



Select Committee on the European Union

Corrected oral evidence: Brexit: UK-Irish Relations

Monday 17 October 2016

3.30 pm

Watch the meeting

Members present: Lord Boswell of Aynho (The Chairman); Baroness Armstrong of Hill Top; Baroness Browning; Lord Jay of Ewelme; Lord Selkirk of Douglas; Lord Whitty; Baroness Wilcox.

Evidence Session No. 7

Heard in Public

Questions 76 - 84

Witnesses

[I](#): Colum Eastwood, Leader, SDLP; David Ford, Outgoing Leader, Alliance Party;

Mike Nesbitt, Leader, Ulster Unionist Party.



Examination of witnesses

Colum Eastwood, David Ford and Mike Nesbitt.

Q76 The Chairman: Good afternoon, gentlemen. We are now live for the final session of the day, our fifth session, as the Lords EU Select Committee looking at the implication of Brexit issues for the island of Ireland and its constituent parts. We are hugely grateful in what, at party leader level, will be a busy time. I record our appreciation of, and sorrow at, the departure of David from his position in the Alliance Party.

David Ford: These two are quite happy, Chairman.

Colum Eastwood: I do not know about that.

Mike Nesbitt: No, no.

David Ford: They were both very gracious.

The Chairman: We will have the love-in at the end. We are sometimes cynical about political service and we should not be. The only point I add from our Committee, given we are an appointed rather than an elected House, is that we do not have a democratic mandate, therefore we have an enhanced democratic obligation. We try to look at this as straight as we can. I would like very much, proceeding in the order you appear on my list, to welcome, and to reflect the fact that you are hosts, Mike Nesbitt, leader of the Ulster Unionist Party, Colum Eastwood as leader of the SDLP and David Ford—I am not sure whether you have formally demitted yet.

David Ford: I have formally, yes.

The Chairman: You are the immediately outgoing leader of the Alliance Party. We are all very familiar with your background and contribution. Unless there is anything in particular you want to say to us first, I think we will kick straight off with the questions.

Mike Nesbitt: I think so, yes. We are happy.

Q77 The Chairman: I am absolutely happy for you to take this as flexibly as you wish. You may and probably all will wish to make a contribution, or you may want to demit one or come back. Particularly at the political level, we are anxious to have as much exchange and cut-and-thrust on these issues and your concerns as we can.

If I might start, we know that David Davis as Brexit Secretary—he is fond of saying that he came over here as his first major international assignment—has identified UK-Irish issues and the impact on Northern Ireland in particular as one of the more difficult elements of the upcoming negotiation. Would you like to say briefly what the main difficulties that need to be addressed are, in your view? We can start with Mike and go along the list, and then vary that on a subsequent question.



Mike Nesbitt: The most obvious thing is geographical. We currently have a land border with the eurozone, but come Brexit that will be a land border with the European Union. We do not know what that will look like. The implications are potentially massive for us. Of all the nations and regions of the United Kingdom, Brexit is likely to impact on us more than anywhere else, yet for our devolved Assembly and Executive, we appear to be the least prepared. There has been minimal contingency planning. Indeed, since 23 June very little has occurred. The two First Ministers have written to Mrs May. They did so on 10 August. All they managed to do was define five areas of concern, which were as obvious on 10 May or 10 June as they were on 10 August. They included the border, energy and agrifood.

We are not in a good place. We need to define a vision of how Northern Ireland benefits in the new situation. The Executive need what we have described as a war room. In other words, we need to assemble the intellectual capacity and the resource to understand how to maximise our position in the negotiations that are coming. That capacity is out there, but it is not on this estate, where it needs to be. We need to be able to react in live time to developments.

As one example, the Permanent Secretary of the Department of Finance was in front of the Committee for the Executive Office two Wednesdays ago. He said that when the Chancellor took the original position of underwriting only anything that was at letter of offer stage by the Autumn Statement, it put around about €1 billion of local applications for euro funding at risk. The Chancellor then softened his approach and stance at the Conservative Party conference. The Perm Sec's assessment was that that freed up around €900 million of that money. We went from €1 billion at risk to under €100 million at risk with one sentence of one speech. It is critical that we are across all these things in a live sense so we can react in a timely and appropriate manner.

