



Select Committee on the European Union

Corrected oral evidence: Brexit: UK-Irish Relations

Tuesday 25 October 2016

4.05 pm

[Watch the meeting](#)

Members present: Lord Boswell of Aynho (The Chairman); Baroness Armstrong of Hill Top; Baroness Brown of Cambridge; Baroness Browning; Lord Green of Hurstpierpoint; Lord Jay of Ewelme; Earl of Kinnoull; Lord Liddle; Baroness Prashar; Lord Selkirk of Douglas; Baroness Suttie; Lord Teverson; Lord Trees; Baroness Verma; Lord Whitty; Baroness Wilcox.

Evidence Session No. 12

Heard in Public

Questions 120 - 137

Witnesses

I: John Bruton, Former Taoiseach of Ireland, 1994-97 and EU Ambassador to the USA, 2004-09; Bertie Ahern, Former Taoiseach of Ireland, 1997-2008,.

Examination of witnesses

John Bruton and Bertie Ahern.

Q120 The Chairman: Good afternoon, my Lords and visitors. I hope that everybody is now accommodated in the gallery. Our Irish visitors will be familiar with the joke about London buses: you wait a long time and then two come along. We are hugely grateful to you, Mr Bruton and Mr Ahern, for coming this afternoon. It is a great honour and privilege for us to have two former Taoisigh—I think that is the right plural—appearing before the Committee. You have both had most distinguished careers and have led your country—I will not say in easier times—to considerable success, which has been very much in the interests of the United Kingdom, as well as in Ireland's, which we welcome.

I do not want to take the Committee's time by itemising your various distinctions, but I will just say that in your several positions as Taoisigh over the years you will have had to deal with the British Government on some of the most sensitive issues of the developing peace process. We are all strongly committed to at least preserving in this new situation the benefits of that process. Secondly, and not least, you will have had hands-on experience, especially in the case of John Bruton, of representing the European Union at the highest level, and both of you will have had experience of dealing with the Council and of understanding the machinery of that not always well-understood institution. As for the feasibility of what we can do, this Committee wants to look at the implications of Brexit issues for both halves of the island of Ireland. I can think of no better pair of interlocutors than John Bruton and Bertie Ahern. You are most welcome this afternoon and we look forward to your evidence very much.

In terms of how we structure this evidence session, perhaps I will invite you in that order to make any initial remarks that you care to, after which we have a list of questions that we would like to work through, although we want to make the session as interactive and informal as we reasonably can, for colleagues as well. Perhaps you would like to kick off, John Bruton.

John Bruton: My Lords, first, I am very pleased to appear alongside Bertie Ahern. It is probably the first time in either of our careers that we have appeared on the same platform. To my mind, and I was a member of the Dáil at the time, the joint decision of the British and Irish people to join the European Union at the same time transformed the relationship between the two states in the sense that, prior to that, we were in a sort of bilateral unequal relationship, which had all the difficulties that go with any bilateral unequal relationship, whether in a family, between states or between businesses. By joining something that was bigger than either of us, we became equal members in some senses of the European Union. We also dispensed with some of the psychological difficulties that had prevented us from engaging. I have said this publicly a number of times, but the very first time from 1922 to 1973 that a British Prime Minister in

office visited Ireland was the year after both of us joined the European Union, when Edward Heath came to Dublin. No previous British Prime Minister in office had met his Irish counterpart in Ireland up to that point. That symbolised the change in relationship and made possible all the things that transpired thereafter, with which both Bertie Ahern and I were involved. I say for myself that we are feeling a great sense of loss at this time, but we have to live with that loss and do the best that we can.

Bertie Ahern: Lord Chairman, my Lords, it is a great honour to be here and I thank you for the invitation. It is also a great honour to be here with John Bruton. As he said, normally we share the same Parliament but on opposite sides of the Floor, so it is good to be here together to give a constructive line, I hope, on one issue. I have been lucky enough, like John, to enjoy a long political career of working in the European Union with successive British Governments of all sides. The great thing about that was that it helped to build relationships. As John said, those connections and relationships were not there previously. I got to know many Ministers in the years I was on the social affairs council, as Employment or Labour Minister in our system, on ECOFIN and then on the European Council. It was a real help for us to know one another and to change the relationships. I remember that the first Minister who came over to me was a Minister for Taxation, John Cope. He found it necessary to have about 200 security people to protect him. By the end of the period, there was hardly any security to protect anybody. That was how things evolved, and Europe was a huge part of that.

I have spent a lot of my life, as John has, in negotiating things. The reality is that we are where we are. There is no point in arguing about things of the past. I gave up most of that in my lifetime; it is a futile exercise. We now have to try to establish what we can do. Like everything in life, nothing is insurmountable if you try hard enough—and it will take effort.

I thank the Committee for involving itself in this Brexit UK-Irish relations inquiry. I think that your visit to Dublin and Belfast has been well received. It is considered important that you have given your time and effort to examining these issues and to giving people a voice to explore these issues. That will prove to be very helpful in the months ahead.

Q121 **The Chairman:** Thank you. Let me respond to those opening statements by saying that I am very grateful for your sympathetic welcome of our inquiry. We think that it was the most important and pressing quasi-constitutional issue that we should throw light on as a main Committee. As ever—this is my second point—we were extraordinarily well received both in Belfast but also at the Oireachtas. That was partly on the back of what you referred to: the good working relations in the interparliamentary field that we have enjoyed for many years. I hope that we will continue to do so.

I should have said that, as is self-evident, this is a public evidence session. It will be webcast and we will make sure that you get a transcript for correction later, although I hardly anticipate that it will

come to that. I will kick off our lines of questioning. Whichever of you wants to come in first, please signify—I am sure that you can work it out between you.

The Secretary of State for Exiting the European Union, David Davis, has identified in evidence to us and elsewhere that UK-Irish issues are one of the more difficult elements to the negotiation. Could you both indicate what you see as the main difficulties that need to be addressed? Perhaps to save time, you might like subsequently to say something about whether it would be desirable to seek to establish a specific bilateral UK-Irish deal, taking account of the uniqueness of the relationship, as a distinctive strand of the Brexit negotiations. Who would like to go first on that?

John Bruton: Bertie Ahern will be able to elaborate on this as he was directly involved in the negotiation of it. Access to the European Convention on Human Rights is a vital part of the Good Friday Agreement. While there is no suggestion that leaving the European Union would necessarily involve leaving the European Convention on Human Rights, it is a very serious part of the Good Friday Agreement, and I think that needs to be brought to the Committee's attention.

Furthermore, the fact that at the moment we are both members of the European Union means that there is effectively no border in terms of a barrier within the island of Ireland. That creates opportunities for people not to feel isolated. A sense of isolation in terms of being disregarded or in a permanent minority lay behind some of the very aggressive tactics that were adopted by republicans and indeed at times by loyalists as well. That sense of isolation is at some risk of being aggravated by the fact that we will no longer be in the same economic union as we are now.

