really good work of the PSNI and others, or the joint work that has taken place with Garda Síochána around cross-border criminality and working against criminality in communities. It is all of these elements, which is why the Executive have made some important steps: the action plan that they published over the course of the summer, which will now be developed into a more detailed plan, and the funding that we have committed to confronting paramilitarism.

For me, this really matters, because too many communities are blighted by this; too many lives are affected by this and it cannot continue. We need to look at pathways to get people who are involved out and, equally, prevent people from getting involved. This is a big challenge, but one that I am determined to work on across the community, with the Executive and supporting the Executive very strongly on the key role that they have. In addition, I see the new Independent Reporting Commission as having a galvanising impact and effect, with that ability to bring further inputs together so that we see the action that is necessary and important for the future of Northern Ireland.

Q21 **Gavin Robinson:** Is there recognition that, thus far, the NCA, the security services, the PSNI and the Assets Recovery Agency simply have not succeeded?

James Brokenshire: They have done some really important work and made some great strides forward. When you look at the joint work with Garda Síochána on the cross-border criminality, they are equally as involved. There are some very good successes and good results that could be pointed to. I suppose I make the point that it is really important that we confront the criminality that is there; make it easier and give people greater confidence to give evidence in court, which I know is a significant factor in terms of being able to secure the necessary prosecutions; and look at preventative work and community work, so we are taking action on a number of different fronts. You will be well aware of the report that was published several months ago that informed some



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of this work as well. Some very thoughtful recommendations were contained within that. We need to continue to take that forward as part of this.

Approaching this on a number of different strands is essential if we are to make the impact that is required. Again, I am clear that it is about getting and seeing that impact in communities. That is the measurable outcome that we need to achieve.

Q22 Gavin Robinson: It concerns me that the most successful prosecution on fuel smuggling, for example, was an Al Capone-style prosecution against Thomas "Slab" Murphy. It was for tax evasion, and not for the illicit trade that he has been involved in for decades. Tens of millions of pounds continue to be made through fuel smuggling; that is but one example. At what stage, Secretary of State, do you believe it is appropriate to call gangsters out for what they are, remove whatever notional prestige they think they get from being described as paramilitary and recognise that the way to deal with them is through the justice system? There are many who purport to be pillars of their community with a paramilitary slant who need to be simply arrested, charged and put in jail.

James Brokenshire: Mr Robinson, if you look at the speech that I gave on Friday evening, you will see that I made those themes very clear in the comments that I made, in calling out criminality and saying that we must bring those to justice who are committing appalling crimes, intimidating, creating fear and holding communities back, using the cloak of paramilitarism to achieve those ends. That is unacceptable and needs to be confronted in the firmest possible way.

Yes, there are various different forms of criminality. It is important to recognise the violence that underpins a lot of this as well. I think, in the last year, around 72 people were victims of that type of violence. This touches people's lives in a very direct way and, therefore, as the new Secretary of State coming in, I have seen this, I find this appalling and we need to use all levers to confront that. I say that in very clear terms, as I have said previously.

On the point around fuel smuggling, which Mr Paisley has highlighted to me previously, I am very willing to listen to concerns that may be raised around this. The information that I have from HMRC is that they are working closely with the PSNI. For example, in June of this year, two men were arrested in connection with a joint investigation where HMRC officers seized 26,000 litres of oil at a supply company in County Armagh and a further 416,000 litres were seized at Belfast and Dublin docks. This continues to be an area of significant focus for HMRC.

There has been important progress made. The estimates in 2002-03, in relation to levels of illicit diesel, were around 26% in terms of losses from the fraud that was involved and cost to the taxpayer. That is currently around 8%, but still amounts to around £50 million each year, which is



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very significant. We must continue to retain focus on this, to guard and confront criminality and those who are seeking criminal gain to advance their influence and purpose, and equally to protect the tax payer. It is important and we need to continue to be very focused on this.

- Q23 Gavin Robinson:** Can I thank you for that assurance? There has not been a Secretary of State ever appointed to Northern Ireland who is not prepared to tackle the scourge of paramilitarism, but it is not easy. As a constituency representative for an area where there are still paramilitaries recruiting, where children are still being beaten because they borrow money they cannot afford to pay back or they take drugs they cannot afford to pay for, and worse, I will support you in anything that you need to do to suppress that. I say that clearly.

I would be interested to ask you about the £25 million that was promised to assist NCA. There was some difficulty suggested in drawing down that cash, associated with the fresh start agreement. I understand that may now have been resolved, but I would be grateful if you could outline whether you believe there is difficulty in giving the NCA the support it needs and the financial contribution it was promised.

James Brokenshire: We remain committed to the £25 million that was previously set out. We are in discussions with the Department of Justice around all of this, stemming from the strategy that was published a few months ago and the further detail that I know is being worked on, so that we are therefore able to release the funds and see that that direct benefit is being felt. That is what I want to see, for those very clear reasons, Mr Robinson, that you have given of the real-life impact that this has. That is the most shocking thing about all of this: people being intimidated, being unable to live their lives as they would choose and actually being subjected to appalling acts of violence too. You are right to characterise that in those clear terms and we must combat that on so many different fronts.

- Q24 Gavin Robinson:** Has there been any drawdown on the £25 million thus far or is it still a work in progress?

James Brokenshire: It is still to be drawn down.

- Q25 Lady Hermon:** I listened very carefully to what you said about trying to turn people away from paramilitary involvement. That is absolutely critical, of course. Taking that forward, have you, as Secretary of State, had the opportunity to engage with any of the restorative justice schemes that operate and have operated for some years in Northern Ireland? One in particular that I draw to your attention is the North Down Alternatives, which operates in my constituency. It has been very successful in turning young people away from a path of criminality. Can I encourage the Secretary of State to engage with people and the older members of that restorative justice scheme, or ex-prisoners who have done time, turned their backs on violence and do not wish to see anybody following their examples? May I encourage the Secretary of State, if he



has not already done so, to meet with those organisations?

James Brokenshire: I would be very interested to hear more about the specific group and, while I have met a number of different organisations and spoken to some of the experts in this field, I have not had that direct engagement with those types of organisations. I would be very interested to do so.

This is why the establishment of the Independent Reporting Commission, as a consequence of the treaty that was signed yesterday, matters, because I want that to have experts who are able to draw on the evidence and examples of good practice in how we can draw people away from groups in this fashion, and to learn from experience from outside Northern Ireland. We have some people of international standing as part of that commission, who are able to lend weight to the work and the focus of the Executive and some of the practical things that get done, but also to help shape that policy of drawing people out of paramilitarism or looking at ways of preventing them getting drawn into it in the first place. I am quite sure that there is a lot of experience and many practical community groups on the ground that have so much to offer, and we must continue to learn from that.

Q26 **Lady Hermon:** You will understand that, in fact, in the past we had an Independent Monitoring Commission, which monitored paramilitary activity, and now we have an Independent Reporting Commission. Was it a mistake—I would suggest that it obviously was a mistake—that we abandoned the Independent Monitoring Commission a bit too early before we got rid of paramilitarism?

James Brokenshire: It is clear that the scourge of paramilitarism still persists in Northern Ireland and we must confront that very firmly.

Q27 **Lady Hermon:** It certainly does. Was it a mistake to get rid of the original commission?

