



Select Committee on the European Union

Uncorrected oral evidence: Brexit: UK-Irish relations—follow up

Wednesday 31 January 2018

12.15 pm

Watch the meeting

Members present: Lord Jay of Ewelme (The Chairman); Baroness Armstrong of Hill Top; Baroness Brown of Cambridge; The Earl of Kinnoull; Lord Selkirk of Douglas; Baroness Suttie; Lord Whitty; Baroness Wilcox.

Evidence Session No. 9

Heard in Public

Questions 70 - 78

Witnesses

I: Mickey Brady MP, Newry and Armagh; John O'Dowd MLA, Upper Bann.

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Examination of witnesses

Mickey Brady MP and John O'Dowd MLA.

Q70 The Chairman: Welcome to you both and thank you very much for coming. I do not know at what short notice you have appeared before us, but you are very welcome here and we are very glad to have the chance to talk to you. We are members of the House of Lords European Union Committee. Yesterday we had a day in Dublin, where we saw a number of people including Simon Coveney, and we are having talks in Belfast today. We are going to Derry/Londonderry this evening, and we will have a day tomorrow when we see the implications of Brexit for both sides of the border, which has struck us from the beginning as one of the most important aspects of Brexit—an aspect that has been, at least in the past and during the referendum campaign, sadly neglected by those arguing on both sides of the argument.

That is the background. We are very grateful, and thank you very much for coming to see us today. We have had quite a bit of discussion about the various documents that have been relevant over the last few months or so. Could we begin by asking for your assessment of the December joint report on progress during phase 1 of the Article 50 negotiations and the implications for Ireland and Northern Ireland? Just to be a little more specific about that, it has been suggested that the fallback commitment by the UK to a “full alignment” with the rules of the internal market and the customs union, et cetera, would make a soft Brexit inevitable. How would you respond to that comment and to the assessment as a whole?

John O'Dowd: Chair, I wonder if it would be helpful, before we get into the actual questions, if my colleague could read out a short statement just setting out our position. We are more than happy to answer any questions afterwards.

The Chairman: Of course. I am so sorry. That would be very helpful.

Mickey Brady: Ceád míle fáilte go Éire inniu. Welcome to Ireland today. I want to record the apologies of our party vice-president-elect Michelle O'Neill MLA, who is involved in ongoing political talks today. My name is Mickey Brady. I am the Sinn Féin MP for the constituency of Newry and Armagh. I am joined here today by my colleague, John O'Dowd, MLA for the constituency of Upper Bann.

Sinn Féin is an Irish republican and all-Ireland party. We have the largest group of Irish MEPs in the European Parliament. Sinn Féin has TDs and Senators in the Irish Parliament, MLAs elected to this institution, MPs, MEPs in the European Parliament and councillors elected across Ireland's 32 counties. Sinn Féin is a united Ireland party that wants an end to British government involvement in Irish affairs. With others, Sinn Féin has played a central role in the development of the peace process and in the Good Friday agreement and subsequent agreements. For those who were previously denied the right to work peacefully for a united Ireland, the Good Friday agreement commits the British and Irish Governments to legislate for a united Ireland if the people consent to this.

Sinn Féin campaigned against Irish membership of the EEC in 1973. Since then, every European treaty has taken further powers from sovereign member states. Sinn Féin wants a different type of European Union. We want a social Europe that promotes peace, demilitarisation, economic and social justice, international solidarity and greater democratic accountability.

However, during the Brexit referendum of 2016, Sinn Féin campaigned for a remain vote here in the north. It is clearly not in the interests of the people of this island, whatever their background or views, to have one part of the island outside the EU and the other part inside. Brexit is not just an issue for the north. It will adversely affect our entire island. It is clear that Brexit will have a serious and detrimental effect on Irish jobs and businesses, in particular in the agriculture and agri-food sectors. It is already having a major negative impact in my own constituency of Newry and Armagh, which is a border community that heavily relies on free trade and free movement of people.