As far as the bilateral discussion is concerned, obviously anything that we do in that regard has to be in accordance with our European Union obligations because we are a continuing member of the European Union. That means in effect that anything to do with trade will be handled essentially by the European Union authorities. In other areas, however, it is quite possible for us to have arrangements with the United Kingdom on a bilateral basis, and I have no doubt that we will try to deal with that. I would also say that the economic effect on the Republic of Ireland of Britain leaving is bound to be negative because of the extent of the trade that will be affected by uncertainty or by barriers to some degree or other that are yet to be determined. Some studies have even suggested that the loss to Ireland as a result of Britain leaving the European Union will be even greater than the loss to Britain of it leaving the European Union, but unlike Britain we had no say in the decision. Clearly that creates some negative feelings in Ireland.

The Chairman: Thank you. That is very clear.

Bertie Ahern: The two-way trade—I think that you are aware of this, but I shall state it again—is worth something like €55 billion, which for us is an enormous figure but maybe not for large countries. I know that some

of the articles read it as going two ways, so you can say that it represents 14% of our exports into the United Kingdom, but really that is cloaking it with the multinationals. The reality is that 42%, 43% are indigenous Irish companies, which is around 85% of the employment in the area. The spin is very much in the reality area; it is a huge hit. While we have a very strong ICT sector and strong pharmaceutical, medical appliances and medical supplies sectors, agriculture and related areas are still enormous. The mushroom story has been well publicised because it is easy to understand. John and I have spent our lives trying to improve agricultural exports. They represent 50% of the beef and up to 80% in some categories. The UK market is absolutely crucial to these industries. I have heard people say that you can move on to other markets, but when you are a small indigenous company trying to start up or perhaps you are family or co-op based, it is very hard to do that. Perhaps we will talk about that later.

The idea of having agreement is of course, as John said, totally correct; it has to be EU-based. There are many references in the Good Friday Agreement, which is an international agreement. It is set out in strand 2 that the UK and Ireland have the North/South Ministerial Council and the British-Irish Council and that we should work together and even "resolve difficulties at an EU level". These are very important connections, and I think that our northern colleagues in particular would see this as being vital to how things happen as we go forward. As with the European convention, it is hugely important that we try to deal with these issues together. If we just wait for the whole issue to be dealt with at the European level, some things might well be pushed aside in Brussels. I know that a lot of this will be about the Scottish debate. I wish them well, but we have to talk about our side of it. The reality is that it is very important that the Irish issues are dealt with.

Of course we have to co-ordinate ourselves on our side. It is necessary that we have our own Brexit Minister of State to try to deal with and co-ordinate on these issues. That was evident from the reports I have seen of some of your own meetings last week.

The Chairman: Thank you both for that. If I may say so, I am struck by the fact that you see two leaves to this exercise. One is what might be called the cultural and political and the other is the economic, and you do not regard them as distinct; they are two sides of the same treaty paper, as it were.

Perhaps I may come back on a couple of issues for comment. One is on the economics side. We heard evidence across Ireland, both in Belfast and in Dublin, about the importance of supply chains. This was not, if I can caricature it, major international companies that were using you as a production base for the whole of Europe; rather, it was encapsulated as all the pigs going north for processing and all the milk going south for processing. That may be a slight exaggeration, although you are nodding; I think you are familiar with that. Would you like, individually or together, to comment on the importance of supply chains to your

economy?

John Bruton: I totally endorse what you have just said. I understand that 30% of the milk in Northern Ireland is processed south of the border and that a similar proportion or more of the chicken produced south of the border is processed north of the border. More extensively, I understand that if you visit a filling station here in Britain, Northern Ireland or the Republic, the likelihood is that the bread may have been produced in England, the butter may have been produced in the Republic of Ireland and the filling may have come from Northern Ireland. The supply chain of the food industry is exceptionally interconnected. If a free trade agreement covering agriculture is negotiated, there will be no problem with any of this, but if we get into a situation where the common external tariff, which is very high in the case of some food products, has to be imposed, that will require us on our side of the border to introduce customs or controls of some kind to collect that tariff. On the other side of the border or here in the United Kingdom, people will have to certify the origin of the various products that they are putting into the final product to show that it originated in the UK and not in Brazil or somewhere else, or that the UK-Ireland supply chain is not being used to undermine European arrangements by importing those products into Ireland. So the bureaucratic as well as the tariff costs imposed on the food industry supply chains will be substantial. Similar issues arise in respect of the motor car industry, but that is not so relevant to Ireland.

Bertie Ahern: The interrelationship is enormous, and I think we all know just how big the multiples are. I recently looked at the figures for Tesco. That one supermarket chain takes a huge amount of our supplies; cheese at over 60% and poultry at 84%. Of course, as John has said, there is a two-way trade in milk with €1.5 billion-worth per annum of goods going north-south. Tariffs would, I think, cripple a huge amount of the industry. The bureaucracy would certainly be enormous, as would the number of people who would have to be involved and the add-on costs of trying to run that kind of system.

My concern is that people will start going elsewhere for markets and it will totally work against the entire multiples industry. That would be a huge loss. We have spent probably our whole history—certainly, groups such as the Kerry Group, which have existed for 40 years—building enormous connections between the island of Ireland and the UK generally. To set up a whole bureaucratic system with high tariffs that crippled the industry would be devastating.

Q122 **The Chairman:** Thank you for that. My other brief point is to get confirmation from you. We will explore some of the legal issues around the Good Friday Agreement in due course. I think you both hinted that there was some concern at the political level about the position of the nationalist, or Catholic, minority population in Northern Ireland. You said there was some sense of separation or something like that. They are not the majority, although they are involved in the power-sharing agreement by definition. They would lose their European citizenship, and while they

can still apply for yours they are somewhat “over the border”. That might be a simplistic reflection, but is that the sort of thing that people will have in mind?

Bertie Ahern: Yes, it is. The positive effect that 40 years of being joint members of the European Union had on changing the mindset in Northern Ireland cannot be overstated. In many ways that helped the admittedly slow and long process of all the various agreements and efforts. They were all on the one road to get to a position that everyone wanted to get to. Each incremental stage was very important. Our European membership was critical to that; it made the physical connection—a point John made earlier.

Between 1921 and 1974, I think there were only two or three engagements between Taoisigh and Prime Ministers in the whole period. Then all that changed. There were ministerial councils and summits in Dublin—the whole position had changed. People in Northern Ireland on all sides see this as a big loss to the comradeship and personal connection; as with everything in life, the personal relationships are hugely important. There are many people now who are quite pro-European but were not so European when John and I were trying to convince them, but that is life. It is good that they have come to that position, but it is a bit difficult the way it is breaking up at the wrong time.

John Bruton: I would just add one thing to what Bertie Ahern is saying. When the UK leaves the European Union, Northern Ireland will be the only territory not in the European Union where every person living there is legally entitled to be a citizen of the European Union, simply by applying for an Irish passport.

The Chairman: Which they can do at a Northern Ireland post office.

John Bruton: Yes, at the moment. That already suggests that, even when the departure of the UK goes ahead, Northern Ireland has some special standing, which I am sure will be recognised in some way.