James Brokenshire: I am personally not familiar with the history of what may have gone before, but I am very clear on the need to have the commission up and running. I want to get this up and running by the end of the year. I am talking to the Irish Government as well, and they certainly share that objective. That is why we are tabling the necessary regulations to bring this into effect—and the Irish Government will be doing so too—in a speedy fashion, so that we can have that shared mechanism between the Executive, which will appoint two members to this, and the UK and Irish Governments, which will have one appointment to the commission. It helps bind things together in that way; it draws upon expertise; it galvanises activity; and it helps assess progress and where we have got to. All I can say is that I think this is a valuable new commission that is being established and I see it playing an important role and making a contribution in helping to move things forward.

Q28 **Lady Hermon:** When you have an opportunity and a quiet moment to read back on the work and the many reports published by the previous



commission, you will see what invaluable work it did. It was an absolutely brilliant commission. I am so sorry that it was wound up far too early.

Would you mind, Secretary of State, if I asked Sir Jonathan a question? We have not heard his voice and we are obviously very keen to hear his voice on the Committee, because he is a familiar witness in front of us and is always wishing to be as helpful as he possibly can. Sir Jonathan will not be a bit surprised if I say “on the runs”—the OTRs. The reason I ask Sir Jonathan is that he is well aware of the Hallett report, the very detailed report that was published in July two years ago—gosh, really? Time does fly. The recommendations were to be implemented and you were closely involved with the implementation of those recommendations. Could you please update the Committee as to where Operation Redfield, which has been organised by the Police Service of Northern Ireland, is in looking at almost 200 cases of IRA members who were given a dispensation, a comfort letter and did not face prosecution? Where are we in reviewing all of those cases?

Sir Jonathan Stephens: Those are being reviewed by the PSNI. As identified by Lady Justice Hallett in one of her recommendations, those reviews are prioritising the cases of the 36 that Lady Justice Hallett particularly drew attention to. The latest position from the PSNI is that they have completed the reviews in respect of 134 potential incidents linked to the 36 individuals. That represents something like 20% to 25% of the reviews that they will need to do to complete the work in respect of the 36 individuals.

Q29 Lady Hermon: Sorry, just repeat that for the benefit of those who may be shocked by those statistics. We are looking at 36 cases. How many incidents involving those people have the PSNI reviewed and looked at?

Sir Jonathan Stephens: I will go into a bit more detail about the review. There are really two stages to the review. The first stage is essentially to identify and trawl any links, potential links, evidence or anything else that the PSNI has in respect of individuals, including intelligence. The potential links that may be identified are of a very wide range: they may be no more than a passing reference; they may be hard evidence; they may be links that have been looked at in the past and discounted. It is merely a scoping exercise, in a sense. Stage two is to look at the potential incidents and to review, in each individual case, the evidence, the intelligence and the forensics that are available and to ask the question, “Are there any more investigatory steps that ought to be taken in respect of those incidents?”

As I say, in relation to the 36 individuals, 134 such incidents have now had both stages of the review completed. That represents about 20% to 25% of the work that needs to be done around the 36 prioritised cases. Obviously, without repeating the scheme, the PSNI can say that, in respect of those 134 incidents, no arrests have resulted.



James Brokenshire: I spoke, in my preparation for this session, to the Chief Constable to clearly underline my interest in progress around all of this. I will just say to the Committee that I understand the PSNI have submitted a formal update to the Committee on their work.

Chair: It has been received, yes.

James Brokenshire: I just wanted to confirm that I have been made aware of that myself. Clearly, I am taking a keen interest in seeing that this is pursued and that Justice Hallett's recommendations are followed through. We will be keeping in close contact with the Chief Constable and the PSNI as this progresses.

Q30 **Dr McDonnell:** Thank you again, Secretary of State, for your answers so far and particularly the clarity of what you are telling us. I would be keen for you to flesh out a little bit for us what you define as paramilitarism. Is it a narrow definition? Does the guy have to be carrying a gun to be defined as a paramilitary? Are you extending it to all the ramifications and the mafia-like grip that some of these people have on communities? Is it just restricted to the rump of paramilitary activity or does it extend to those who have recycled themselves in the political sense but still retain a paramilitary capacity?

James Brokenshire: It is that broad sense with which I approach this because of the impact that is felt in communities, and that is why I made the points that I did in this way. This manifests itself in acts of appalling violence that we must confront in the strongest possible terms. Equally, I find the broader criminality and the intimidation and fear that many communities feel shocking and unacceptable, and we need to confront this in so many different ways. That is why I underlined the complexity, as I saw it, of how we need to look at ways to get people through this and out of this type of environment; how we stop young people being drawn into this; and how it is something that needs to be approached on those levels to really make that significant shift.

That is why I know this is difficult, this is challenging and this is something that will need a really concerted effort on so many different fronts. But, for me, it is important, for all the reasons that have been enunciated in this Committee this afternoon. It is about the support that I can give to the Executive, who clearly have a key and lead role in respect of taking this work practically forward, and how we can support it so we can see that difference.

Q31 **Dr McDonnell:** You are aware that many of those who are paramilitary or now, I suppose, defined as ex-paramilitary—splitting hairs: the "ex" is a very small "ex"—are repeatedly referred to as community leaders. I hope you are aware that these people are basically in charge of community groups. They have hijacked community groups and, in many ways, hijacked the funding of some community groups. I do not think, from my opinion, that your treaty or arrangement with the Irish Government will be worth very much unless there is a breakthrough and



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some restrictions on that front.

Could I put it to you on another level? In the light of trying to break paramilitary activity, the only solution is work opportunity for those who want it and those who are prepared to take it up. Thank you—I see Sir Jonathan nodding his head. I raised this issue a year or more ago during the various talks that we had at Stormont. I am still concerned, as I do a lot of work and have a lot of interest in terms of education, apprenticeships and all of that, that there are few or no opportunities for young people in many of the deprived communities that the paramilitaries strangle. There are literally no opportunities for many of these young people at 15, 16 or 17 to get work.

James Brokenshire: You make an important and quite powerful point on the way in which paramilitarism has held back a number of communities. Giving that sense of hope, opportunity, employment, skills, life chances and all of these different things that we can talk about is important. I welcome the fact that, in the new unemployment figures today, unemployment is at 5.6%, the lowest level since November or January 2009. We have seen 8,770 new jobs created in Northern Ireland over the year, but there is still more work to do. That is why I made the point that I did about wanting to see Northern Ireland continuing to succeed, to flourish and to see that economic activity, not just in the sense of a number that is created, but for the new opportunities and hope it brings and the impact it can have in communities across Northern Ireland.

It is with that sense that I underline this and see this as a priority, because it is about how we see a flourishing Northern Ireland, in terms of new employment and business establishing itself, and what that actually means in people's lives. This is something that is multi-faceted, and having a commission with experts to add to that, to hold to account, to encourage and support is one part of it. I am framing it in that sense as well, in terms of the contribution it can make. However, it is about real-life impact. That is how we will be judged as to whether we succeed in bringing about change within communities, which will be difficult, which will be tough. It will need people to really work together, pull together and see how we can challenge it in this fashion. I am under no illusions on this, which is why I said that it is easier said and much harder to do, but we must still have that ambition.

Q32 **Dr McDonnell:** If the Chairman will indulge me for one more question, could you give us a summary of where we are on the fresh start, with the HIU and the oral history archive?