The north of Ireland cannot withstand exclusion from the single market and customs union. To do so imposes economic apartheid on this island and guarantees a hard border. Sinn Féin has been consistently arguing the case for the north to remain within the single market and customs union through designated special status within the European Union. It is an imaginative solution that addresses the complexities of the problem. It does not affect the constitutional status of the north. That will be changed only by a referendum, as set out in the Good Friday agreement of 1998.

Designated special status within the EU is the position endorsed by the Dáil/Irish Parliament. It is endorsed by the majority of MLAs in this northern Assembly. It also recognises that the people of the north voted to remain part of the European Union. It is about retaining the freedom of movement of goods, people and services on the island of Ireland. Any restriction on the freedom of movement would represent a hardening of the border. This would severely damage social and economic cohesion. Special status would ensure that the north's trading relationship with the rest of Ireland and the EU—particularly in relation to business, tourism, the all-Ireland energy market, agriculture and agri-foods—will be maintained. It is about maintaining the European Convention on Human Rights and access to the European Court of Justice. It is about protecting the rights of citizens in the north, who have a right to Irish citizenship and therefore to citizenship of the European Union.

Sinn Féin has given a "cautious and qualified" welcome to December's progress report on phase 1 of negotiations, the agreement between the EU and the British Government. The phase 1 agreement does not set the final deal on Brexit. While it recognises the unique and special circumstances surrounding the issue of the Irish peace process, the Good Friday agreement and the border, it does not address key areas of concern for many citizens, especially nationalists living in the north and citizens in the border region.

The British Prime Minister's insistence that the UK must leave the single market and customs union contradicts the British Prime Minister's claim that there will not be a hard economic border. It gives no relief for citizens here on the future role of the European Court of Justice and in particular the right of EU citizens in that part of the island to be able to access the EU institutions. These are all genuine concerns.

The House of Lords needs to be very conscious that the refusal to embrace rights is at the heart of the current political breakdown in these political institutions where today's hearing occurs, and the collapse of the Executive. Phase 1 negotiations represent some progress but there are many unanswered questions around key issues. Sinn Féin is also very mindful that this Brexit process is a work in progress. Our experience through years of agreements with Britain is that the devil is always in the detail, so we remain both sceptical and vigilant.

Finally, as negotiations move on to phase 2, it is clear that the majority of Conservative MPs are opposed to the transitional deal that Theresa May has brought forward. The President of the European Union Council, Donald Tusk, has understandably warned the British Government that they need to move quickly to set out their position on the future relationship between the UK and the EU. There is a complete lack of clarity about what kind of relationship Britain wants.

We are content to elaborate on this statement and invite any questions that you may have. Thank you.

The Chairman: Thank you very much for that extremely helpful introduction, which addresses some of the questions that we have issued. To an extent, it answers the question that I had asked, and touches on one or two questions, such as the position of the power-sharing institutions in Northern Ireland, which we will come to later on. Thank you very much for that. May I say once again that you are both extremely welcome?

Going back to the question that I asked, would either of you like to expand on the particular question of Article 50 and so on?

John O'Dowd: In terms of the protocol that was agreed in December and as people who have been through negotiations over the last 20 years, as outlined in the statement by Mickey, the devil is in the detail. We now need to see a legally binding agreement between the EU and the British Government that sets out the protocol agreed in December. Let us wait until the next phase of negotiations. Whether it is a soft Brexit or a hard Brexit remains to be seen. In our view, the fact that we are being told we are leaving the customs union and the single European market makes it a hard Brexit for the island of Ireland. We have not seen any proposal other than membership of the customs union and the single European market that will ensure that there is no hard border on the island of Ireland.

Regardless of the infrastructure on the border, it is the rationale behind the border. Customs posts, whether they be physical or electronic monitoring, are there to ensure that tariffs and taxes are paid between the two jurisdictions. We believe that will cause great harm to the economy of the island. Physical infrastructure will cause harm in terms of the rights of free movement. Mickey represents the Newry/Armagh border. I am not sure where you are visiting the border tomorrow. Is it up in the north-west at Derry?

The Chairman: Yes, it is.