We need to establish the policy options, then pick our priorities. Critically, we need to assess whether those priorities complement or clash with the UK's priorities. Some of them will clash and that is a big problem. For example, agriculture is much more important to Northern Ireland than it will be to the UK Government. If, for example, we are saving £8.5 billion—who knows what that figure will end up at, depending on the negotiations, but even if it was £8.5 billion—and you gave Northern Ireland only the 3% that we would be entitled to under the Barnett formula, that would be enough for only our farmers, to compensate them for the loss of the single farm payment. There would be nothing for the voluntary and community sector, which relies exclusively on the European Social Fund for training. There would be nothing for our universities. It is very hard to figure out how we will make this into a good thing for Northern Ireland, but that is the political task we have to grasp.

Colum Eastwood: The three of us will have slightly different views about where we go, but all of us were on the same side before the



referendum and I think we are on the same side when it comes to understanding that this will have a huge impact on people in Northern Ireland. That is why 56% of people here voted to remain, because they understood and could see in a very physical and real way what the impact of possible Brexit would be on us.

I come from a political party that has European Unionism as part of its fundamental make-up. We are very much pro-Europeans. We want to see as much connection and co-operation around the continent as possible. We are deeply concerned about the impact this has. We can talk about the economic impact, trade and the fact that 35,000 people cross the border every single day. I live a mile from that border; I cross it very regularly myself.

From an Irish nationalist perspective, the impact this has on the Good Friday agreement and all that that meant is tremendous. While we always maintain our aspiration, many people in Irish nationalism were prepared to wait for Irish unity. They were prepared to play the long game and let the institutions bed in. I am not suggesting that that has changed hugely, but the conversation has changed. People are now very concerned that the constitutional shock that Brexit will be will have an impact, but we are not sure what that impact will end up looking like. The principle of consent in the Good Friday agreement that the majority of people in Northern Ireland would have to give consent before a constitutional change to the status of Northern Ireland—which is something Irish nationalism had to come to—was fundamental to that agreement. It was very important that Irish nationalism signed up to that. John Hume and others convinced Irish nationalism to do that. This is a huge constitutional change that is happening without our consent.

For us, the Good Friday agreement was about breaking down borders, further integrating across the island and working democratically in the absence of violence or intimidation towards our political aspirations. To take that away—to take the common EU membership we had with the south of Ireland away—has a tremendous destabilising effect on the Northern nationalist psyche. I do not think that that can be overstated. I do not for a second believe that peace is under threat, but I believe that the political direction, and the speed of the political direction, has been upset. We do not know where that goes.

My strong view is that ideally we would remain members of the European Union. I believe that the European Union is a fantastic problem-solving organisation. If you look at where we were not too many decades ago in Europe, this is an organisation and body that is able to solve some of the biggest problems our continent has ever seen. I do not believe it is impossible, but at the very least we need to maintain the four freedoms on this island, because I do not believe for a second that it would be practical to enforce any kind of border that includes restrictions on people or goods on this island. It would be impossible. The logical outworking of that has an impact as well. I believe the most likely outcome is that border checks will happen in ports and airports on the island of Britain.



That needs to be thought through. All these things have constitutional shakes in them. I am not sure that was fully considered by some of the people here who argued for Brexit.

David Ford: Mike has given a very useful background to the economic situation. I do not think I disagree with anything of any substance that he said. Colum has outlined some of the political issues, particularly for nationalism, which, while I do not necessarily share every view he said, I recognise as absolute realities for a very significant section of our community. I understand that you are travelling down to Dublin immediately from here. Whether you are on the train or on the road, you will not know when you have crossed the border. I am old enough to remember the days when even private cars had to have little triangular stickers stuck on their windscreen and so on. That is a huge psychological issue that affects everybody, but obviously for those who regard themselves as nationalists it is particularly important.

On the practicalities and differences between Northern Ireland and the rest of the UK, there is the fact that a majority of us—which was a great majority of nationalists and centre-ground people, and a reasonable number of unionists—voted to remain, as opposed to votes in England and Wales, excluding London. That in itself is a difficulty. That is then reflected in the issue of cross-border trade. Last week on the BIPA committee looking at the effect on agriculture and food we had significant evidence of the amount of trade in agriculture and food that is directly cross-border.

The Chairman: We have had evidence on that this morning.