James Brokenshire: I appreciate the opportunity to respond to that, because dealing with the issues of the past is something I see as a personal priority. Having spent many of the summer months talking to families, victims, survivors and those who have suffered appalling personal tragedy, loss and pain, which they still feel today, it underlines to me the duty that we have to try to help them. I see the establishment



of the legacy bodies, as termed under Stormont House, as a way of moving forward on this. I have indicated the priority that I give this and how I think the next phase, to build confidence and get these new institutions up and running as quickly as we can, is to have a public phase to show the work that has been done to date and the careful thought that has been given to a number of the relevant sensitive issues on this. If we can show that and build confidence in it, we can move to getting the legislation in place and then getting these institutions up and running to make the difference for those families and communities.

I know that this is sensitive, difficult work, which I am being deliberately thoughtful and conscious of as to how we make these steps in a progressive and positive way to get to the end result, knowing that many promises have been made in the past to families and they have not led to the outcomes that people would want. I know we have an opportunity. I am being thoughtful in approaching this, not to delay, but to try to get this in the best possible space; to get the political environment to support this; but, much more importantly, to get the survivors and victims to have confidence in this process, so that we are able to help them and assist them to move forward.

Q33 Dr McDonnell: Will it be possible to get all the evidence out there on the table? I am talking about Stevens 1, 2 and 3 and the Stalker Sampson stuff. Will it be possible to get that evidence in its entirety, in dealing with the past and with the legacy?

James Brokenshire: What I can say in relation to the Historical Investigations Unit, which will examine historical cases, is that we will share all evidence with the HIU and have that very open approach to its work and to the information it would require for its work. As you know, I hold duties and responsibilities to guard safety and security now and people's lives, so we obviously give careful thought to onward disclosure of that information. It is something that we have been thinking through. We have been talking to various people, to help shape this next step and the work we need to achieve around this, to build confidence in that way and also to ensure that the activities conducted by the HIU are proportionate and it has that real focus in the approach that it brings.

I know that this is sensitive work, and we are being careful and thoughtful in seeking to take this forward. I hope to get to that position where we are not just talking about these institutions, but they are there, they are happening and, I believe, making a difference.

Dr McDonnell: I have a very quick final point. You will be aware of the ombudsman report and the follow-on from that on Loughinisland.

Chair: Can I come back to that? It is a separate issue.

Q34 Jack Lopresti: I just wanted to ask the Secretary of State for an update on the inquiries that have been opened into bringing in former British service-people for interview, with a view to perhaps bringing prosecutions in the future.



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James Brokenshire: If I understand you correctly, you are talking about Bloody Sunday.

Jack Lopresti: There have also been other incidents.

James Brokenshire: All I can really say is that they are ongoing investigations being conducted by the PSNI. Obviously that is, rightly, at arm's length and independent from me. However, I want to underline the really important contribution and the admiration and support I give to the men and women of the police and armed forces who made the sacrifice and ensured that terrorism would never succeed in Northern Ireland. The overwhelming majority carried out their duties with courage, bravery, professionalism and integrity, and we will never forget the debt of gratitude that we have to them.

Equally, I am someone who will uphold the rule of law. If there is evidence of criminal wrongdoing, it is right that that should be pursued. I make the point in the way that I do, recognising the huge debt that we owe to so many of those professionals who have allowed us to get to the peace process that we have now.

Q35 **Jack Lopresti:** Under the Good Friday agreement, for instance, hundreds of terrorists were let out of jail. We had an inquiry into the "on the runs" a year ago or so. Does it seem to you fair or just that former terrorists are now in government and are rubbing shoulders with royalty and Prime Ministers, yet we are going after British soldiers who served their country with distinction and good faith 30 or 40 years down the line? Compare it with what happened over the Downey case, in particular.

James Brokenshire: I cannot comment on individual cases, for all the reasons that I know you will understand. Matters of prosecution are ones for the police and the prosecuting authorities. I make the point that I do very clearly about the unstinting admiration that we give to those soldiers and professionals who did so much, fought so bravely and put their lives on the line. We must never, ever forget that and the work that they have done to get us to the place that we are now.

Q36 **Jack Lopresti:** You are a senior member of this Government. What would you say to a young person now joining the military who may be deployed in the UK or some very difficult situations across the globe? When they act in good faith, with the highest integrity of the armed forces, they have to be careful because, if the politics change 30 or 40 years down the line, they could be hounded by the same Government that sent them into battle or service in the first place. How does that look? Where is the justice?

James Brokenshire: We have always acknowledged our ongoing duty of care to former soldiers. This includes independent legal advice and support for them. I take a step back to where I was a couple of weekends ago, when I went the Somme, to Northern France, to a commemoration of the Battle of Guillemont, where soldiers from across



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the island of Ireland served in the British armed forces against tyranny and oppression. The shared history that we have between Northern Ireland and the Republic of Ireland on this matters so much, and the covenant and the duty that we hold to those in our armed forces is very precious. As a Government, I think we have underlined that. I pay huge tribute and respect to all of those who put their lives on the line in the service of our country. I will be unstinting in doing so.

- Q37 **Lady Hermon:** Secretary of State, you will be well aware, I am sure, of the Committee's efforts to secure compensation from the Libyan Government. I know it is difficult; it is a very unstable country, but there has been a disappointing failure by a succession of Governments to secure compensation for British citizens throughout the whole of the United Kingdom, not just in Northern Ireland, who have been victims of Libyan-sponsored IRA violence. Have you spoken to the Foreign Office Minister about this issue?

James Brokenshire: I have spoken to Tobias Ellwood, who I know has given evidence to this Committee and has been out to Northern Ireland to meet a number of the families involved in this. I will confess that I have not spoken to him since yesterday's debate, because I was in Dublin. I quickly looked at some of the Hansard reports of yesterday's debate, but I will certainly be following up with the Minister in the coming days.

- Q38 **Lady Hermon:** We are going back to where we started, when the Chairman began with Brexit and its implications. You assured us, Secretary of State, and I believe your assurances, that you will do your very best for Northern Ireland and for the whole of the UK when we leave the EU. There is only one Regulation, made in 2011, when David Cameron was the Prime Minister—regrettably—that was negotiated by the British Government and that froze a huge amount of Libyan assets in the UK. We are taking about £9 billion or thereabouts—more than £9 billion—frozen by one EU Regulation. We have voted for Brexit. I did not, but the country has. If Brexit means Brexit, that Regulation will go; the UK Government will not have to abide by that.

Will you please liaise with the Foreign Office to make sure that a lump sum of compensation is rightly paid to all those victims throughout the United Kingdom who have suffered terrible tragedies and loss, including the recent loss, as mentioned by my colleague here from East Belfast, who represents his constituents so well, of a prison officer—his constituent, Adrian Ismay—who was attacked with an under-car bomb earlier this year with Semtex? This is not something in the distant past. This is still happening. Will the Secretary of State give that assurance today, to liaise and make sure that, when we Brexit, we will take that opportunity to use those frozen Libyan assets in the UK?

James Brokenshire: As I have indicated, I met with Minister Ellwood to discuss this issue prior to the debate that took place yesterday. I am very conscious of the terrible loss suffered by so many people as a result



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of Gaddafi-supported acts of terrorism. I take this very seriously and I understand entirely the motivations and desires for people to seek and obtain some form of redress. As you know, the Foreign Office has taken the lead in relation to this, in seeking to support those families in obtaining compensation and redress from the Libyan Government. Equally, you will be well aware of the challenges that are currently posed in Libya to being able to take that forward.