Q123 **Lord Jay of Ewelme:** During my Foreign Office career, I think I went to up to 20 European Councils with Prime Ministers from Margaret Thatcher to Tony Blair. As an official dealing with the European Union, it was often extremely frustrating that, as far as the British Prime Minister was concerned, by far the most important part was the meeting with the Taoiseach, under the radar and not recorded. Things have moved on since then; the relationship is different and, as you said, better. Do you think the present structure of relationships between Britain and Ireland—and indeed between Ireland and Northern Ireland—is right for carrying out the rather difficult period of negotiations over the next two to three years or however long it takes?

I have one more specific question. I wondered what you thought of the current Taoiseach’s decision to establish an all-Ireland civic dialogue on Brexit. How important do you think that will be in the negotiations over the next couple of years?

Bertie Ahern: I think it is very important, because it gives people a voice. There has been a big call from most people in Northern Ireland, although not everybody; we know that the DUP under Arlene Foster does not see this as the best idea. However, I do not think there are big disagreements either. The view is that people have been able to express their views. The Taoiseach is trying to come to a collective position on where things are that can be articulated either to Europe or to the Prime Minister and your colleagues. I think there is only good in that arrangement.

On your question about what is the best arrangement, rather than set up another structure, the North/South Ministerial Councils, which reference in their make-up and in international agreements that these issues should be discussed, should be used. Equally, with the British-Irish Council, it is clearly stated—there is a clause in the document, almost as though someone knew what was going to happen, which they did not—that this connection should continue. I think that should be used.

From our side, it will be a difficult set of negotiations and it is probably important that it should be filtered through one Minister of State who deals with the issues. Things will get lost otherwise. If you are the Minister for health or education, it is very hard to stay across these things.

I would not set up something entirely new. I do not think that is necessary.

John Bruton: I agree. I think that the forum the Taoiseach has proposed is essentially to give people a sense that they are being listened to, because the sense of shock is quite substantial and people need to know that they can be heard in a structure. But it is voluntary; some will not participate. As has been said, the Good Friday Agreement provides for the North/South Ministerial Council and one of its functions under the Agreement is explicitly to consider the European Union dimension of relevant matters. Further, it provides that the views expressed in the North/South Ministerial Council can be represented appropriately at relevant EU meetings. Brexit means that it will fall to the Irish Government to represent appropriately whatever is said at the North/South Ministerial Council at EU meetings, because we alone will be at those EU meetings—not that that is the status we would wish to have, but it is the status we will have.

Furthermore, the North/South Ministerial Council has the responsibility to consider agriculture, which will be immensely impacted, and relevant EU programmes that will have an effect on one side of the border or the other.

In strand 3, which is the east-west relationship, there are two institutions. One is the British-Irish Council, which brings together not just the two Governments here but the Governments of Scotland, Wales, the Channel Islands, the Isle of Man and Northern Ireland. That entity will probably need to raise its game. It is rather a diffuse chamber and the

main players do not always represent themselves at the top level, which they ought to henceforth.

The British-Irish Intergovernmental Conference is also a very important forum and means for the two Governments alone to deal with things. The Good Friday Agreement requires them to have regular and frequent meetings on non-devolved matters. I think these meetings will have to be more regular and more frequent, using existing institutions to which no one can raise objections.

Q124 **Lord Jay of Ewelme:** May I follow that up with one further question? The Irish Foreign Minister, Mr Flanagan, suggested recently that the Irish Government should seek “a legal recognition of the unique status of the North and the circumstances on the island” during, or as part of, the Brexit negotiations. What do you think of that suggestion? What exactly does it mean? Also, have you any reflections on the defeat last week of a motion in the Northern Ireland Assembly—it happened while we were in Belfast—endorsing just such a proposal?

Bertie Ahern: On the reason for the defeat, again there are different views on what the structure should be. I would not worry about it. There is a clear effort by the First Minister, Arlene Foster, and the deputy First Minister, Martin McGuinness, to deal with the substantive issues as closely as they can. It would have been nice if everyone had turned up to the Taoiseach’s forum, but I would not worry too much about it.

I do not know whether you can have legal recognition, but I think the Minister for Foreign Affairs is saying that Europe should give due recognition to that fact we are more affected than anyone else. That is borne out by all the statistics you need to look at. There is special reference to it so that the entire discussion cannot take place at just a European level and be ignored.

I strongly hold the view that that does not hold up. I know that in the first instance people said that everything had to be dealt with through Europe, but there is the small matter of an international agreement—the Good Friday Agreement—which says different. You cannot stand that down, whether you like it or not. That is the vehicle that allows there to be a relationship. I am not saying that it should take over trade matters or debate on the common agricultural policy; I am not talking about the EU budget after 2020. It is not about those issues, but there should at least be due recognition of the substantial turmoil that this could create for the island of Ireland in so many ways.

John Bruton: The European treaties are full of protocols recognising the particular situation of particular territories. You think of the references to the Åland Islands, for example, and there are numerous others in those treaties, which people more legally erudite than me could cite. So there could be recognition of the special position of the island of Ireland. This is really an all-~~Ireland~~-island matter; it is not confined to Northern Ireland or to the Republic. Some recognition of these particular difficulties, in a

protocol or declaration, could easily be appended to whatever treaty is finally agreed.

Lord Jay of Ewelme: You would see that as something that should refer to the island of Ireland, rather than to the north.

John Bruton: Personally I would prefer a reference to the island of Ireland. References to "the north", for example, are used by only one community and not by the other. Language is extremely important here to avoid causing people to feel that you are not on their side. If you use "Northern Ireland", it has one meaning; if you use "Ulster", it conveys something entirely different. Language is exceptionally important in this matter, so I prefer to stick to official titles and to describe people as they choose to describe themselves, rather than as I might be inclined to describe them from time to time.

The Chairman: If I may say so, in our earlier exchange you both expressed concern about the economic impact on the whole of the island of Ireland. That is before you deal, as you will in a moment, with the specific conditions of the Good Friday Agreement and the peace process.

Q125 **Lord Green of Hurstpierpoint:** Last week I was in Paris at the invitation of the French Senate to talk about Brexit and all the issues. One of the things that struck us, jointly and severally, is that the French had not really understood the seriousness and significance of the very special problems in the island of Ireland as a result of the Brexit decision. That was underscored for me again yesterday when I was in Berlin, not at the Bundesrat but at a public session on Brexit with a group of policy think-tank types, journalists and others. The same point occurred to me there: they have not understood the significance and seriousness of the problems that Brexit will pose on the island of Ireland. I wonder whether you feel that we collectively, both the Republic and the United Kingdom, should be doing more to make clear to the member states, as Britain goes into negotiations, just how significant an issue this is. They were very focused on Scotland; I had to remind them that, at least in my view—and, I suspect, in yours—the Irish issues are more serious and more complex to sort out as part of the negotiation.