John O'Dowd: Everybody who visits the border, perhaps for the first time, sees how free-flowing it is. You cannot tell one jurisdiction from the other. Those people who live along the border have got used to over 20 years of free, unhindered movement now. Their family lives, their work, their social lives and their sport all operate across that geographical landscape, without any consideration of whether they cross the border.

The Chairman: We may come to the border in a moment, but could I just go back to one point which you made? You referred to the need to put the agreement that we are talking about into legal language. That, as we understand, will have to be done pretty quickly, or at least the EU proposes to do so pretty quickly. Do you envisage that causing difficulties? Do you think it will be quite a simple or a complex thing to do?

John O'Dowd: The legal language will reaffirm to sceptics within the Tory party that the deal achieved in December will cause huge difficulties for those who wish to see a hard Brexit, as it is referred to. I just cannot see how they are going to square that circle in terms of ensuring that the Good Friday agreement and all its parts will be protected, and that free movement of goods and services across the island of Ireland will be protected, yet with no hard border on the island of Ireland. The internal difficulties within the Conservative Party at this moment in time—between those who believe a clean break is required and those who believe in a soft Brexit, or whatever terminology you want to use—are quite public. Once what was agreed in December moves into legally binding text, things will come to a head.

This is why it is so important. I just want to put this on the record. While we campaigned here against Brexit, I fully respect and endorse the right of the people of Britain, particularly the people of England and Wales who voted to leave, to leave the European Union. I support their right to do that. I wish them well. We do not want to see any economic harm coming to our neighbouring island because it does not do us any favours either. But I simply see no vision being set out by those who support Brexit of what the future will look like. Without the vision, I cannot see how they are going to move through the next phase of negotiations to reach an agreement on a future relationship between Britain and the European Union, and most certainly between Britain and the island of Ireland.

The Chairman: Thank you. We all see a bit of fog ahead when it comes

to British ideas about what the relationship will be between the UK and the EU. Let us move on.

Q71 Baroness Armstrong of Hill Top: You dealt in the statement, in a sense, with the argument that Sinn Féin has been consistently making for a special status for Northern Ireland in the negotiations. You expressed it through keeping Northern Ireland in the single market and the customs union. Is there anything else around the special status that you want to talk to us about? What is your ambition in seeking special status?

John O'Dowd: You are correct in what you say, in the sense that the headlines have been about remaining within the customs union and the single European market. The reality is about the north remaining within the EU. That special status would be a relationship within the current constitutional make-up of these isles: we would have a special status within what is known as the UK and a special status within the EU as well.

On the island of Ireland, the EU is not simply about trade and the free movement of people. Regarding the peace process, it has been one of those international bodies that have allowed the different factions in this society to have confidence in the way forward. To remove that causes huge difficulties. We see the rights-based issues around the European Union as vital—access to the European Court of Justice is of particular importance to this society—but we also see representations to the bodies within the EU as important. The Executive, for instance, had an opportunity to send Ministers at times in observer and other roles to different formats within the European structures, which we felt was important.

Electing MEPs is also important to us. There are maybe 600,000 or 700,000 people in this part of the island who have Irish passports and are therefore EU citizens. How will they be represented as EU citizens to the EU structures after Brexit? We say: the only way to resolve that is through special status. We have not defined it in any of our policy papers yet, because we believe that it is open to negotiation, but there should be some form of electoral representation to the European Parliament from people in this part of the island. I know that has been discussed most recently in the European Parliament at committee level, and some proposals have come forward. Under EU treaties—I think it is Articles 8 and 9—those 700,000 people who live here and who have European citizenship have a right to political representation to the European structures. That will be lost.

The Chairman: That will be the case too for the very large numbers of citizens in Great Britain who have Irish citizenship as well as British citizenship.

John O'Dowd: That may well be, but the island of Ireland has a distinct constitutional relationship in terms of the Good Friday agreement. It has set us out as distinct from other parts of the United Kingdom. We live on the island of Ireland and there are strong ties across this island, so we are different in that way from citizens who live in Britain. There is a

question that needs to be answered. I am not going to deny anyone anywhere, particularly significant numbers of European citizens living in Britain, representation rights to the European Parliament or any other European structure. But it is particularly pertinent on the island of Ireland.