David Ford: The pigs that travelled north for processing; the cattle that travelled south; the milk that travels in both directions: those are massive issues that are simply not recognised. It is not just agriculture, but that is the most obvious high-level example. Clearly the issue of the common travel area is not dealt with by people simply saying, “The CTA has existed since 1923”, because it has existed only since 1923, when we have either been these islands and nobody else was worried, or we have all been in the EU. The whole issue of immigration and the response in parts of England to immigration will clearly affect that whatever.

We also have environmental factors because of our close proximity to another member state. What England does not have until you get 20 miles away, we have a metre away. There are issues there. In my past role there are very significant issues, as you, Chairman, are well aware, around justice co-operation, which we very nearly lost a couple of years ago.

The Chairman: We are very grateful for your input on that.

David Ford: The justice and home affairs opt-out could have lost vital things such as the European arrest warrant. We have no understanding of how that will be. Given that somebody can abscond from the courthouse in Strabane and be outside the jurisdiction of that court in



barely a mile, it is a very significant issue as a requirement for cross-border co-operation.

Q78 The Chairman: Thank you all for your contributions, which have added up ensemble to a very interesting position. To go a bit further on two questions, given that we know the UK-Irish relationship is unique—I am not asking you to define a final position on that; I am just saying that it is special and that is understood and acknowledged by the Government in Westminster as well—would you feel, individually, that it is desirable to seek to establish a specific bilateral UK-Irish deal as part of the Brexit negotiations? Probably, for reasons that you will find obvious—not least because the Irish Government will, in a sense, be on the other side of the table—it might be presented not quite as a joint agreement, but does there need to be an understanding of what is offered for Brexit as to the nature of the UK-Irish relationship, if only to persuade the other 26 that something has to be done about it? How do you feel about that?

Colum Eastwood: It makes sense. No other EU country is affected in the same way as the Irish Republic. There will obviously be constraints on this because Ireland is a member of the European Union and will remain a member whatever happens post Article 50. It will have to be on the other side of the table. One of the things that worries me about these so-called negotiations—I am not sure how much negotiating will be done—is that so many different sets of agreements will have to be reached before the UK can leave with a deal. It will be very difficult to get all that over the line, especially in the allotted two-year period. I have asked for and I think we have received a commitment from the Irish Government that they will at least be our friends around the negotiating table. I am not sure what will happen for the rest of the UK, but they are very much aware, and have been very vocal in their support for and understanding of the issues that people in Northern Ireland face.

The Chairman: This is presumably because it is seen as a mutual interest in both parts of the island of Ireland.

Colum Eastwood: It is that, and I think they have a duty and genuine concern for people here and the issues we face. There has been some discussion in academic quarters around this: there may well be a need post-Brexit for a conversation around what the constitutional position ends up being—what the relationship between Ireland and the UK ends up looking like—and if that forms some kind of agreement. I am not sure. Right now, we have to focus on protecting the practicalities, which are, in my view, about the four freedoms—the freedom to move and do business around this island. Otherwise, we will create political problems that I do not think we will be able to solve very easily.

David Ford: We need a bilateral deal between the UK and Ireland; I am just not sure how we get it. Incidentally, there are people in the Republic who fear that their interests will not necessarily be represented when Brussels negotiates with London, just the same way that people in Northern Ireland fear that London will not be representing their interests either. It clearly is a very significant issue. It is common history and



everything else. We do not need to rehearse those points, but it is difficult to see how, in the context of a negotiation between the remaining EU and the UK, it is possible to have that kind of special relationship, which exists psychologically but may not be given formal recognition. I am not aware of special relationships that the various member states of the EU might have that are in any sense as big as Northern Ireland, although we are only 1.9 million people. We are not 20,000 people in Greenland or Gibraltar; we are a significant part of the whole nation. It becomes very difficult to see how you can resolve that point.

Mike Nesbitt: As a Unionist, I wish to persuade everybody who lives in Northern Ireland that they are best served remaining part of the United Kingdom. Part of that would be to try to make the border less obvious and less important. Some time ago, the visionary late Sir George Quigley, a businessman, identified and persuaded people on this side of the border, "Your easiest export market is 60 miles down the road. You don't need to chase around continental Europe. It's obviously there". In Colum's home city, up in Derry, there is a new cancer service. The business model is not to serve the north-west of Northern Ireland; it is Donegal, it is the Republic of Ireland. As you do things like this you make people like Colum more comfortable with the concept of the United Kingdom.