John Bruton: I think that feeling in France does no more than reflect the debate that took place in the UK before the referendum. The impact on Ireland was virtually ignored, apart from a few interventions from the Prime Minister. One should not be too critical of the French if they have been following the referendum here and seeing all these references to Scotland and very few to the impact on Ireland. We may find ourselves virtually alone in this, but the reality is that our Government and embassies will have to make 26 separate representations, explaining all the things that Bertie and I have been referring to here—about the Good Friday Agreement, interdependence and the Common Travel Area. All those things will have to be explained. We shall have to do that and it would have been easier for us—I have to be frank here—if more thought had been given to this before the referendum was initiated. It would also have been easier if more of this concern had been publicly expressed

during the referendum campaign. I spoke at a number of events here in the UK and it seemed to me that people were hearing reference to this for the first time, notwithstanding that there has been so much interaction between the two islands and people on this island are well aware of the negative consequences of failing to deal with certain underlying grievances for innocent people here.

The Chairman: I think the susurruration of laughter around the Committee suggests a certain agreement with your position and comments.

John Bruton: I was not sure whether I should say anything.

The Chairman: We will not take a formal position on the past, but in defending the Committee we might say that we put our one or two penn'orth into the debate long before the referendum campaign. This has been a concern of ours for some time.

Lord Green of Hurstpierpoint: Just to be clear, I certainly did not mean to be critical of the French. I was merely observing that they do not understand enough of the complexities of this line of thought and that it is in the interests of both the Republic of Ireland and the UK to make a moral out of these comments.

The Chairman: And they are your neighbours, in fairness.

Bertie Ahern: I agree with John. We were both involved in many campaigns and interviews, and unfortunately no matter what we said the interviews were about the broader issues. At least in my case, I found that the analysis always went back to: was there going to be a customs check on the border again, was the free movement of people going to go on? The wider issues seemed always to get lost. Anyway, that is where we are at. Lord Green, you made the point that we should now work collectively on people understanding the problems and dilemmas in the way forward. That is clearly useful because it is a battle—as John said, it is not easy. I have to say that not only in the UK but in Brussels and elsewhere, there is a bit of a feeling that they thought more about Scotland.

I know that there are international news channels, which do very good jobs, but sometimes we lose out in that. We might not have the strength of population to get as much focus, but it is important that we try to do that in the negotiations. Luckily enough, we are only at the start of them. I suppose the first round will be about the parameters of the framework between now and the date when the letter is sent in, and the next round will be the detail, so there is a lot of time. It is hugely important that we deal with that.

The Chairman: Thank you for that. We will now get into what you might call the nuts and bolts of the issue.

Q126 **Baroness Prashar:** My questions are about hard and soft borders. As you are probably aware, the Government here have sought to reassure that there will be no return to the hard borders of the past. But given that

in reality they will become the EU's external borders, is there any way of maintaining the current soft borders in their entirety?

Bertie Ahern: I will give you my view; that is the way I would like it. I am not sure what that terminology of hard and soft borders means—I have to be frank.

Baroness Prashar: Rather like hard and soft Brexit.

Bertie Ahern: I am afraid so. It is something that I am beginning to try to understand. I think people say that a hard border equals the past—the hard border that was there during the conflict, when there were towers and huge security. At one stage, there were over 40,000 people on the security pay bill. If that is a hard border, I hope there is nobody in the world who wants to return to it. It is an hour and a half now, thankfully, between the two great cities of Dublin and Belfast. There is a large stretch of a few hundred miles of borders; there are a huge amount of crossroads. It depends which figure you want to believe, but some 40,000 people a day work in the south, so there is huge movement all the time. That is the way I would like it.

Can I quite work out how that will work? If somebody comes up with marvellous technology that can deal with it—I am not brilliant at that, so I am not going to be the one to invent it—I would love to think so. My concern, I have to say, is that if the big issue is immigration, how do you deal with that issue? How can you control the position where if a plane lands in Dublin from somewhere in eastern Europe, all the good people on it are checked through Dublin with their EU passports? Nobody has any reason to stop them with their EU passports. Then they come out, get on a bus and in a little over an hour they are on the other side of the border. How does that fit with all that we have heard on immigration? I am not going to answer that question because I do not want to. I want it the other way but I do see the dilemma, and it is no good us letting on that there is not a huge dilemma.

John Bruton: I expect there will continue to be visa-free travel for holidays and that sort of thing between the UK and the rest of the European Union in both directions, so the movement of natives of the UK or Ireland, or other EU countries, will not be interfered with. I expect the issue to be the possibility that landlords or employers may have to report in the UK if the UK chooses to go in that direction.

Having thought about it, for that reason I do not think that we will have passport controls at the border. There are many other ways with advanced technology to keep track of people, if that is what you decide to do here in the UK. I would also point out that in respect of the Common Travel Area we presently have, people who come to the UK and who then go on to Ireland as part of that Common Travel Area are checked when they arrive in the UK, just as people who arrive in Ireland from the United States are checked when they enter the Common Travel Area in Ireland. So there are already external controls that we would be able to continue, in my view, even though the UK may have left the European Union.

On the other hand the issue with goods, and agricultural goods in particular, will be much more difficult. There, if Britain chooses the WTO option—or, having failed to reach an agreement on any better option, finds itself with the WTO option involuntarily—we will be obliged to impose the common external tariff of the European Union on anything coming into the Republic of Ireland from Northern Ireland, or from this island. That will mean much greater expenditure by us of financial resources on customs posts. All the customs control system that we had was dispensed with when we joined the European Union. It will now have to be reconstituted at substantial cost, by virtue of a decision in which we were not involved.

I hear people saying that the Swedish/Finnish/Norwegian model might provide a solution. I am not familiar with it. I understand that it eliminates duplication in the respective filling-up of customs forms, but part of the price of that is that Finnish customs people can go into Norway and examine premises there to satisfy themselves that they are being told the truth. Given the particular situation on the island of Ireland, I could imagine difficulties with that, shall we say for historical reasons. If people from HM Revenue and Customs come to inspect premises in the Republic, it could be difficult. Likewise, people from the Republic examining premises in east Belfast could be difficult. That is what they have in the Swedish-Norwegian model, which is mentioned from time to time as one that solves all these problems.

That said, whatever is the most advanced technology available to minimise the costs, we should get together and use it. We should pool our resources. There is no point duplicating or triplicating expense. There will be far too much extra expense anyway from this, but let us minimise it to the maximum degree.

Q127 Baroness Prashar: You may have seen reports in the *Guardian* that the UK Government are seeking to shift the front-line immigration control to Ireland's ports and airports to avoid introducing a hard border between the north and south. How do you react to that?

Bertie Ahern: I think John has dealt with this point and with the difficulties of trying to police it. I find that frankly unbelievable. To put that suggestion forward shows a total lack of understanding of how people think north and south in either tradition. It just would not happen. The technological way would be better, if that can happen.

On the customs issue and its costs—we have already talked about some of the costs—you have to put all the tariffs issues and then all these custom issues in. I have to be frank; I see both sides of the argument in this, I really do. This is not an easy one. I have said what I would like to see, but I also see the difficulties for the British Government. Hopefully, most issues can be negotiated between our wise people on both sides, in the UK and in Europe. But anything other than a negotiated agreement that keeps away from the nightmare—

Q128 The Chairman: Thank you. That is a really helpful introduction. I think

colleagues will want to come back on some of the details in a moment. Can I just try a general thought with you to see your reaction? Would it be a sensible approach to go for a solution that was seen as cost-effective, rather than 100% effective in control, where one was prepared to pay a certain price in imprecision in control of movement or goods, as a way of doing something acceptable?