Q72 Lord Whitty: Let us assume that we get the December document into some form of legal structure. What, in your view, are the outstanding issues that still need to be tackled in phase 2 of the negotiations, from the perspective of Northern Ireland or Ireland as a whole?

John O'Dowd: I have outlined some of them in terms of representative rights. Representational rights and the protection of the European Court of Justice are key matters for us. We need to further flesh out those areas of co-operation that the December document talked about protecting. This has been set out in agreements following the Good Friday agreement and discussions with the North/South Ministerial Council. All-Ireland co-operation should expand; it should not be restricted to those areas that we have at the moment. We want to see all-Ireland co-operation expanding, both for the economic benefit of the people here and for cultural and societal reasons. That is a good idea moving forward.

We do not want to see a document that restricts protection of co-operation to the narrow areas already agreed. There has already been formal agreement between the parties here and discussions at the North/South Ministerial Council about expanding areas of co-operation across the island. There needs to be flexibility built in.

Lord Whitty: Are there priorities within that structure?

John O'Dowd: I fail to see any area of life where co-operation across the island would not benefit the citizens of the island. It might be on education. There is co-operation on health but, again, that could be expanded. We have good co-operation in relation to agriculture. But in every aspect of daily life, particularly in Mickey's constituency, which you will visit tomorrow, there is no physical or psychological border. There are people getting on with their lives. Whatever form of administration that is currently in operation will benefit from cross-border co-operation, certainly in terms of trade across the island of Ireland. I mentioned this in my earlier remarks, but a lot of emphasis has been placed on no one wanting to return to a hard border. This misses the point of what a border is about. A customs border is there to collect tariffs and taxes on goods travelling across the island. That will damage the economy on the island of Ireland.

Q73 The Earl of Kinnoull: I want to return to the British Government's position paper of August last year, in which they consider the customs border and talk about how important it is to aim—it is an aspirational paper—for, "A highly streamlined customs arrangement between the UK and the EU". They then go on to talk about having an aim to "implement technology-based solutions to make it easier to comply with customs procedures". We have been giving some consideration as to what those

might be, but I wonder if you could comment on how politically and logistically feasible you think that aspiration is.

John O'Dowd: As you say, the document that the British Government published is aspirational. There is very little detail. It came in for severe criticism at the time of its publication, both within these islands and from the European structures. I repeat my point with regards to the rationale for a customs border. Again, it is there to collect tariffs and taxes on goods. After 20-odd years of free trade across the island, and with Europe, that will have only a detrimental impact on our industries.

I will give you an example. I will not name the industry, but I was speaking recently to an international company that has a plant near Belfast. It transports goods between that plant and several plants in the south and west of Ireland. It estimates that under the British Government's proposals, as light as they are, it would spend somewhere between £11 million and £15 million in additional bureaucracy to cover the needs of even being a trusted trader. This is a major international company and that is its estimate of the additional costs to transport goods back and forth. It may be exceptional in terms of its scale, but also in terms of goods going back and forth perhaps two or three times a day to where they need to be.

That is the scale for a major company. It may be able to absorb that, but small and medium enterprises will not be able to absorb such a percentage increase in the cost of their production, paperwork or administration. The optimum solution is the one we have: it is the customs union, which has been tried and tested in practice. It has allowed for the development of an economy across the island of Ireland, where companies can trade between the two jurisdictions on the island, as well as trading with Britain and the rest of the world where there are agreements in place on additional trade. No one has been able to show us an example yet of what is better than the customs union, because I do not believe there is a better solution. Of course, any agreement can be tweaked but no one has shown us a better proposal than that.

Could the technology work? Again, the examples that have been shown all slightly differ from the relationship that we currently have. I come back to my opening point: it is there to collect tariffs and taxes, and there is no necessity to collect those. We have had the absence of that over the last 20 years and no one has said to me, "Well, this is a better idea and it will actually work better".