On the issue of the existing assets, I am very firmly advised that there is no legal basis upon which the UK could withhold Libyan assets once the relevant Libyan entities are removed from the list and the assets unfrozen. These entities can only be de-listed by a unanimous vote of the UN Security Council or, in the case of EU sanctions, by the European Union. Once the assets are released, they belong to the people of Libya and, by law, have to be returned for their benefit. Now, that is the clear position, as I am firmly advised, in law. I know that Minister Ellwood responded to these issues when they were put to him yesterday in Westminster Hall, on the important, broad issues that sit behind this.

Does that in some way imply that we are not committed to supporting those families in obtaining redress? No, it does not, and I commend Minister Ellwood for his work in not just meeting but keeping people updated and the personal role that he has played in this. I can say to you, Lady Hermon, that I will work with Minister Ellwood on continuing his work as we seek to find an appropriate way forward for those families.

Q39 Lady Hermon: Thank you very much indeed for that very detailed reply, including the legal advice, which included references to the EU Regulation, which, as I indicated earlier, will go with Brexit. It will go; we will no longer be bound by that. What we will be bound by is the UN resolution. Can you assure us, and thereby encourage all of those victims who are getting older and more frail and who still have to live with the terrible consequences of the bombings and the shootings that were committed by the IRA, aided and abetted by Gaddafi and the Libyans, that there will be a really concerted effort by the new Prime Minister, Theresa May, and her entire team in negotiations with the UN; that this will be one of the main priorities in these negotiations; and that, when Libya has a stable Government, those assets in the UK can indeed be used to compensate British victims in this country?

James Brokenshire: We want to see a just solution for all of the victims of Gaddafi-sponsored IRA terrorism. We want to see a stable Government in Libya so that we are able to move that forward. The Government stand ready to re-engage once that stability is restored, so that we are able to see that progress and support given to families, to assist them in taking that forward and to create an environment where that is possible. Getting a stable Libya is a clear objective that we have. We welcome the Government of National Accord's move to Tripoli and the steps forward that they are taking, knowing, though, that the security



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situation and the stability of that Government in Libya still has a long way to progress.

Absolutely, this remains a focus in our discussions with the Government of National Accord, to get them into a position where we are able to take this forward, and we will continue to work to support families. As I say, I have had that initial meeting with Tobias Ellwood, and I will certainly be meeting him very shortly to reflect on the points that were raised during yesterday's session, and indeed the points that are being raised here today.

- Q40 **Chair:** On that point, it was a year ago when Minister Ellwood first came before this Committee; he has been twice. I do not in any way hold him responsible for the miscalculation, but he told the Committee in the first instance that the Government in Libya was likely to be in place in a few weeks' time. I paraphrase, because I am speaking from memory. That was a year ago, and it does not really seem we are any further on. You can understand, I am sure, the frustration, not so much of members of this Committee, but of victims and the relatives of victims.

James Brokenshire: The situation in Libya, as I well know, is complicated. In essence, we had two separate Administrations and there has been progress on that front. The Government of National Accord are taking control of key ministries in Tripoli and key Libyan institutions. This is progressing, but regrettably it is taking time, with all the consequences that that brings with it.

- Q41 **Kate Hoey:** I want to support what Lady Hermon said. Minister, do you accept what she said about the Regulation and about the opportunity that that would give Her Majesty's Government, whatever is happening in Libya? It may well take a lot longer than we would all hope. That would be an opportunity for some of the money to be used for compensation to people who have suffered for so long.

James Brokenshire: As Minister Ellwood made clear yesterday, if the assets are then unfrozen, they belong to the people of Libya and, by law, have to be returned to their benefit.

- Q42 **Kate Hoey:** That is not going to be very possible, is it?

James Brokenshire: If you then have a stable Government in Libya and the de-listing takes place, the assets become unfrozen and, in essence, they are returned, which is why, in parallel, the clear discussions and negotiations that will take place to create a stable Libyan Government are so key, as is supporting the families in making their case and getting their compensation.

- Q43 **Kate Hoey:** What about the interest on the money? That is not necessarily legally bound to go back, and the interest alone would be pretty huge.



James Brokenshire: Ultimately, as a matter of law, they are assets of the Libyan people. This is the approach that operates in respect of assets that are frozen and then unfrozen. That is why it is so important that we continue to support the families in their work and in making those clear representations to the Government of National Accord to get that successful outcome that, frankly, we would very much want to see for all of those who have suffered so grievously as a consequence of Gaddafi-inspired terrorism.

- Q44 **Lady Hermon:** Does the Secretary of State appreciate how frustrating, distressing and upsetting it is to see newspaper and media reports that at least six of Gaddafi's very wealthy henchmen—and I do not think they are entitled to diplomatic immunity so I can call them that—have been given asylum in this country? They are all very wealthy, they have brought their assets to this country and we have willingly given them shelter and I am sure a very luxurious lifestyle, while the Secretary of State—I am sorry to refer to you—has taken a line from the Foreign Office that the Government will do all they can to help individuals to deal with their claims with the Libyan Government.

It is impossible for injured and older people who are victims of IRA-Libyan violence to go individually out to Libya to claim compensation from the Government. The Government have a moral duty to espouse the claims of those individuals. What does the Secretary of State feel about this Government taking the lead from the new Prime Minister, leading the world, looking outwards to the world and setting a new standard that those who use terrorism will pay for it?

James Brokenshire: I recognise the hurt and the pain that will still be very keenly felt by those families who have been so grievously affected by this. I stand by what I have said about wanting to see that successful outcome and the just solution for those victims. I entirely understand the passions that are shown here today and I know will have been shown during the debate yesterday too. What I can say is that I will continue to work with the Foreign Office, which takes the lead in relation to this and is supporting the families and looking to create that solution in Libya.

I recognise the huge frustrations that are here, but nonetheless it is right that we continue to work, to create an environment where we can get that just solution and we can get that redress. That is the approach the Government are taking, but I do not underestimate the pain and hurt that are so keenly felt.

- Q45 **Nigel Mills:** Secretary of State, can you perhaps give us your assessment of how healthy you think politics is in Northern Ireland?

James Brokenshire: Things have moved on incredibly. We can look at this year's elections. We have an Executive and we now have an Opposition in the Assembly, which is reflective of the progress that has been made. I certainly want to see that continuing and will engage as Secretary of State with all the political parties in that fashion.



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If what you, Mr Mills, are pointing to is in relation to political donations and transparency, I am obviously very conscious that the situation in Northern Ireland is different to other parts of the United Kingdom. That is something that I would like to see progress, as we see a maturing of the work of the Assembly, the Executive and politics more generally in Northern Ireland. There is growing support for that transparency, and I am reflecting on how we can now take that forward.

- Q46 **Nigel Mills:** By the time we have the next UK-wide general election and the next Assembly elections, do you think people might be able to see who is funding their parties? That is still four and five years away.

James Brokenshire: There is a real opportunity, now that we have a sense of stabilised, maturing politics in Northern Ireland. We have now had the longest period of unbroken devolved government in Northern Ireland since the 1960s. That is a powerful statement of where politics has come in Northern Ireland and I hope it will be possible to move forward on transparency. From the political parties, there is growing support for transparency in relation to political donations. As the new Secretary of State, I am giving careful consideration to where the work has gone thus far and how we can make progress around that, because I see it as an important part of the continuing maturing of the political environment, so that people are able to see where donations and loans to those who are involved in politics are coming from.