Colum Eastwood: This is where we begin to disagree.

The Chairman: We will leave you to sort that one out afterwards.

Baroness Armstrong of Hill Top: I can understand the differences.

Mike Nesbitt: For unionists, the Anglo-Irish agreement of 1985 was a seismic shock imposed above our heads. I am empathetic to the fact that, for Colum, what happened on 23 June is a bit the same. This is English nationalism saying to Colum, "Despite the assurances of the Belfast Good Friday agreement 18 years ago, this is being imposed upon you. You voted to stay, but you're going to have to come out".

We need to work with the Republic in having a common position in negotiating with the 26 because we cannot expect them to understand the exact nature of the relationship between the United Kingdom and the Republic of Ireland socially, economically and politically. Also, while we as an Executive, along with the Welsh and the Scots, will be invited by the Prime Minister to input into negotiating positions, she has also made clear that it will be the UK Government that will then go and negotiate. We can also go in round the back door, as it were, because we have an office of the Northern Irish Executive in Brussels. I am very keen that they start lobbying on the ground in the capital city.

There is also what used to be called the Barroso task force. I am not sure what it has ever achieved, but if ever it was potentially of great value to Northern Ireland, this is that time to try to ensure that the Council, the Commission and the Parliament understand that the UK's priorities might



not be in synch with Northern Ireland's priorities. Europe has invested a huge amount of money, time, effort and political capital in peace in Northern Ireland. That is something we should use to our advantage.

The Chairman: I will not speak further on this line of questioning, other than to say, by way of comment, that our Committee is, of course, actively engaged in inter-parliamentary exchange, as opposed to inter-executive exchange, which is a distinction that the Government do not always pick up on. We will no doubt seek, as and when we report, to be very active in making sure the Government report through the democratic process to Parliament and the devolved Assemblies so that we may all be involved in this. I flag that up.

- Q79 **Lord Jay of Ewelme:** I think David Ford said that the Irish were concerned that Brussels might negotiate directly with London, as it were leaving them out of it, but is it not very much in London's interest to persuade the other 26 that it is in everybody's interest that an agreement is reached among all 28, even though it is a rather specific one between Ireland and Northern Ireland because of the difficulties involved? Do you think they are doing that or will do that?

David Ford: Clearly, an agreement that ended up satisfying all 28 would be great. I am not sure how exactly we would get that. The concern I was trying to express was views from the Republic that the negotiating body will be the EU. The Irish voice in Brussels is relatively small. Even though they have the most significant concerns, they feel they would not be heard alongside the massive continental countries.

- Q80 **Baroness Browning:** Is there any structure or process you can identify that has been activated since the result of the referendum that would ultimately allow Northern Ireland to speak with one voice, not only so its voice can be heard, but so that nobody can drive a coach and horses down the middle?

The Chairman: To interpose or gloss on that helpful question, Mike said in his introductory remarks that there is a need for dialogue that needs formulating outside this building. We are all conscious of the sensitivities of the political process here, whether for individual parties or members of the Executive. In a way, if it was left to just the politicians it might be difficult, but how are we going to distil an Irish voice, which can go forward loud and clear to the participants in the negotiations? What are the mechanisms for doing so?

Mike Nesbitt: I do not think we have a voice or mechanism at the moment. As Colum said, the three parties represented here all campaigned for remain. We now have slightly different positions. Mine is that the days of Brexiteers and remainers are gone. The people have spoken, so we should get on with maximising the advantage. The difficulty with the Executive is you have two parties who are poles apart. We have the DUP, which was for Brexit, and Sinn Féin, which was for remain. When the Secretary of State for Exiting the European Union, Mr Davis, came over to meet the Executive, he had to meet them separately



at two meetings. A house divided has no leverage in negotiations. How many times has a politician said to somebody or a group of people, "You clearly haven't got your act together, so come back when you do"?

We are in a terrible position. The UK Government have set up a department with a Secretary of State and Ministers. The Scottish Government have set up an advisory panel. The Welsh are looking at it; Dublin is looking at it. Even the Secretary of State for Northern Ireland has a business advisory group. I am not sure why it is just business, but he has an advisory group. The Ulster Unionist Party has a Brexit advisory panel, made up of the voluntary sector, agri-food, manufacturing and universities. The only group that does not seem to be putting together processes, plans, resource and intellectual capacity is the Executive.