A possible subtext to that is the specific issue of security. If one is dealing with persons of interest or difficult people, is that handled better by intelligence-sharing than by physical control? I think you will get the drift of what I am aiming at; I would be interested in any comments you have on that. Do you want to go first, Mr Bruton?

John Bruton: In matters to do with trade, we will not have many options if the UK leaves the customs union and finds itself in a WTO relationship with the rest of the European Union. We will have to do 100% of whatever the EU practice is, not 99%.

In respect of other areas where there is no exclusive EU competence, I am sure we will try to use the margin of manoeuvre that we have as a sovereign state within the European Union to minimise the cost to us and our neighbours in Northern Ireland and the UK. As to persons of interest, I do not feel that I can say very much on that.

Bertie Ahern: We all know from reading about trade negotiations in recent days just how complex they are and how nailed down they are in their detail, so we are not going to be able to do much about that. We would have to comply. Following a point I made earlier, I just hope that the negotiators on the European side are influenced to try to direct them in a way. But there is not a lot of latitude. Perhaps the free movement of people is a bit easier.

Q129 **Baroness Brown of Cambridge:** I will continue on the same theme. You may feel that you have answered some of this already. Moving to the Common Travel Area, which existed when neither of us was in the EU and when we were both in the EU, how can it exist when only one of us is in the EU? What needs to be done to ensure that it can continue to operate?

John Bruton: I thought this would be more difficult to maintain than I now think it will be if it concerns just common travel and not the right to work and so on. Clearly the UK outside the EU will be free to say that it will give Irish people an absolute right to live and work in the United Kingdom, regardless of any other consideration, and I expect we will be in a position to do the same. We will not, however, be in a position to discriminate against a fellow EU member's citizens coming to work in Ireland. Indeed, we have no wish to do that, because many parts of the Irish economy continue to function effectively only because of all the people who have come to Ireland from other parts of the EU. As you know, we have a larger non-Irish-born population as a percentage of our total population than is the case for the non-British-born population here. We have accommodated that very well. I think we will be able to sort that out all right; I do not see the EU making particular difficulties over it. The problem will be with goods and services—commerce.

Bertie Ahern: The Common Travel Area has worked even though someone told me at a conference last week that someone in the European Commission had said that the Common Travel Area prior to 1973 was consolidated into the European Union Acts and does not apply. If that is the case—I do not know—we can re-enact it as it used to be. I hope that the negotiation over EU citizens will be resolved; it might be difficult, because people take a tough line on immigration and how people can move around. It might not be that easy. Non-EU citizens may be using Ireland to travel. It is not a big issue today, but it will have to be covered in the negotiations. It is bad enough to create a border where we have customs and tariffs and so on, but you can see the difficulties if we start building it around people in any form. That would be a huge concern for me in relation to a good peace process and how you could start undermining that. You do not have to go too far back in our history to know how customs posts were used in the 1950s and 1960s as targets for these issues. I really think that such things must be taken into account in negotiations, but I hope they will not become an issue.

The Chairman: I do not want to interpose at length but we have not covered this in another question. We heard evidence last week on cross-border services that we found interesting in relation to planning health provision and enabling people to go to hospital across the border because it is more cost-effective for specialist treatment or emergency treatment. I imagine that is an element that you would both have in mind.

Bertie Ahern: I am sure you heard about this last week, but in the north-west a lot of programmes have been developed and devised around education. I think John Bruton and I would argue that over the years, through the Troubles and economic difficulties, the north-west did not get all the resources it required. However, Counties Donegal and Derry—in what they call the Omagh region, or Strabane—are working fairly well together to develop cross-border services for hospitals, preschools, training and all kinds of schemes. Europe has been very generous in funding many of those schemes, so it would be terrible to unravel the things that have been devised over the past 20 or 25 years.

John Bruton: The fundamental issue in the provision of services is whether you have compatible regulations and standards governing those services on both sides of the border or Channel. So long as the standards are compatible, there is no problem with services being provided on a cross-border basis, be they hospitals or otherwise. If, however, we get into a situation where there are very different rules with regard to pension provision in Northern Ireland, as part of the UK, from the Republic of Ireland, as part of the European Union, it may make difficulties for cross-border employment because pension entitlements may vary.

Another area is veterinary standards or standards of plant health. If, on leaving the European Union, the UK decides that it will adopt different standards for the safety of food products, plants or whatever, even without a tariff that could interfere with trade. I think the debate here is

missing the fact that the EU is really a common rule-making and enforcing system. If you leave that system, you cease to have the assurance that your standards are compatible with the standards applied within it. That will have to be watched carefully. When it comes to the great repeal Act, for example, if the rules that are part of the current EU corpus of law, which applies here in the UK, are being repealed or not re-enacted with exactly the same wording here as it applies in Ireland, you are going to have a lot of very busy lawyers looking for problems here. I expect that it will pose quite a difficulty for this House and for the other House.

The Chairman: Thank you. We will note that.

Q130 **Baroness Browning:** I think you may have answered both the questions that I was going to ask, which are really to do with cross-border arrangements in the event that the UK does not remain a member of the customs union. The point was just raised about the single market regulatory measures. Particularly in those practical areas for food—we are aware that some food production takes place across both sides of the border in producing a finished product—can you envisage a situation where it is likely that Ireland finds itself in difficulty with the EU regulations if, for instance, the UK's regulations do not change or keep up?

John Bruton: In a word, yes.

Baroness Browning: It is a problem, is it not?

John Bruton: Yes.

The Chairman: So we need to watch it. Thank you. I have one little question, which I was hinting at delicately earlier. Would it be a smugglers' charter?

John Bruton: I live slightly nearer to the border than Bertie Ahern. My constituency at one point was only, I think, 12 miles from the border. So I do feel qualified and yes is the answer to that question, too.

Baroness Armstrong of Hill Top: Can I follow up on something that you have both alluded to? This is one of the things that I had not realised before I was in Dublin and Belfast last week. As I understand it, we are coming to a bit of anxiety with part of the devolution provisions of the Good Friday Agreement. For example, you were talking about workers' rights and what the European Union has agreed. In the great repeal Bill, if the competence for those rights comes back to London and they change them before they go back over to Belfast to be devolved, because technically that is a devolved area under the Good Friday Agreement, there would have to be an agreement between both sides in the Belfast Assembly either to revert to what they did have or to improve them. Some people have said to us that that is a real issue given how the Good Friday Agreement is and what decisions the Government may take about devolution, even if that is meant to be a temporary or transitional thing. What are your views about that?

Bertie Ahern: On devolution, it was easy enough when everyone was in Europe because in the vast majority of areas you tended to work off European legislation or directives. I hope that it will not become a problem. An employer may start to argue what their rights were after some directive from Westminster and say that the issue was not devolved any more—that you would have to follow the laws from this House and the other House. I would hate to think that we would get into that.