- Q47 **Nigel Mills:** When do you think you might make your assessment? The last but one Miscellaneous Provisions Bill gave the Secretary of State the power to change this by order. Is that going to be a 2018 decision or might it be sooner?

James Brokenshire: Unfortunately, Mr Mills, I cannot give you a firm timetable. Obviously, there have been a number of issues that I have been looking at in the relatively short time that I have been in this role. I would assure you of the awareness that I have of this and why I think it does make sense that we are able to move on. I am asking my officials for advice on how we can do that, and how we may have consultation with political parties and others in order to advance that. I recognise the point that you make around this, that there is a sense of continued progression around politics in Northern Ireland, and I do see this as important.

- Q48 **Ian Paisley:** Secretary of State, as you know, there are a number of electoral offices across Ulster that are earmarked for a review and the fear is, of course, potential closure of these offices. Given that a lot of things seem to move Belfast-centric, this needs to be addressed. A number of members here, including me and Lady Sylvia, have sought meetings with the chief electoral officer to address the specific needs for our own constituencies.



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I understand there was to be a public consultation, and I am being told it is possibly going to be announced on Monday the 19th. I do not know if that is the case, and maybe you will be able to confirm that. My concern is that the public take a decision based on evidence, and that evidence is best summarised in financial information. Can you confirm that you will be able to put into the public domain all of the financial information that will allow us to make an assessment on the salary and budget of those in the offices against the overall costs of running the offices nationally? Can you provide any other information in relation to the rental costs that will allow politicians and the public to understand why there is going to be a change to this service?

If that information is not there, I think people will conclude, whether you like it or not, that this is a farcical public consultation and that a decision has already been made.

James Brokenshire: I cannot give you confirmation today as to the timing of the consultation that, I think, will be coming forward in the very near future. It is worth underlining that it is right to look at the ways to modernise the delivery of electoral services in Northern Ireland. This process has been driven in part by a necessity to replace the ageing IT systems and find efficiencies, but also to give an opportunity to capitalise on the introduction of digital registration in Northern Ireland. As we do not have elections until 2019, I think the time is now right to see how electoral services in Northern Ireland can be modernised and restructured to maximise the efficiency and effectiveness of the electoral office.

The Northern Ireland Office and the chief executive of EONI have engaged already in the run-up to the consultation, including with district councils and others. That will continue as part of the consultation, which my ministerial colleague Kris Hopkins will be doing; he has plans to meet extensively with a range of other parties throughout. In terms of the form of the consultation, we want to ensure that it is meaningful and offers that opportunity for people to have their say. I am conscious of the potential closure of two offices in October, as the break clause in the lease comes up, and the concern that that might imply of some centralisation into Belfast. It is not the intention that that should only be available in Belfast in that way, but I hope that that will become clear once the consultation document is released. Sir Jonathan, I do not know if you have any further detail that you might wish to share.

Sir Jonathan Stephens: I have nothing further on date or timing, but just to reassure you, as the Secretary of State says, this is about the effective and best delivery of electoral services. Technology is changing the way in which electoral services are delivered so that people will now be able to register directly in their homes, in addition to the existing paper-based services, of course. That has significant implications for how electoral services are delivered. The consultation will also be a genuine attempt to look at whether, in other areas, those electoral services—after all, the existing electoral offices are not in every council area—can be taken even more locally, while those services that are heavily



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technology-dependent are rightly and efficiently brought together in one place.

Q49 Ian Paisley: It is all very fascinating in terms of modernising the electoral register. We have a very modern photo identity system, which is unique to Northern Ireland. I am all for that and for making sure that the electoral register is up to date. That is a rolling process. I am thinking of the democratic process in election month, election week and election day, in particular where you have staff who are known in the area and political parties from all sides can deal with them. They do not have to do the massive journey from rural parts, say Ballycastle in my own constituency or maybe the far end of the loch, up to the city of Belfast, to hand in electoral registration papers.

We have seen electoral offices close in other rural parts and it is slowly being drawn into the centre of Belfast. It will have an impact on the democratic process in election week or election month. That has to be looked at, and it should be recognised that that is a very different thing in terms of the delivery of the face of the democratic process, vis-à-vis the constant modernisation and getting the electoral register up to speed. I hope that you will take cognisance of that.

With regards to the workers in the current electoral office, I understand that you are intending to offer them a voluntary exit scheme. The timing of that voluntary exit scheme has to be after the consultation. If a voluntary exit scheme is offered during or before the consultation is complete, people will make decisions about their future before your consultation is complete. That would be wrong and again would indicate that this is a fait accompli. I hope you can give us an assurance on the voluntary exit scheme and that you will look at this issue of having the electoral offices functioning close to and sharing constituencies, instead of just being in the Greater Belfast area.

James Brokenshire: I certainly hear a number of the points you make, Mr Paisley, very loud and clear, and we are keen to explore the opportunities for working more closely with district councils on a number of aspects of the delivery of elections. That local link is absolutely key and I pick up your concern about the complete centralisation of services in some way to Belfast, and how we maintain a strong foothold and community link is something that will be reflected on very carefully in terms of the consultation.

It is important that you have a system that is efficient and effective, and I made all those points in relation to the new technologies that are being introduced and will help on electoral registration and the conduct of elections. It is also ensuring there is a local link to give that confidence and that connection, so that, if you have the questions and queries that inevitably arise during the course of an election, you have people nearby to be able to ask them of. I hear that point very directly. I will also reflect carefully on the more detailed point that you have made in relation to staffing and the way in which that will be handled. Perhaps I can



reflect on it and write to you or the Committee separately in relation to that.

- Q50 **Lady Hermon:** I have a small point to make about the Newtownards area electoral office. It is vital, given the geography of the peninsula, that that electoral office is retained in Newtownards. The staff there do an absolutely wonderful, brilliant job and are consistently regarded as being totally impartial. It does not matter which party. Whatever the party is—the Green Party or Sinn Féin—the staff there treat everyone impartially. While I heard very clearly your explanation about online registration, the services provided by local electoral offices are much, much broader than online registration.

Can I seek a commitment about impact assessments for young voters, the elderly and those who have no access to the internet? Not everyone can log online and we will still have a paper exercise. If we have a paper exercise, that is convenient for those in Strangford constituency, East Belfast constituency, my own constituency of North Down. That is really important, if we are really serious about engaging young people and older people—people who may not, apart from Brexit, have voted in their lives—in the democratic process. That is what the evidence told us about the referendum. It is counterproductive in Northern Ireland to centralise any more services, in terms of voter registration, in Belfast.

James Brokenshire: There is absolutely no question of electoral services only being made available in Belfast in the future, and digital registration will be an additional option to paper-based registration. It will not replace it, so those who wish to register by post or in person can continue to do so.

- Q51 **Lady Hermon:** Continue to do so where, Secretary of State?