Mickey Brady: In physical terms, there are something like 277 crossings in that border corridor from Donegal to my constituency. How might that be policed? When there was a hard border, which I am old enough to remember, there were about 12 official crossings. Then there was militarisation, which hardened the border even further, but it did necessarily not stop people from crossing. How that would be policed, whether or not through technology, is aspirational as well. The other thing for my generation and my constituency is that having any sort of border would be a retrograde step for a lot of people, because in their

psyche they will think that there was a border before and there is a border now. What has happened in between is the peace process. Many things have happened.

One issue in my own constituency is with small farmers. Out of every £100 they get, £87 comes from Europe. Does anybody in my constituency honestly believe that the British Government will reimburse those people? The voluntary sector in my constituency also relies heavily on European funding. A new community centre has been built in Cullaville, which is a small village and the southernmost in the north. That is going seven days a week. Without European funding, that simply would not happen. That community had been forgotten about, to a large extent, by officialdom.

All those issues need to be addressed. You talk about it being aspirational; it is very aspirational. I go to Westminster at least once every two weeks. I have spoken to all parties, including people from the House of Lords. Nobody can give me any sort of definitive answer as to what a border may or may not look like. What is a frictionless border? What does that mean? There is no substance there. What you tend to find when you talk to people is that the Brexit referendum happened and the British Government did not expect the result that they got, so they did not have a plan A, B or C. They are catching up now. Unfortunately, nobody has been able to give me any specifics on how, for instance, in my constituency, which is right on the border—where I live is about three to four miles, perhaps even less, from the border at its nearest—that will work out for people.

The common travel area is another issue that has been raised. It goes back to about 1949 and pre-dates the European Union. If I live in Newry and I want to go to Dundalk in the south, I can. The common travel area has never been an issue. It has been introduced almost like a red herring but it has been there for a long time. The issue is about what the border may or may not look like, and that is why a special designated status is so important.

The Chairman: I think I am right that the British Government's documents say that they would like to continue with some kind of agreement with the EU about funding arrangements for border areas—on both sides of the border. Did you get any impression from your talks in London that that might happen or that the Government were determined to do that?

Mickey Brady: They have talked about funding through to 2020, possibly 2022, but what happens after that? The farming industry here, particularly in the north, is dependent on smaller farms. In Britain, you have quite large co-operative farms that have a totally different culture with a different ethos in that sense. We are dealing on a daily basis with small farmers who rely heavily on the single farm payment.

There are all sorts of things coming down the line for the people I represent, and for the people we represent across the north. Universal

credit is being introduced in my constituency on 2 June and even earlier in some parts, from 7 February. My background is as a welfare rights worker dealing with benefits, and nobody, either here or in Britain, has been able to explain to me how universal credit might work successfully, because the payment schemes have been somewhat of a disaster. The IT system is simply not fit for purpose, so we live in hope.

John O'Dowd: In terms of replacing European funding, the fact that senior European officials have recently stated that they wish to continue that funding is welcome. They see the value of it in embedding the peace process and improving the lives of communities. Mickey touched on some of this but since 2008, we have seen a year-on-year real-terms reduction in public spending. Excuse me if I have little confidence that the British Government will replace European funding with other funding in two, three or four years' time. I just do not see that happening. On that occasion, I would be happy to be proven wrong, because European funding of the peace programmes has proven very beneficial to improving lives and outcomes for people, particularly in socially deprived areas, which were the worst impacted by the conflict.

The Earl of Kinnoull: I was going to give you a crumb of comfort. The first thing is to say that, particularly in Wales and in hill farming—I am from a Scottish hill farming area—farming does not look so different from how it does for you. There are a lot of people in the same boat. They are pressing just as hard as you will be pressing on behalf of your constituents.

It is also worth pointing out that paragraph 55 of the joint report makes a clear commitment. It says: "Both Parties will honour their commitments to the PEACE and INTERREG funding programmes", currently. It goes on to say, "Possibilities for future support will be examined favourably". That is a commitment of the British Government. I said it is only a crumb of comfort and I can sense a slightly disappointed feeling, but it is in black and white, and there are plenty of people around this table who would want to hold the Government to that commitment.