I am trying to be optimistic about it, but the difficulty is that the whole European legal model is based on directives. Those have been the legal base over many decades, which the UK Government and the Irish Government have signed up to. They may sometimes have been dragged and sometimes been very willing, but that has been the basis of how we have operated our employment and equality laws. I am sure that yesterday's meeting with the devolved Administrations was to try to start teasing out these issues, and that the question they were asking was: are we going to hold everything until whenever the period of non-EU membership comes into play? As we all know here, answers to none of these questions have been attempted or started. I am not saying that they should have been by now, but they will be very important questions over the next 18 months or so.

John Bruton: I suppose there is a fear that the great repeal Act and what flows from it could represent a recentralisation of power, to the disadvantage of the various devolved Administrations, and that it may not happen in a completely transparent fashion—but that is entirely a matter for the United Kingdom itself. I also agree with what Bertie Ahern has just said: uncertainty is the enemy of commerce, and legal uncertainty is even more its enemy. The extent to which this creates new uncertainties about what the rules are will be quite injurious to us all, so anything that can be done to maximise certainty should be done.

Q131 Lord Green of Hurstpierpoint: I want to pursue the question of cross-border trade a bit more and to look at other sectors. We have talked a good deal about agriculture and food processing; there are of course other things traded between the Republic and the UK. In particular, the Republic is a big importer of UK-manufactured goods, so I have two questions. First, are there other sectors that are particularly on the radar screen in Dublin as being sensitive and difficult ones that we need to ensure we focus on, as the British Government move towards formulating their negotiating position? Secondly, if I may, the Japanese put out a detailed memorandum from their Foreign Minister on the potential impact of Brexit on the car industry in this country, because they are of course big investors in that industry. This was a 15-page memorandum. I am not aware of whether any Irish group—a business group or the Government themselves—have done the same in detail for agriculture and food processing. Would it not be a good idea to think about doing that? I am not sure how many people here in the Government, in the department for Brexit or the trade department, have focused on the fact you quoted that, for example, 84% of the poultry sold through Tesco comes from the Republic.

Bertie Ahern: I think there are other areas. I am sure that you heard this last week, but just to repeat: apart from agriculture, Northern Ireland still has a very good traditional manufacturing base that supplies into the Republic, so that is obviously an affected area. The other area that we have not really touched on is the number of government agencies and public bodies, along with private sector companies and the farming community, that receive funding from Europe today. Whether that is from the common agricultural policy, ERDF money, European Social Fund money or the European Maritime and Fisheries Fund, it goes to a lot of companies and agencies. If I read correctly the figure quoted to you last week, almost 10% of their economy directly comes from it. That is what happens to that. It is a lot of money. In the debate on the referendum, people said, "Of course, that money will be replaced by the Exchequer". I am sure, however, that when someone in the Treasury starts to add it up they will realise that it is a problem.

I worry about a lot of these programmes. You could argue that economically the PEACE IV programme is not a great programme that will stand up to the criteria of modern-day economics but it is very important, as are the INTERREG programmes and cross-border programmes. There is a whole host of these very important issues. Our friends in the Executive are rightly trying to move Northern Ireland away from being a public sector economy to being a business economy, but that takes time. A lot of these European programmes are helping them in that process—in science, technology, innovation and R&D programmes. I would include them as a concern, along with what we consider to be purely industrial problems.

John Bruton: That is right, but it is also important to stress that a lot of work is being done to promote better relations in some of the most deprived communities in Northern Ireland that could be defunded, indirectly or directly, as a result of this. That could be put at risk by the financial retrenchment that may be necessitated.

Bertie has already referred to Northern Ireland farmers and what they could lose, which could be very substantial. We should also perhaps refer to the fact that the fisheries negotiation will be very difficult. Demarcating the fishing rights of the two jurisdictions will pose a lot of problems.

Currently, a lot of the research that is done in British and Irish universities is funded by the European Union, and it is easiest, because of language, for British and Irish universities to co-operate with one another. If Britain is no longer in the European Union, its universities may be excluded from those programmes, which will mean that Irish universities seeking partners for research projects will have to look further afield, which will be a difficulty. It will be nothing, however, to the difficulty that will be experienced by British universities losing this source of funds.

It is also important to say to Lord Green that studies on agriculture were carried out prior to the referendum decision. Teagasc, the Irish research and advisory service for farmers, produced a report earlier this year that

is perhaps not as blunt as the Japanese study but contains some pretty interesting and useful information. We will clearly need to do more in this respect.

I would also mention energy. Northern Ireland and the Republic are a single electricity market. We are a single wholesale market and we operate our retail market as a single market voluntarily. That is all done within an EU framework. It will be difficult if different energy regulations apply in Ireland from those that apply in Northern Ireland. Ireland is a net importer of energy from the United Kingdom, but interestingly Northern Ireland is a net importer from the Republic of Ireland. This will be pretty complicated.

Our pharmaceutical industry could also be affected. I do not quite understand this, but I am told that there will be issues about duties, value added tax and so on, which could complicate the situation. Obviously, the European Medicines Agency will not continue to be in the United Kingdom, but I think we are both of the opinion that it should continue to operate in a country where at least the second language is English, if not the first. We might not agree on exactly where in that country it should be located, but we could both agree on that. That will be a disruption; moving any institution that is up and running to another country will slow down all sorts of approval process and the like. It will be quite difficult.

The Open Skies aviation issue is another matter. The EU Open Skies programme may affect what UK airlines can do in terms of picking up passengers in one EU country and bringing them to another. That has not been much thought about.

Lord Green of Hurstpierpoint: The Japanese memorandum was blunt and detailed. I know it was read extensively in the various departments of the UK Government as they started to grapple with what Brexit really means, and it opened a few eyes. I just leave that thought with you.

John Bruton: Unfortunately it was after Britain had voted.

Q132 **Baroness Armstrong of Hill Top:** You have both talked a good deal about the Good Friday Agreement. I shall ask particular questions about the Agreement and the peace process. We were told last week that no one is thinking of going back to violence, but on the other hand there is still fragility in the relationship between the two communities and in the culture. What practical things need to be done to ensure that the Good Friday Agreement retains its integrity and is not put at risk?

Bertie Ahern: I do not think that anyone, other than a very small group of dangerous people, is contemplating going back to violence. All the issues of the past are in the past. However, there is concern. We have had a stable situation for the better part of 20 years, with the economy developing and investment coming in from other parts of the UK, the Republic of Ireland and around the world. This is all helping the employment position, of course; people are working and people are

happier. More people in Northern Ireland are being educated at home, rather than what was happening during the years of the Troubles. As John Bruton said, I do not see that all these uncertainties will lead to disorder or community troubles. However, they do lead to tensions within the Executive and the Assembly and between north and south. I hope that after Easter, when the negotiations start and someone has a framework of what can be resolved, people will talk about things and there will be a constructive debate. It is always better when issues are on the table. But we have to put up with this period over the winter and spring when nearly everything being said by everyone is hypothetical. We should try to move on from that because it is creating tension. The Executive, the Assembly, the Irish Government generally, the political system and the whole island of Ireland are just hoping. Nobody is happy. I do not know anybody who is happy that the United Kingdom is pulling out of Europe. I cannot think of one person. Collectively we know a good few people, but I just do not see them.