James Brokenshire: This is why the chief electoral officer wants to do this not on a piecemeal basis. They want to look at this in the round. They want to see that link with individual authorities, and that is why I do not want to prejudge the consultation that will follow. The chief electoral officer has operational independence; I am rightly not able to direct in that sort of way. The chief electoral officer has taken the decision that it would not be desirable to extend the lease at Newtownards before the consultation on modernising the delivery of electoral services across Northern Ireland. That is the operational position that he has taken and it is right that I support the judgment and assessment that has been made.

- Q52 **Lady Hermon:** Do you mind if I interrupt and ask what the saving is? What is the financial saving of closing the office in Newtownards? What did the chief electoral officer base his judgment on? What is the financial saving?

James Brokenshire: He would have based his judgment on the fact that the lease of that particular property was coming to an end. Therefore, in terms of assessing what is appropriate or not, you would



then be making a decision in respect of the future when you had not made that overall assessment. It is better to do the consultation and assessment, to make that overall judgment on where services may be. In these two specific cases in terms of Ballymena and Newtownards, the operational judgment was taken that, as those leases were coming to an end, that would mean the renegotiation of new leases; therefore, that would in essence prejudice some of this, in terms of how the overall configuration would look. It is more from that very operational end that the chief electoral officer has taken that decision.

Sir Jonathan Stephens: Of course, there is a focus on efficient delivery of public services; there has to be and we are all under a duty to do that. The purpose of the consultation is genuinely to ask the question: how best can we deliver electoral services? How best can we deliver those electoral services that need to be delivered locally and close to the citizen?

Q53 **Lady Hermon:** After the lease has expired—so the lease will have expired.

Sir Jonathan Stephens: Yes, but this is a question about the delivery of services and that does not necessarily rest upon a particular location or a particular office. The consultation will ask for views and encourage opinions on whether there are ways in which, particularly working with local councils, services can be delivered even more locally where that is appropriate.

James Brokenshire: That is why it is important that we get on with this consultation, so that people can have that strong say and make those strong representations as to where they think that those services should be ultimately delivered from. Therefore, while, yes, this operational decision has been taken, it is then reflecting on the overall strategic outcome as to where services should be delivered from. Clearly, that has not been undertaken as yet, and I am certainly not going to prejudice what the outcome of that would look like.

Q54 **Chair:** The electoral office was set up to ensure impartiality, independence and so on. Is there any intention to hand its powers over to local councils?

James Brokenshire: No, not that I am conscious of at all.

Q55 **Ian Paisley:** There is a wider issue, Secretary of State, that you need to be aware of. Yes, we have a good economic story to tell in Northern Ireland, but there are still pressures on the economy as we try to rebalance. The public sector plays a vital part in that, with public sector jobs. From my own constituency, we have lost a courthouse. The lease is up and the electoral offices will not be there while the situation is reviewed. The private sector is under immense pressure, with three major companies already closing in my constituency. These public sector jobs are vital and that needs to be thrown into the mix as well. In the



overall picture of Northern Ireland, if everything looks towards the city of Belfast, that is not the way in which you build the economy.

James Brokenshire: No, I absolutely get that point. That is why, as Secretary of State, I have made a particular point of getting out well beyond Belfast, across Northern Ireland, to hear and recognise those points very clearly: that this must not be confined to one particular part of Northern Ireland. I heard strong representations while I was up in the north-west on all the themes there, so I do hear and understand that point very clearly. With all of the reforms that we bring, the new industry and business that we would like to see, and when we make the points of being an outward-looking economy and seeing that success for Northern Ireland, it cannot simply be confined to one specific part of Northern Ireland. We must be very conscious of how we can work with the Executive, who I think equally are very conscious of this too, from the conversations I have had with Simon Hamilton around all this. How we are able to see that benefit across Northern Ireland is a point that is well understood.

Dr McDonnell: I would like to endorse Mr Paisley's comment. Have you been to North Antrim?

James Brokenshire: Yes, I have been.

Dr McDonnell: It is God's country you are looking at, you understand.

Ian Paisley: That is something we agree on.

James Brokenshire: I had a very good visit.

Q56 **Nigel Mills:** You mentioned earlier on, Secretary of State, the importance of tourism to Northern Ireland, and we have an ongoing inquiry into boosting tourism. One of the issues is whether there could be a lower VAT rate in Northern Ireland on hotels and other tourist-related activities. Once we are free of EU laws that prevent us having a lower rate in one part of the country, is that something you would be keen to champion in your new role?

James Brokenshire: You will appreciate that this is very much a matter for the Treasury. Normal VAT rules do not allow the application of different VAT rates in different regions or parts of the United Kingdom. Therefore, any reduction of VAT rates in Northern Ireland would have to be accompanied by the same reduction across the United Kingdom. This clearly would be at considerable cost to the Exchequer. I would underline that I know there has been a lot of focus on this, not just in Northern Ireland but in other parts of the United Kingdom too, where some of these points have been made.

It is worth recognising that Northern Ireland has experienced strong growth in overseas visitors. We saw a 2% increase in the total trips taken in Northern Ireland across all markets in the first half of 2015, and, from the sense that I get, that continues to progress. More visitors from overseas are visiting Northern Ireland's shores and spending more when they get there, and the latest figures from the Northern Ireland Statistics



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and Research Agency report an 8% jump in tourists from outside Northern Ireland to 400,000 in the first three months of 2016, compared to the same period last year.

It is important to recognise what has been a very strong performance from Northern Ireland in attracting people to come. Steps have been taken over workaround visas for Chinese visitors and smart working with the Republic of Ireland on how you can get all those trips to come together. I suppose I would say, while I understand the focus on VAT and the points that are being made, I see it as so much more in terms of how we promote, encourage and see and sell that story of Northern Ireland being such a great place to enjoy with the family and to visit, having so many things to see. That, I think, is so powerful in seeing an injection and boost.

I am conscious of the representations that are being made in relation to VAT, but I know the Treasury looked at this and, given the scale of the contribution that is made, I do not think it is currently on the agenda.

Q57 Nigel Mills: You started by saying that it is a matter for the Treasury. We are having a small difficulty in convincing a Treasury Minister that they would like to come and talk to us so we can conclude that inquiry. That was both pre and post the recent reshuffle. Is there any way you could gently encourage your colleagues that perhaps it would be a helpful thing to the Committee if they could come and answer a few questions on that topic for us?

James Brokenshire: I am sure that the comments you have made will be reported back to Treasury in respect of this, and points have clearly been made across the United Kingdom about it.

However, the very clear assessment is that any reduction in VAT for tourism would have a significant and immediate cost, which would not be balanced by the potential benefits to the economy. This is why I made the point on pursuing firmly, robustly, clearly all of those avenues that I think are there to boost tourism, visitors and people coming to Northern Ireland. I can certainly attest, having taken my family there over the August Bank Holiday weekend, to what an incredible place it is.

Q58 Nigel Mills: We would obviously agree with that. While we are loosely on tourism and taxation, can I throw the APD hand grenade in and possibly the Heathrow one? Do you have any thoughts on aviation in Northern Ireland and what might be done to improve connectivity?

James Brokenshire: There are a few points that I can make. We have devolved responsibility for long-haul APD to the Executive. The Executive have never asked us for the devolution of short-haul APD, and any devolution of short-haul APD as a means to achieve a reduction in rates would need to be funded by the Executive, in order to protect the public finances and to comply with other rules.