John O'Dowd: Of course, I would welcome the House of Lords' commitment to that, but the operative word of that paragraph is "possibilities". That is a "get out of jail free" card for any Government, or the EU for that matter, in that regard. There is a lot of work, lobbying and commitment from across these islands to ensure that the potential that was unleashed by EU peace funding continues going into the future.

The Chairman: Mr O'Dowd, you have talked about the importance of the maintenance of the customs union. I have noticed that in Dublin and Westminster, people have started to talk about "a customs union". Do you have any indication of what is meant by "a customs union" and whether it might be in some sense similar to "the customs union"? Is this another term that has been left deliberately vague?

John O'Dowd: I have no insider information on it. At some stage in the future, there will have to be an agreement between the European Union

and Britain on how they trade with each other, and it will have to include some form of customs arrangement. The optimum customs deal is the one we have at the moment. When you look at how the EU negotiates with third countries, which Britain will be at that stage, they have not been offered the same deal as in the current customs union that is given to signed-up members or countries that pay for special treatment. Yes, there will be a customs union in the future. I hope it is the one we have, but that will be part of the negotiations.

Q74 Lord Selkirk of Douglas: I was going to ask you a question, which I think you have already answered, about paragraph 50 of the joint report, which says that the links between Northern Ireland and the rest of the UK will not be undermined by Brexit. You gave a very clear statement, but perhaps you would like to add to it.

Can I just mention that we have received a document this morning from the Council of the European Union: an Annex to the Council decision? On page 4 it says that, "it is necessary to complete the work on all withdrawal issues", and that these include "customs-related matters needed for an orderly withdrawal from the Union". On page 7 it says: "In line with the European Council guidelines of 15 December ... any transitional arrangements require the United Kingdom's continued participation in the Customs Union and the Single Market (with all four freedoms) during the transition". The transition will presumably permit us time to think about all the possible options in taking these negotiations forward. I would like to know, if possible, what your views are in that context.

John O'Dowd: I have not had an opportunity to see the document, although I think there is a begrudging acceptance even by the most ardent Brexiteer that there will have to be a period of transition. The debate may come down to how long that transition will be. We will see how that rolls out. As an Irish republican, I think about the linkage between the north and Britain regularly. We have put our cards on the table on that one. I do not see anything within the current protocol that does harm to the constitutional arrangements as they are.

But I want to put this on the record. There was a lot of debate and discussion during the December negotiations. We are all familiar with the DUP's intervention, and how relevant that was is open to debate. However, we do not want to see a border up the Irish Sea. We want to see unhindered trade between this island and Britain, because it is of economic benefit to both islands for that to happen. That does not set aside our desire to see a constitutional change, but that constitutional change does not involve us turning our back on our nearest neighbour. We want to see free movement of people, goods and services around these islands, and good working relationships across these islands. We want to see a new, agreed way forward. I see nothing in the document—either the leaked document or the published document from December—that harms the current constitutional position across these islands.

Lord Selkirk of Douglas: It appears that the negotiations may go on

quite a while, judging from what you have just said.

John O'Dowd: The negotiations on this side of the Irish Sea continue for ever. How long will the negotiations between the EU and Britain take? Nobody knows, and many people speculate on that. I do not think that anybody can honestly say that the negotiations will be resolved by March 2019. I just cannot see how that is going to humanly happen.

Q75 **Baroness Brown of Cambridge:** Can you comment on whether sufficient progress has been made on the provisions of the Good Friday agreement, citizens' rights—including the right of the people of the north to British and Irish citizenship—freedom of movement of British and Irish citizens within the common travel area, and continued access to cross-border EU funding? You have probably commented on that one. Has sufficient progress been made to ensure that those are all protected post-Brexit and, if not, what further assurances would you want to see?

John O'Dowd: We welcome the commitment to protect the Good Friday agreement in all its parts. Again, it will come down to how it is interpreted or translated into a legally binding agreement between the two sides. In terms of protections within the Good Friday agreement, again I highlight access to the European Court of Justice. Access to the rights-based society that the European Union offers is a major area of concern for us moving forward. A lot of focus, understandably, has been on trade, et cetera, but we cannot move away or divorce ourselves from the point that the European Union offered a rights framework that was central to the Good Friday agreement, and is central to how we get ourselves out of the current political impasse in this building and the institutions that this building represents.