I was involved in a voting situation this time last year in Newry. There was a debate in the north and when the machine was given out to everybody, 94% voted that the United Kingdom should stay in. I know that when they got to vote it was not like that. I think that uncertainty is the issue. I really cannot see any violence or related problems in communities. It will be about getting on with the detailed negotiations. We are where we are, unfortunately, and now we have to get on with it. The issues that we have both drawn out—we are talking about just the island of Ireland, but I am sure that you will have got this last week and elsewhere, when you have been in other countries—mean that the complexity of this is a nightmare. We might as well face that fact.

John Bruton: At the same time, we should not underestimate the damage that negative symbolism can have as a generator of violence. Republican violence, or loyalist violence for that matter, did not arise in Northern Ireland in pursuit of a practical programme or in objection to practical measures that were disliked; it arose from a sense of being disregarded—a sense of symbolic issues being presented in a way that was alien. Therefore, the way in which this is handled and the words that are used, in whatever notices are published about what is to happen, should take account of these sensitivities and avoid negative symbolism. It is also important to say that at least one person, Adrian Ismay, was murdered in terrorist violence this year in Northern Ireland. We should not forget that that has happened, even this year, so we have to be very careful about this. Anyway, that is all I have to say about it.

Q133 **The Chairman:** Thank you for that. Can I pursue what you might call the legal point on this as well? Do you want to give us an appreciation of whether there are any legal consequences of Brexit, given that it is based on the premise that the guarantors are both EU member states? When that prior condition is no longer fulfilled, will it make any difference to either the validity or expression of that Agreement? Can it be sorted?

Bertie Ahern: You can unpick anything with legal minds, as we all know. There are several references to the EU dimension in the Good Friday

Agreement; it comes up four or five times, as we both said earlier, so there has to be an understanding. The best way of dealing with these issues would be within the councils between the Governments—the British-Irish Council and the North/South Ministerial Council—so that we get a new understanding of them. I do not see them, quite frankly, although there are particular references. With the European Union in mind, one of them—I think it was the North/South Ministerial Council or the British-Irish Council—said that the forum should be used where there are differences on EU matters. That was more about where there might be conflicts between the United Kingdom Government and the Irish Government over something at EU level, and how we would handle that at the various councils. We tended, if not always, to work very closely together on most issues down through the years, certainly when both of us were there. I hope that is enough: that they are not creating difficulties but that they cannot be ignored either. There needs to be an understanding of how some of these issues can be dealt with. There is also the point that John Bruton raised at the start about the European Convention on Human Rights. That is an issue which has been raised.

John Bruton: The European Convention on Human Rights is, in effect, the written constitution of Northern Ireland as far as the activities of the devolved Administration are concerned. They may not do anything that is in conflict with the European Convention. They are required to have a committee of the Assembly to vet legislation for compliance with that convention, so it is critical. It is not in question in the issue of Britain leaving the European Union, so long as it does not leave the European Convention on Human Rights. I must say that I cannot see within the Good Friday Agreement any legal impediment or problem, but other more advanced legal minds may find something.

Bertie has referred to the North/South Ministerial Council, the British-Irish Council and the British-Irish Intergovernmental Conference. I think these should be seen in part as safety valves for difficulties. The negotiations between Britain and the European Union are going to become quite fraught at various points. People may be inclined to say things on either side of the Channel that would be seen as disobliging on the other side. One of the very good things about the Anglo-Irish Agreement, when it first came into existence, was that when some incident occurred the existence of these councils meant that they did not have to say such things on the spur of the moment. They could say, "I am going to bring this matter up at the next meeting of the British-Irish Intergovernmental Conference", or, "I am going to seek a meeting of the British-Irish Intergovernmental Conference to discuss these matters". In that way, you buy time and get into a situation where whichever issue has been a source of difference between London and Dublin, or Dublin and Belfast, it can be discussed somewhere else in a week's time when tempers have cooled. We should use these institutions in that fashion—Bertie was directly involved in framing them—as a means of diminishing the tensions that will inevitably arise.

The Chairman: Thank you. We have three questions and up to 15

minutes in which to resolve them, if that is all right with you gentlemen.

- Q134 **Lord Whitty:** We have referred to various aspects of EU funding that go to Northern Ireland for agriculture and some cross-border services, et cetera. We were told in Belfast, and indeed in Dublin, that because of the legal heading that it comes under for the EU, some of that funding for cross-border issues such as services for charitable organisations but also for infrastructure would not be available were one of the sides of the border not to be in the EU. For example, on the infrastructure side there is the A5 western corridor. If that is the case, would you see those initiatives as being in jeopardy, or would there be an Irish-British deal, bearing in mind that you would no longer get the EU funds, at least under that heading?

Bertie Ahern: I would just mention one that I was deeply involved in, the PEACE IV initiative. I am sure that is the one we are talking about, because I know it is very dear to them. In the present round, the European Union allocated €150 million up until the 2020 period; the total is something close enough to €250 million, as the British Government and the Irish Government pay the remainder. The programme would be fairly, if not totally, ineffective if the EU resources were not there. John Bruton mentioned EU research earlier; again, that has a big fund. The Erasmus programme is very important, as is the Horizon programme. There are a lot of them—I know that some people say they have too many but they are there to play very important roles in parts of the economy. To answer your question, they are all in jeopardy.

John Bruton: I think EU funds are going to be scarcer anyway as a result of one of the wealthier countries in the European Union—and one of its bigger contributors—leaving it. I would expect that a change in the status of Northern Ireland, from being part of the EU to not being part of the EU, would be bound to affect funding.

Lord Whitty: What would the consequences be if they were putting quite a lot of value on these cross-border initiatives improving the relationship between the north and the south, and community relationships?

John Bruton: Obviously both Governments are going to have to look at this, because we will have a shared interest in ensuring that the community benefits are achieved to the maximum extent. But both Governments are going to be in a much less good financial position to do this in the absence of EU funds. That is, unfortunately, a reality. It may be one of the reasons why people in Northern Ireland took a different view to people in this island.

- Q135 **Lord Teverson:** This is a slightly different question, but you both got to the top of the political and parliamentary process in Ireland and you are both hugely respected statesmen on a European level. Given the fact that you are no longer actively involved in Irish politics, what advice would you give the British Cabinet in how it approaches the negotiations with the other 27?

John Bruton: I have thought a lot about that. I think that the debate here in the UK, even within government about what the UK should do in approaching the conduct of the negotiations, has been conducted as if it was all about what is good for the UK. In my view, the best way to get anything done in Europe is to present what is good for you in a fashion that is demonstrably good for the whole of Europe. That obviously requires a lot more imagination. It is very easy to see what is good for yourself; it is sometimes very difficult to know what is in this for Slovenia, or what is good about this for Spain or Lithuania. When the negotiating bid is made in March, or whenever it is made, it should be framed as what Britain wants to do to help the European Union and the United Kingdom to prosper, rather than a series of demands based on what would appeal to people in Peterborough or Sunderland alone.