Mr Chairman, you raised the issue of Heathrow with me on my first Northern Ireland questions. I am increasingly conscious of the air links



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between the United Kingdom and Northern Ireland from so many perspectives. It is important to recognise the growth we have seen in passenger movements in Northern Ireland. I would equally put on record the issues that I am conscious of with City of Derry Airport, Londonderry, that have emerged in recent days with Ryanair making the commercial decision to withdraw their London service and one other service from next spring.

I have spoken to the chairman of City of Derry Airport today to understand the issues and to recognise the potential impact that might have. He has been very clear in saying that there would be no immediate job losses and is confident that an alternative carrier may be identified. Representations have already been made to the Department for Transport over this, and indeed I will be talking to the Aviation Minister shortly in respect of these issues. I wanted to register that specific fact and circumstance, but equally, in the broader sense, how aviation has increased.

For example, from the information I have, around 534,000 people passed through Belfast International Airport in August, up by 14% on the same period a year earlier. That is something I welcome and recognise, seeing that greater use of Belfast International, but I am also conscious of those representations that are being made in relation to air links to London. The Government are considering the report very carefully and will be coming back in due time, as they have indicated, with their formal response to that in relation to Heathrow.

Q59 Dr McDonnell: Chair, I welcome the Secretary of State's comments, but is the Secretary of State aware that the price of the flights is astronomical? I could be in New York and back for less than it costs me to fly to London out of Belfast. That is horrific. While it may be coming out of the public purse and it may not be coming out of my pocket, and maybe I should not worry about it, with a sense of public responsibility I find it obnoxious. That may be because I am booking two or three days in advance, because I am not quite sure exactly what time I am coming, or whatever.

However, businesspeople have been approaching me in recent times—these are serious businesspeople who are not pinched for a penny—telling me that their ability to connect with London is curtailed by the sheer price of tickets. While for people in public service it is coming out of public funds, businesses are becoming frustrated and angry that they can be asked for £500 for a return flight to London. It is a scandal.

All I would say is, in turn, it is forcing people to travel out of Dublin where the prices are about £100 to £150 less, and the result is that our airport and our air services are being squeezed.

Chair: In addition to that, of course, I think I am right in saying that Dublin is going to build another runway by 2020. There is huge frustration on this issue, Secretary of State.

James Brokenshire: I have had discussions with Belfast International



Airport in relation to their plans for the future, and, as I have indicated, we have had no representations from the Executive making a request to devolve air passenger duty to the Executive. If a request for the devolution of short-haul air passenger duty came forward from the Executive, we would of course consider it. The Executive will examine and factor in these issues in terms of the approach that they take, but they have not approached the Government in this regard. They did so in relation to long-haul, and we devolved that to them.

There are a number of factors that are at play here. As I say, we have seen those passenger growth numbers, but I know that representations continue to be made in relation to the capacity at London Heathrow, and that is a point that is made by a number of members of the Committee and others in Northern Ireland. The Government are considering this matter in relation to Heathrow capacity very clearly, but I am not in a position to indicate to the Committee this afternoon the outcome of that. I can assure the Committee of the very, very careful consideration that is being given.

Dr McDonnell: I respect the Secretary of State's point about air passenger duty, but I am making a complaint about £150 that is far beyond air passenger duty. There is a rip-off going on at the upper end of the market, by British Airways. I will put that, even though I am a customer and I am using them. The growth in passengers is in charter flights, holiday flights and economy flights at the bottom end. That is where the growth is. The growth is not in the business, and economically it is a vital artery.

Q60 Kate Hoey: I totally support that. I support that very much, and, as someone who does go back and forward and pay my own way, I tend to use EasyJet. The problem now is, with more tourism and more people going, the flights are fuller and therefore the prices go up. Is there not a case to be looked at now, particularly if we are to leave the EU, for Northern Ireland to be treated the way the Highlands and Islands groups are, where we can make a special case for Northern Ireland? To go by train and boat to London is practically a two-day journey, or certainly a very long journey. Surely that must be looked at, and Northern Ireland should have the special status that the Highlands and Islands have for flights.

James Brokenshire: That is why I made that specific point on connections with London and Ryanair's decision, to update the Committee on that. In respect of City of Derry Airport, I understand the airport are looking at options to replace the flight with another carrier and they have made an application for a public service obligation for the route to the Department for Transport. I have been advised, and will be following up with the Aviation Minister, that the Department for Transport is giving this full consideration, and I hope to see the London routes secured for the people of Londonderry and the north-west. The decision on a PSO for the airport is one for the Department for Transport Ministers, but I can assure this Committee that I will be talking very keenly to the Aviation



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Minister in this regard.

- Q61 **Lady Hermon:** I have a small comment about APD. Secretary of State, I am sure you will know the reasons why the Executive did not ask for APD on domestic flights to be devolved to it—it would have to pay and the Treasury was arguing that this would be treated as illegal state aid within European law.

The promise of Brexit and opportunities that we have not had before means that we will no longer be bound by European Court of Justice ruling about state aid. Could the Secretary of State, taking that into account, confirm what he said to the Committee earlier: that, if the Executive were to ask for the devolution of APD on domestic flights, it would be looked at sympathetically? APD would no longer be state aid.

James Brokenshire: We would certainly consider any request carefully, but I would say that state aid rules do not simply reside at the EU level; they are broader than that. Therefore, equally, the balance around the United Kingdom is something that will be very much on the mind of Treasury post the UK's departure from the European Union, because of those broader rules that also exist. I would simply caution in saying that departure from the EU does not necessarily bring all the flexibilities that might be perceived to be there.

- Q62 **Lady Hermon:** I am puzzled, because the Treasury Minister who did choose to come to us quoted the Azores judgment and the jurisprudence of the European Court of Justice, which will bind us while we remain part of the EU, and which will definitely not bind us when we are out of the EU. Would the Secretary of State just confirm that, that being the case, once we have left the EU, the Executive of Northern Ireland will not be asked to pay the price of the devolution?

James Brokenshire: I cannot speak for Treasury and I cannot give a commitment to this Committee this afternoon. All I can say is that, if representations were made by the Executive, we would consider them carefully. I cannot give any commitment around that, and I would not want anything read into anything that I have said this afternoon to be implied in that fashion. It is rather that we would look at this carefully, recognising the rules and restrictions that apply now and other restrictions that may well apply into the future.

Chair: But Northern Ireland has the land border with the Republic of Ireland, where the APD, I think, is zero. It was abolished entirely, if I am not wrong, as the tourism tax was reduced; it is certainly very low. That makes things very different for Northern Ireland from the rest of the United Kingdom. We will have to move on from that to the Police Ombudsman, our final subject.

- Q63 **Dr McDonnell:** Apologies for keeping you all this time.

James Brokenshire: No, do not worry.

Dr McDonnell: I think this will be the longest session the Committee ever had with the Secretary of State, and we are indebted to you for



answering.

James Brokenshire: I am pleased to answer your questions.

Dr McDonnell: We are genuinely indebted to you for your forthright answers. I wanted to raise a question that is a big topic at the moment: the Loughinisland attack on an innocent group of people watching a World Cup football match. Have you had an opportunity to consider that report and what steps do you think should be taken?

James Brokenshire: What happened in Loughinisland was an unspeakable evil, and certainly I wish to pass on my heartfelt condolences to all of those who suffer the pain and hurt that continues to be felt as a result of it. The Government accept the Police Ombudsman's report and the Chief Constable's response to that. This is now a matter for the police, and the Chief Constable has given his reassurance that he fully co-operated with the ombudsman's investigation and will co-operate fully with any disciplinary or criminal proceedings against former police officers.