I was always of the view that the common travel area would be resolved quite easily because, as Mickey said, it predates European Union membership. It is referenced in the current EU agreements around Schengen, et cetera, so I believed it was always going to be a matter that was easily resolved. However, I believe that, if there is what is known as a hard Brexit, it will cause difficulties in how that is policed and governed. That remains to be seen. Was your last point in relation to EU funding?

Baroness Brown of Cambridge: Yes, but you have already covered that. You feel some reassurance but do not feel reassured that anything beyond the current funding is secure.

John O'Dowd: No, not at the moment.

Q76 **Baroness Suttie:** Talks are ongoing, as we speak, to try to re-establish an Executive but the power-sharing institutions have been suspended for a year. How do you think that this democratic deficit can be addressed? How, in either a formal or an informal way, can all the views across all the political parties be taken into account in the Brexit negotiations, particularly at this critical period over the next few weeks?

John O'Dowd: It is worth putting on the record again that, even if the Executive is restored, there will not be a unified voice coming out of the

Executive in relation to Brexit. We and the DUP are in completely different places as regards this matter. While the Welsh Government and the Scottish Government are speaking with one voice—and those two institutions can speak for themselves—I detect a frustration from them that their voices are not being heard by the British Government. I doubt whether a divided voice from the Executive will be listened to by the current Administration.

I was part of the delegations from the Executive that attended the JMC along with Martin McGuinness. Martin, who was a very experienced negotiator, found those meetings hugely frustrating. I referred to them as the most ludicrous meetings I ever attended, because there was no structure to them. It was quite clear from the outset that the Government's representatives were not taking seriously the issues presented to them by the devolved institutions. While we are no longer attending those meetings because the Executive is down, I do not get any indication that that relationship between Westminster and the devolved institutions has changed in any way. While I am a strong advocate of returning the institutions and ensuring that we have locally elected representatives representing us, based on the agreements and the outstanding agreements, I do not believe that the Executive will make a fundamental difference to the approach currently being pursued by the Westminster Government.

Baroness Suttie: Clearly, you cannot say anything in great detail because the talks are ongoing. However, are there areas where you believe that the DUP and Sinn Féin have a shared view on Brexit?

John O'Dowd: I fail to see why any local party would wish to damage the economy, our agriculture industry or our agri-foods industry. But, when I look at the current strategy being pursued by those who support Brexit, I fail to see any outcome other than damage to those. I hope, if we were to see a return to the institutions, that we would do everything within our power jointly to defend the main components of our local economy, the rights of citizens who live along the border and all those other things. The pursuit of Brexit, and the relationship between the DUP and the Conservative Party in their current arrangements, signal to me that it will be very difficult to reach an agreement with them on any of those points.

Baroness Suttie: Without wanting to put words in your mouth, there would be less EU funding, for example.

John O'Dowd: Yes, we will pursue funding with the EU or with any institution to help improve the lives of our citizens. If the DUP and the Conservative Party retain their confidence and supply motion, I cannot see the DUP being that strained in its approach to Westminster or 10 Downing Street in securing more funding. We are still waiting on the cheque for the £1 billion. It is in the post somewhere.

The Chairman: One thing I have been doing over the last few months or so is attending a new group in London, which has representatives of the

EU committees from the Lords, the Commons, Edinburgh and Cardiff. I have to say that the absence of any representation from Belfast or the Northern Ireland Assembly there has meant, in my view as an independent Cross-Bencher, that all voices from Northern Ireland have been unrepresented on the committee that matters. I say that because it seems a very great pity that there is not an Assembly in which the voice of Northern Ireland can be heard.

John O'Dowd: To be sure, we want to see the Executive returned. We want to present as much of a united front on the issues of strategic importance to the Executive as we possibly can. But there are outstanding issues that need to be resolved before the Executive can come back. Mickey put in the apologies for Michelle, who is currently in another room in this building trying to do that.

The Chairman: I am delighted to hear it.