We now know that the head of the Civil Service, when the then Prime Minister said that we will have an in/out referendum, asked the European unit in the Office of the First Minister and deputy First Minister to look at a paper. Apparently it was never completed and apparently the First Minister never saw it. Lines were given to people manning a phone line for the department of agriculture to use on 24 June. All those lines were drawn up on the premise of a remain vote. It was only early in the morning on 24 June that lines were distributed to reflect the fact we had voted to exit. We do not seem to be anywhere in terms of a plan, a strategy, a vision, a set of mechanisms and having the intellectual capacity in the right place at the right time to push our case.

Colum Eastwood: It should not shock anybody that the DUP and Sinn Féin have a different view. I do not criticise them for having different views. It would be ridiculous if they had the exact same view on this. What is shocking is when you hear that they are only beginning to work on contingency plans after the referendum—after the fact. There is a bit of an issue of what "contingency" means, but that is very worrying. The Irish Government have done far more work in advance of the vote than our Government here. That scares me almost to death. We do not expect the Executive to have one view and one voice on every issue, but there are some fundamentals we need to get together on. None of us is in the Executive, but I am happy to work with anybody to try to ensure we get the best possible result for people here. The Irish Government have convened a conversation. I will be involved in that. If our Executive convene a conversation I will also be involved in that if they want me there.

Whatever there is about the 56% and the rest, surely everybody now wants to find the best possible solution. We will have different approaches practically, maybe, but my view is that the maintenance of the four freedoms and access to EU funds should be something we can all agree on. The difficulty is the DUP does not even agree on this internally. Sammy Wilson says one thing; Jeffrey Donaldson says another. We are having a debate today where most DUP members seem to support Sammy's position. It is very difficult for the rest of us to engage when the DUP seems to be divided in its approach to this. From our



perspective, we are ready and willing to get involved in any team-building effort required to get us to a common position.

David Ford: As Colum said, it is no surprise that the DUP and Sinn Féin were in a different place up to 23 June; the tragedy is they have not done anything to bring the Executive together. Frankly, we could all make the political point that that is not suggesting that relationships with the EU are unique in the ability of the DUP and Sinn Féin to agree together what needs to be done, but it is an example of an urgent and pressing problem for this region more than for any other part of the UK. Yet, there is no sign that they are working together beyond that letter to the Prime Minister that was mentioned earlier, which effectively pointed out what the problems are. We know what the problems are, but the Executive have taken no lead in seeking to resolve them, either internally or involving wider society.

The Chairman: There is not at the moment an articulated voice being fed into the Executive?

David Ford: No. For example, last week, when the BIPA committee looking at the future of the agrifood industry across these islands took evidence in this building, the Department for Agriculture, Environment and Rural Affairs was not represented, although a number of other stakeholders were.

Mike Nesbitt: If I may, on Lord Jay's point, we have to assume that in the other 27 member states there is more hostility than friendship likely to come the UK's way, which makes our position with the Republic of Ireland all the more important to argue a solid case. On the border, there is a thought in my mind that is immature and needs to be thought out, but there are a couple of things. As I understand it, the UK Government contribute to the French Government with what is happening in and around Calais. The other thing is, if you were leaving here to get to the States, you could go to Belfast International and fly to Europe. You could, of course, go to a hub like Heathrow. Your other alternative is to go to Dublin and fly direct from there. The big advantage with that is that you clear American customs in the terminal in Dublin Airport, because that piece of land has, in effect, been ceded to the United States. I wonder whether that is a principle that could be rolled out to protect against people using free travel to come to the Republic and then migrate into Northern Ireland to use Northern Ireland as a springboard to access Great Britain.

Q81 **Lord Whitty:** Most of my question has been covered, but it seems to me that the problem of us going back to our Government and saying, "You must take the Northern Ireland dimension more seriously in this negotiation", which I think we would be inclined to do, it that there is no unified voice. If there is not much prospect for a unified voice from the politicians, do you think there is a prospect for one from, for example, industry and business? Do you think discussions with the Irish Republic



could kick Northern Ireland into having a more coherent unified voice in this area? Or, as soon as a particular proposition comes on board, are we going to see a retreat or division into the usual sectarian divide? For example, we have seen the quote from Charlie Flanagan, which seems perfectly reasonable when you first look at it, that the new arrangements should seek, “Legal recognition of the unique status of the North”. That means that the north would be different from the rest of the United Kingdom. Will that provoke a reaction among some sections of the unionist community? In which case, the freedom for manoeuvre is a bit limited. Is there any way that at least a minimal level of unified view can emerge from Northern Ireland, even if it is not at the top level of the Executive?