Equally, it remains clear that the Chief Constable's response highlights that the PSNI remains firmly committed to apprehending those responsible for these murders, and has continued to appeal to the community for information. On behalf of the Government, I reiterate that commitment, and that appeal, to bring those evil people to justice.

Q64 **Dr McDonnell:** One specific point I would want to make: I am sure your briefing has informed you, Secretary of State, that the report concluded that the guns used in those murders were imported by the UVF from South Africa in 1985. The ombudsman's report further stated that, had those who imported the arms been pursued, not only would the murders of six men in Loughinisland have been avoided or thwarted, but up to 70 other murders could have been averted. Do you think the Chief Constable will pursue that issue aggressively? It is fairly obvious that Loughinisland, awful and horrific as it was, was only part of a much wider operation.

That is not to take from any of the other operations. I have every sympathy and remorse for every murder victim that was out there, and that has to go on the record. It is difficult, in that we have to sometimes be selective, to focus on an issue here or there; but murder is murder, and it is horrific in itself. It is doubly horrific for the families who have to live with the consequences. In this case, however, not only were the six people in Loughinisland involved, but the report suggests that somewhere in the region of 70 other murders could have been averted.

James Brokenshire: There are a couple of important points to make in response to this, Dr McDonnell. Firstly, the Police Ombudsman's report makes it very clear that those responsible for carrying out this despicable act were the UVF terrorist gang who planned and carried it out. Also, the police had no prior knowledge of the attack that could have enabled them to prevent it. It is important to put that on the record, as that was what the report stated.



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Equally, we will always judge our security forces—who do a brave and brilliant job, and the majority of whom do so with the utmost integrity—against those high standards of integrity and professionalism. Therefore, we take any allegation of police misconduct very seriously and, where there is evidence of wrongdoing, it must be pursued. Everyone is subject to the rule of law. That is the clear approach I take. This is a matter for the police, and, as I have said, the Chief Constable has also given his reassurance that he fully co-operated with the investigation and will co-operate fully with any disciplinary or criminal proceedings against former police officers.

- Q65 **Dr McDonnell:** The point is about those who imported the guns. Will there be any concentration on the importation of the guns? The people who carried it out at the end point were not the only ones guilty. The people supplying the guns and sending those fools, as they were, out to get involved in such activity were in my book equally guilty, in the same way that those in the Provisional IRA who sent people out to do such despicable acts were equally guilty to those who carried them out.

James Brokenshire: That is why the Chief Constable was very clear on his continued commitment to apprehending those responsible for these appalling murders, in that sense of “those responsible”. There is a question of following the evidence and gaining further evidence, which is why the appeals for more people to come forward continue to matter, and why I absolutely endorse that. It remains important that we follow that evidential trail, and that we use all efforts to bring those responsible for this heinous crime to justice.

- Q66 **Kate Hoey:** Very briefly, I wanted to welcome what you have said about being firmly committed to apprehending all those. Have you had time yet to look at the others—there are many others, but the particularly horrific Kingsmill issue and where we have got to on that? Some horrific things happened in Northern Ireland, but there were one or two or three that really stand out, and that was one of them.

James Brokenshire: You are right to highlight a number of these appalling tragedies. I am aware that there is an ongoing police investigation in relation to that case. There is a limited amount I can say in respect of it, but I am conscious that the PSNI are pursuing that. Equally, I have been talking to the families’ and victims’ groups on points that were made to me about that particular incident, which I have been pursuing. I can assure you of my clear consciousness.

- Q67 **Kate Hoey:** Just as there are some further things that my colleague needs to have looked into in the Loughinisland case, clearly there are issues there of relations with the Republic of Ireland, people who crossed over the border, the Garda and all of that.

James Brokenshire: That is right, and representations have been made to the Irish Government in that regard.

- Q68 **Lady Hermon:** Thank you very much indeed for your patience. I want to return to the Police Ombudsman’s report on Loughinisland, and I feel



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that I should make it quite clear beforehand that my late husband was the Chief Constable of the Royal Ulster Constabulary. He was the longest-serving Chief Constable of the Royal Ulster Constabulary. He described proudly the men and women who served in the Royal Ulster Constabulary as extraordinary men and women, who did an extraordinary job.

James Brokenshire: I agree.

Lady Hermon: He died eight years ago with Alzheimer's, but he was extraordinarily proud of the officers who had to deal with the terrible violence that plagued Northern Ireland at that time. He was not Chief Constable at the time of the Loughinisland killings. These were six innocent Catholic men in a pub, watching a World Cup match. I am exceedingly sorry that their families have been exposed to all of this pain, grief and suffering.

However, I am very concerned about the definition of collusion that was adopted by the Police Ombudsman. This is not a definition of collusion that was legislated upon in this sovereign Parliament; and I believe this Parliament to be sovereign, even as a member of the EU. This was a definition that was invented by Judge Cory, I believe, who was a Canadian judge, back in 2005. It was repeated by Judge Smithwick, but not invented by Judge Smithwick, in his subsequent more recent report. It was alluded to and used by the Police Ombudsman of Northern Ireland in the Loughinisland report.

I am deeply disquieted by that. I wonder whether the Secretary of State would consider looking at a legislative definition of collusion, so that we do not end up in this position once again. Can I just thank the Secretary of State? I am deeply grateful for him putting on the record that it was a UVF unit that murdered the innocent Catholics in The Heights bar in Loughinisland, not the RUC.

James Brokenshire: That was the finding from the ombudsman's report, and that is why I think it was important to put that on the record before this Committee this afternoon.

Lady Hermon: It was very important.

James Brokenshire: Again, as you have rightly said in the very moving tribute that you paid to your husband and the contribution of so many RUC officers, the vast majority who served in the RUC and the security forces during the Troubles did so with huge bravery and exemplary professionalism. We all continue to owe them a huge debt of gratitude for what they did in upholding the rule of law. Therefore, we would not be in the place that we are now had it not been for their bravery, dedication, professionalism and sheer commitment.

In respect of the ombudsman's report itself, as I have said, it is a report that we accept, and ultimately the findings of that are a matter for the independent Police Ombudsman. We accept his findings, and it is now clearly for the police to determine what follow-up is required. It is that



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approach that I take in relation to the Loughinisland report; my predecessor equally accepted the report, as the Chief Constable has done. That is my response on the specifics of that.

Q69 **Lady Hermon:** The question was a definition of collusion, which was not a definition in legislation in this Parliament or indeed in the Northern Ireland Assembly.

James Brokenshire: We would perhaps prefer the definition contained in Lord MacLean's report on the Billy Wright inquiry, but, ultimately, the ombudsman is entitled to choose a different definition for his work, independently, and, as I say, we accept the findings in his report.

Lady Hermon: That is disappointing.

Q70 **Chair:** We have had a very long and very useful session. Secretary of State, Sir Jonathan, thank you very much for joining us. We wish you well with your work, and we do analyse the work, but we are here to help as well.

James Brokenshire: Can I thank the Committee for your questioning? I know this is rightly scrutiny and holding to account, but I know the real interest and commitment that so many people on the Committee have for Northern Ireland, which I absolutely respect and acknowledge. I look forward to working with you in the months ahead.

Chair: Thank you very much.