Baroness Armstrong of Hill Top: I want to follow up on what you have been talking about. Before the Executive broke up and when Martin McGuinness was still here, he did a joint letter with the First Minister, which you could tell was very difficult but it none the less contained some common areas. None of us expect that you will agree on everything. I share some of your anxiety about what has gone on since. None the less, that was a powerful statement, which, in a sense, we have not had any consistent pushing on. I suppose we are saying that we really regret that.

John O'Dowd: Yes, it was a good statement. It set out a purpose and intent to protect those areas. As I say, we will seek to find areas where there is common agreement of what we can pursue. I am just pushing back against this idea that, if the Executive is back, there will be a common voice on Brexit. There will not be.

Baroness Armstrong of Hill Top: I accept that.

John O'Dowd: It is going to be one of the difficult subjects for us to deal with. The experience of these last 10 years, of being in the Executive, is that we have to deal with difficult issues as part of being in power. You just have to get on and deal with them.

The Chairman: It is democratically expressed voices that we are after. That may sound odd coming from the Lords, but there we are.

Q77 **Baroness Wilcox:** This is our last question. From what we have heard in your statement and in other answers, perhaps you would answer this by way of advice to us—not necessarily as somebody taking part in it, if you would not mind. Stuart Stoner there, the clerk who is trying to keep a record of everything that is going on down there, would agree that we would be very helped by that. Here is the question. Events leading up to the December European Council place north-south and east-west relations under strain. What steps need to be taken to ensure intergovernmental relations are maintained during the Brexit negotiations and afterwards?

John O'Dowd: Dialogue is always important. Quite clearly, strains have been placed on Anglo-Irish relations as a result of Brexit, for understandable reasons. Brexit has been the biggest constitutional change on the island of Ireland since partition. Partition was a disaster, so you can understand what is happening on the island of Ireland in relation to what the people of Britain decided to do. They are perfectly democratically entitled to do that but the decisions taken after, such as leaving the customs union and the single European market, have all had ramifications in the reaction from the island of Ireland.

I am not a spokesperson for the Irish Government, or any other Government for that matter at this stage, but dialogue is the best way forward. The protocol published in December has to be honoured. If there is a rowing back in relation to that protocol, it will only further sour relationships. As I constantly say, despite the troubled history between these two islands we have to live together, work together and trade together, and we have to have common purpose on a wide range of issues. Relationships have improved dramatically over the past 20 years, and the only way we resolved the problems was through dialogue. As difficult as it is sometimes, you just need to keep talking.

Q78 The Chairman: I have one final question. Please give our best wishes to Michelle O'Neill, and we hope very much to have a chance to meet her on another occasion. Sinn Féin is extremely active in the rather fevered atmosphere at the moment, but could you say a bit about what links you have with the European Commission and other member states? What processes do you have for keeping contact with them?

John O'Dowd: We have four MEPs in the European Parliament, which is the largest delegation from the island of Ireland. We use our links within the European Parliament to engage with the parliamentarians there and their parties at home, and we engage with the various layers of the European Union. Martina Anderson has been particularly active in meeting Michel Barnier and Guy Verhofstadt, et cetera. We are in constant dialogue at different levels with all the structures within the European Union. Like all political parties, we have links with other parties across Europe and use those links to the best of our ability to get our message across.

The Chairman: Thank you very much. Is there anything else that either of you would like to say?

Mickey Brady: The number of people now applying for Irish passports in my constituency is phenomenal. As an elected rep, I complete them on a daily basis and they come from right across the community. I just want to make that point: people are obviously exercised by the whole issue of citizenship and want to ensure that, if and when Brexit happens, they will have access to the European continent. We are now asking for a passport office to be opened here in the north, which hopefully will happen. We are inundated, and I mean that, on a daily basis with the number of passport applications. It is not just coming from the nationalist community; it is coming from right across the board. People are exercised about that.

John O'Dowd: If any of you need your Irish passport forms signed, he is your man.

The Chairman: I think that would be something of a conflict of interests. We are very grateful to you. Thank you very much indeed for coming in and talking to us. As I said, please give our best wishes to Michelle O'Neill. We hope to see her on another occasion. Thank you very much.