Colum Eastwood: That is possible, but you know where you are. It is not unusual that we all come to issues from different perspectives, but the reason why I talk about the border and the need for a special understanding or recognition of Northern Ireland’s place is the practical outworkings of all this. If the referendum result was about immigration—in large parts it was—the UK will have to maintain its border. That is a very simplified way of looking at it, but it will have to maintain its border somewhere. I just do not believe it is possible to do it across the island of Ireland, especially when we talk about the freedom of movement of EU nationals. Things can be done by the Irish Government at airports et cetera, but for EU nationals it will be very difficult. I am not sure that the very hard-line Brexiteers would be content if there is a backdoor through Northern Ireland. This creates a problem. Everyone says that we do not want a hard border, including the Prime Minister and the DUP, but nobody is saying what it will actually look like. That is why I believe the outworking of this is the border will end up in ports and airports in Britain. Constitutionally, we are still part of the United Kingdom, but to all intents and purposes this is where this ends up: around freedom of movement of people and access to markets.

Lord Whitty: That would be a remarkable outcome, because that would be an international border in the UK, treating the six counties—

The Chairman: It might be sensible to get Baroness Browning and Lord Jay to ask their questions together because they are both exploring the border issues.

Q82 **Baroness Browning:** You will be familiar with reports in the *Guardian* that the UK Government are seeking to shift the front line of immigration controls to Ireland’s ports and airports—Colum just mentioned that—to avoid a hard border between north and south. If that was put in place, how would it work in practice?

Q83 **Lord Jay of Ewelme:** My linked question is about customs. Assuming for the moment that Brexit means a hard Brexit and therefore we will be outside the customs union, do you think that means there would have to be some kind of hardish border, or can that be resolved by electronic means and some sort of inspection away from borders so you are not getting in the way of the border operating more or less as it does now?



David Ford: To start on that point, once you have a border with different tax regimes, you patently cannot control the smugglers by electronic means. You can control honest people by electronic means and by sealing containers and so on. The history of the border on this island is that once there are opportunities there will be people who step into them to evade tax.

The Chairman: To interpose, that includes in real time different excise arrangements now?

David Ford: Yes.

Lord Jay of Ewelme: You have that now?

David Ford: Yes, we have that now. When the excise duties on fuel are closer together you might buy on the other side of the border if you were there, but you will not go there. When it becomes significant, sometimes people drive curtain-sided lorries with plastic tanks, which is a slight health hazard for anybody on the road. That is the inevitability if you have that kind of arrangement. Talking about electronic controls to deal with that is utterly meaningless.

On how you control the border in practice and external things, I do not know how the Irish are supposed to manage the airports in the Republic and ports such as Rosslare and Cork to stop EU citizens coming through there into GB. Let us face it, the concerns are actually about English immigration, not UK immigration. There is very little concern about what happens in this part of the UK/Ireland. I do not see how that is possible in any meaningful way.

To some extent that brings in Lord Whitty's point about whether it is offensive to say that Northern Ireland has a special status. Actually, in 1998, 71% of us voted that there was a special status: that we were in the UK, but on slightly different terms from other parts of the UK. That is accepted now, but remember that those who currently lead this Government were in the 29% minority who did not accept it then. I am not saying that there would not be a reaction to it, because we are not dealing with rational thought about what it means in economic terms. We are talking about the irrational response at times. I am no optimist that the suggestions being made to avoid a hard border are workable for either people or goods.

Colum Eastwood: I read the article as well and I have expressed my views to those people who listen in Dublin. I do not know how far down the line they are when it comes to negotiating that arrangement. I do not sense an enormous amount of support in Dublin for the Irish Government taking on the immigration job of the UK Government. I do not understand how that would work when it comes to EU nationals. I just do not understand how that would work in practice, or if there would, in this centenary year, be much interest from the Irish people in doing that. I do not see how it would be possible. The Republic of Ireland is one of the



most pro-European countries around. It does not always get it right when it comes to voting on European treaties.