Bertie Ahern: The debate is over, and like every political debate it can create a huge amount of rancour, but now it has gone into a very different plane. I think that the British are the fifth biggest exporter in the world and the second biggest in the EU—perhaps they are tenth in merchandise and second in commercial. They do not have to prove anything about their size or scale. It is a hugely significant country in world terms. In the negotiations, will the UK want to be totally isolated from everybody? Of course it does not. The election is over. There are discussions going on in Europe dealing with the trade agreements with America, with the ASEAN countries and with Mercosur countries. Does the UK really want to negotiate all those on its own? Is there not some way for the EU to be running these negotiations but having a relationship with the UK, and working with it to deal with some of these issues on the world scale? It is not just about Europe; these are world issues.

If the world knows that the EU is negotiating all these things while the UK goes off to negotiate them alone, everyone will be weaker and I do not see much sense in that. I would hope that out of this result, as much as I dislike it—we are where we are, as I have said several times—the UK and Europe will now get into a position where, while they might not collectively be all around the table every day of the week as it was, there are clear understandings about where they stand under a broad umbrella. Whether that is about the EU/UK relationship with India, America or wherever, I do not see how it will all work otherwise. The UK does not have to be apologetic about all these things. It is a very strong place, but will your strength be proved by being alone and fighting everyone off or by having relationships in the areas that are appropriate? The only ones who can decide that are the UK Government. Having watched the closeness of the debate, I imagine there would be far more UK people happy with that than with the alternative. I may be wrong.

The Chairman: Thank you, we have two final questions. Lord Selkirk is next.

- Q136 **Lord Selkirk of Douglas:** I want to express great appreciation to both former Taoisigh for coming to speak to us today. I vividly remember Bertie Ahern speaking to the Scottish Parliament in an address of

encouragement to all the new MSPs, among whom I was one, on 20 June 2001. It was very much appreciated then. May I ask a question about the impact of Brexit on cross-border policing and security co-operation? What impact is Brexit likely to have on this co-operation, and how can any negative impacts be mitigated? Will Brexit present any impediment to the sharing of evidence and immigration data, co-operation on extradition, tackling organised crime and terrorism and cross-border investigations and emergencies? That is rather a lot to ask in one question.

John Bruton: I chaired the committee on the convention that drafted the Lisbon treaty, which dealt with the issue of justice and security co-operation. The treaty provisions provide an immense resource for co-operation between EU countries on matters such as the European arrest warrant, the establishment of Europol, the sharing and mutual recognition of evidence and the sharing of intelligence—all matters that are very important not just on a cross-border basis but between the UK and Ireland, and between the UK and the rest of the European Union. I think the UK authorities were initially quite suspicious of these provisions and wanted to opt out of them completely. But when they saw how they were actually working, they decided they wanted to opt into some of them.

I expect that even if Britain is leaving the European Union, the rest of the European Union would welcome it opting into much of this. As long as there is relatively free movement—as there will be anyway between the UK and the rest of the EU—we will need strong intelligence co-operation and legal co-operation for the detection and deterrence of crime. My sense is that I would encourage the United Kingdom not to depart from this. There are obviously going to be issues—I am speaking openly—that cause concern if the UK decides that for all purposes it will have nothing to do with the European Court of Justice. That could lead to difficulties in co-operation, because there has to be some final arbiter if there is a dispute in some area like this. For us, the final arbiter is the European Court of Justice.

So on a case-by-case and sector-by-sector basis, given the importance of dealing with terrorism—in all its forms and the reasons for it—the UK should seek proactively to continue to opt in as much as possible to this. That will obviously be subject to negotiation, but I cannot see much objection from our EU colleagues to the UK continuing to participate in this, because it will be good for all of us.

Bertie Ahern: Trying to defeat organised and international crime is, as we all know, a cross-border issue. This is an across-the-world issue, and everybody should be trying to co-operate. So, to answer your question, I hope that everyone would agree with that. But your Ministers at European Council meetings—I was at those for a long time—tended to be fairly negative about all these issues, for reasons that I could not quite understand most of the time. I politely say that if they continue the attitude they had when they were in Europe, I am not too sure that I can guess what it would be like once they were out of it. That would be my concern, I am afraid. I know that there is a major hang-up about the

European Court of Justice, but in Europe it is seen as a very positive thing.

Q137 Earl of Kinnoull: When the Irish Government published their contingency plan immediately after the referendum, they identified a number of key issues—three in particular. You have already given an effective storm warning on the energy market. Could you flesh out your thoughts on social welfare provision and cross-border health services?

Bertie Ahern: On cross-border health, the North/South Ministerial Council has been working to make a lot of progress in that area. I am sure that you heard last week of its success. It is proud of what it has done for cancer services on an all-Ireland basis, which are very good. It has also been co-operating on obstetrics; again, they have made a lot of progress. I hope that things will continue, because they are based on the medical professions and other people working together. But there can be difficulties in other areas, and I am not sure that co-operation might be as strong there. I would hope that the North/South Ministerial Council will still be there and continue to work. I think that John has dealt with energy. What was the third issue you asked about?

Earl of Kinnoull: Social welfare.

Bertie Ahern: We have taken different views in the social welfare debate over a number of years. We have a large European workforce now and have been fairly committed to following the European codes. That creates some tensions and problems, but we have not had the same difficulties that you have had with reciprocal arrangements. We have reciprocal arrangements that have evolved and developed all the way from 1973. I know that some of them are open to rancour and difference, but to the best of my knowledge we have not opted out of any of the social welfare codes over the last number of years.

John Bruton: I would probably agree with what has just been said. There are obviously now far more people from the Republic working in Northern Ireland, and far more people from Northern Ireland working in the Republic, than was the case 20 years ago. That is going to raise issues about social welfare entitlements if and when they get sick or unemployed, and all that. We need to work hard at finding practical solutions to any difficulties that arise.

It is also important, when government departments here in London contemplate making any changes to existing EU rules in four, five, six or seven years' time—or whenever the repeal Act is brought into force—to have a requirement that the cross-border Irish impact of any change at all in the community acquis, under the powers of the repeal Act, is one of the considerations to be looked at before any change is made. That way, practical solutions can be found, and the North/South Ministerial Council, or whatever body it is, will have time to find a solution. The last thing I think we would want is some decision made on a particular EU law that makes an awful lot of sense in London but does not make an awful lot of sense in Derry or Newry.

The Chairman: Thank you for that. Finally, is there anything we have not touched on today that either of you would want to draw to our attention? If that is a no, I will try to encapsulate this extraordinary range of views, for which we are very grateful. First, it seems to me that one of the messages we ought to reflect on is having the maximum acceptable degree of flexibility to meet the needs of people on both sides of the frontier that we have had historically—the effects of which have, shall we say, been so much mitigated by the European Union, which we will no longer be a member of. Secondly, I make the simple point that when Britain leaves we will probably continue not only to need but to ramp up our bilateral arrangements so that we can talk these things through.

You have been immensely gracious with your time. You have given us huge insights, which will immensely help the deliberations of our Committee. We are very grateful. You will be more than welcome to share any further thoughts with us or, I am sure, to come and see us on a future occasion, as this has now become a double act that we have enjoyed and treasured and for which we are very grateful.