David Ford: Not the first time.

Colum Eastwood: It gets there eventually, but I do not understand why it would involve itself in that kind of arrangement. That is why I think we are back to what I have been saying all along. This is not some sort of backdoor way into Irish unity for me. This is crazy stuff. There is no good result from Brexit. It is about trying to get the best possible result from a very bad situation.

Mike Nesbitt: The decades of the Troubles confirm what Colum posed: you cannot secure the land border between Northern Ireland and the Republic. On free movement of people, the border will inevitably be at the ports and airports of Great Britain, from Cairnryan to Heathrow, which would disadvantage everybody travelling either way, but particularly the citizens of Northern Ireland making their way to the rest of the United Kingdom.

On the movement of goods, electronic just will not cut it, because you can be sure that as we speak there are people on both sides of the border gaming how they will make a few bob or a few euro out of whatever regime emerges. I am afraid that was the division bell.

The Chairman: I understand you have a vote.

Colum Eastwood: It is a vote on my proposal to seek special status for Northern Ireland in the event of Brexit—which we are all voting in different ways on, of course.

David Ford: I am with you, Colum.

The Chairman: It would be unfortunate if you missed it, unless you can reach a pairing agreement among yourselves.

Colum Eastwood: We do not have that here, unfortunately.

Mike Nesbitt: Would you like us to come back in 10 to 15 minutes?

The Chairman: Yes, if we can for a few moments to wrap up. What you said is great. I am sure that you should not miss the vote.

Colum Eastwood: I definitely cannot.

[Sitting suspended for a division in the Assembly]

Q84 **The Chairman:** Thank you very much for coming back, gentlemen. We will need to wrap up in a few minutes. In the circumstances, I would like to list outstanding areas of interest. You might want to either touch on them by making a single wrap-up comment and/or write to us if you want to say more. First is the industrial impact on particularly sensitive industries; secondly, the impact on the peace process; thirdly, the impact of EU funding on Northern Ireland, with particular reference to



infrastructure and cross-border projects; and finally, cross-border police and security co-operation. I realise that David has been a Minister with responsibility for that in the past. You are very welcome to comment on those briefly as we aim to conclude by 4.50 pm or thereabouts, in 10 minutes. The final formal question I put to you is whether there is anything we have left out, or anything in particular that you individually would like to emphasise to us for our attention, and, if necessary, onward transmission in London. Who would like to go first on those?

Mike Nesbitt: On security, the European arrest warrant would be a huge concern so we do not have a hiatus between exiting the European Union and bringing in new arrangements. David has already made clear that there is a courthouse a mile from the border. We have lived through the Troubles, where terrorists were brought by the guards up to the border for exchange to the RUC, paperwork was not properly completed and people were walking free. We have to ensure that that does not happen again and that we have full co-operation.

On the other questions, I will shamelessly self-promote as the only party to have produced more than two A4 pages on the implications. We have defined a vision: the plan we need, with the intellectual capacity and all the rest, then 10 key asks—measures by which the public will know how successful the Executive have been. Key among those asks are a step change in skilling up and educating our workforce, and trebling our investment in infrastructure, because we have some key weaknesses in infrastructure. Those two things are what make us attractive to foreign direct investment, which is what will help us rebalance our economy and be less dependent. What I dislike about the current Executive is when we have a problem the DUP and Sinn Féin get out the begging bowl and head your way to London, down the road to Dublin or both. I would like us to be less dependent on the block grant to generate more of our own wealth so we have the taxes to fund excellence in public services.

The biggest infrastructure issue we have is energy. It is very expensive—we are the second most expensive region in western Europe—but there is also security of supply. If we do not do something soon the lights will start to go out in and around our centenary in 2021. We have an urgent need to invest in energy and more broadly in our infrastructure. Apart from that, I do not think you are missing anything.

Colum Eastwood: I might write to you in more detail on some of those issues. The peace process was talked about. I studiously avoid saying that the peace process is under threat because I do not think our peace is under threat. We have to be honest about that. I said that before the referendum and I say it again. The hard work and the hard-won changes that have been agreed on peace and violence are protected because the public will make sure they are protected and so will we.

I do not think you are missing anything. We could talk about the impact on farmers: 84% of farm income comes from Europe and I have no confidence whatever that the British Government—particularly this Government—have any interest in replacing that money. We could talk



about all sorts of things, but it is just as important to recognise this message: the impact on the nationalist psyche in Northern Ireland has been tremendous. It will get worse in the event of Brexit. That is my analysis. It is an educated analysis. The effect has been immense. It feels to people from a traditionally nationalist background that we are being cut off from our ability to further integrate, in a democratic and normal way, with our friends across the border. That has a very damaging consequence for people's confidence. Mike and I come from different perspectives on this. Both of us and David want to see Northern Ireland work. I want to be able to democratically convince people that a united Ireland is the right way to go in the long term; Mike wants to convince people that the status quo is the right way to go. We can do all of that without fear or threat, but let me reiterate: this shakes northern nationalism to the core. It just does. If there is anything you hear from me, that is my message.

David Ford: Thank you Chairman, with thanks to Stuart for the helpful clerk's note. I will certainly write more to you as soon as possible to follow up some of the points. A brief reference to Colum's points around the peace process: when some of us pointed out during the referendum campaign that most of our co-operation around the peace process had been built on joint membership of the EU, we were accused of saying that if we left the EU that meant we would go back to war. It did not. We were saying that the EU provided the context in which there has been so much political development that has paralleled the peace process.

I will say a few words on justice and security matters. There is no doubt that we were in real danger of losing a significant amount of essential co-operation a couple of years ago. Indeed, we lost some measures. For an example of why Northern Ireland is special, the Home Office and the Ministry of Justice in Whitehall saw no particular need to maintain recognition of probation arrangements on an international basis. But when the international basis is that somebody lives in Strabane and goes a mile to work in Lifford it is significant to us, yet we could not persuade those who were negotiating on behalf of the UK that that was the kind of issue that was important. There was a magical number that no more than 35 could be opted back in to. We did at least keep the European arrest warrant, but the reality of the EAW is there is currently no legislation in the Republic of Ireland to allow for extradition to the United Kingdom other than under the European arrest warrant. Without wishing to sound too denigrating, if you look at the current political composition of the Dáil and the Seanad, it is not immediately obvious that it would be easy to get what was described to me by a member of the Northern Ireland Select Committee from the House of Commons as "simple good sense" through the Oireachtas if we are seeking to produce alternative legislation on that.

Those are the kind of things that were overwhelmingly ignored. Sadly, an event during the referendum campaign that was to have highlighted that particular point had to be cancelled because it would have been on the day after the murder of Jo Cox. It is an issue that did not get noted and



desperately needs to be noted as we look at how we make arrangements for the future.

The Chairman: I thank you for those specific comments, and for bringing to the attention of the Committee the continuing problems of Northern Ireland. I emphasise that we understand the importance and how much is at stake on issues that affect this community and may be overlooked in the wider context. All I would say is that this is an open line to us if there are continuing concerns. I hope you will share that with other representatives around here, in the community more widely, and with the Government and the other people you are in contact with so they will be in no doubt as to your concern. Key to all this will be the continuing attention and the maximum amount of communication. You have helped us with that today. I hope you will be able to persist with it as the situation develops. We are very grateful to you.

Baroness Browning: Following on from what David Ford just said, there is a sub-committee of this Committee looking at home affairs matters with regard to Brexit. It would be incredibly helpful for that sub-committee, which Lord Jay and I sit on, to have the sort of information you have just given. The fact that the European arrest warrant is the only means through which you can extradite someone from the south to the north certainly has not come up in our discussions. I wonder whether we can invite our colleagues here to submit something.

The Chairman: We have heard what was said. Stuart will note that on behalf of the Committee and will communicate it to the chair of the Home Affairs Sub-Committee. On any supplementary material you may have, as I said to you in the margins, I am very grateful for earlier correspondence on the European arrest warrant.

Lord Jay of Ewelme: It is not just the European arrest warrant either: on Europol or other home affairs matters generally would be really helpful.

The Chairman: In conclusion, because I had finished my peroration, there are real issues here. That is one we are aware of and that I am sure we will wish to focus on, but there may be others on the trade side or more generally. Please feel at any time that you are concerned that you can get in touch with us because we will share your concern almost by definition and in advance. We will do our best to ensure that is listened to. Meanwhile, thank you very much and we conclude the formal session.