

Northern Ireland Affairs Committee

Oral evidence: [Devolution and democracy in Northern Ireland – dealing with the deficit](#), HC 613

Wednesday 21 February 2018

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[Watch the meeting](#)

Members present: Dr Andrew Murrison (Chair); Mr Gregory Campbell; John Grogan; Lady Hermon; Kate Hoey; Jack Lopresti; Conor McGinn; Jim Shannon

Questions 284-371

Witnesses

I: Paul Braithwaite, Programme Leader, Building Change Trust; Jamie Bryson, Unionist Voice Policy Studies; Derek McCallan, Chief Executive, Northern Ireland Local Government Association; Ruth Taillon, Director, Centre for Cross-Border Studies.

II: Colum Eastwood MLA, Leader of the Social Democratic and Labour Party.

III: Claire Sugden, MLA.

Written evidence from witnesses:

- [Building Change Trust](#)
- [The Centre for Cross Border Studies](#)
- [Northern Ireland Local Government Association](#)
- [Unionist Voice Policy Studies](#)

Examination of witnesses

Witnesses: Paul Braithwaite, Jamie Bryson, Derek McCallan and Ruth Taillon.

Q284 Chair: Good morning, everyone. Welcome. It is a great pleasure to see you here today. It is a fairly momentous week, with the statement yesterday and a lot going on in relation to the matter that is before us at the moment, which is considering the future for Northern Ireland and how we can ensure the impasse that we have seen in the recent past is not repeated and that governance is made robust and survivable. You have, in your own ways, contributed to that debate, and the reason we have asked you to spend time with us today is because you have submitted written evidence, which Committee members have found to be of interest and we would like to delve into some of that in a little more depth, the better to inform our discussions.

With an inquiry like this, clearly we have to take as read that we are all signed up to peace, the ballot box, the rule of law and so on, and I will take that as read in this case. However, Mr Bryson, if I can just deal with this straight off, you have, in the past, been associated with some remarks that perhaps run contrary to those ideals that I have just laid out. I would like to give you the opportunity now to say that you have turned your back on proscribed paramilitary organisations, because it will be difficult for this Committee to take evidence in the event that you still subscribe to the views that have been associated with you in the past. I would like to, very briefly, give you the opportunity to clarify your thinking on this matter.

Jamie Bryson: I appreciate that, Chair. In the situation that we are in, the only way forward is via the law and through the peace process. There can be no place in society for terrorism of any form and I am wholly committed to peace. It is a matter addressed within our submission that one can be wholly submitted to peace in the form of an absence of violence but be opposed to the political process and that is my position. There is no place for terrorism in the modern Northern Ireland and we all need to move forward within the parameters of the democratic process.

Q285 Chair: Thank you, I am grateful for that.

Mr McCallan, I wonder if I can start with you. Local government in Northern Ireland is rather different from local government in the rest of the United Kingdom, and it has been suggested by some of those who have submitted evidence to this inquiry that one way forward might be that local government has more powers that it might exercise. Clearly, since 2015, the powers that you have had following the reorganisation have increased and I wonder whether you feel that had those powers not been increased, we might be in an even more difficult stalemate situation than we are at the moment. If you do think that, do you think a further devolution of powers might be appropriate as part of the solution, or do



you think, as others have suggested, that it might simply create more versions of Stormont House.

Derek McCallan: To answer the question directly, Chair—and thank you for the opportunity, and to your colleagues, to submit evidence—I do feel that, since 2015, the additional powers given to councils have helped the social cohesion and the economic development of Northern Ireland. That is because those local authorities, in terms of the powers that have been transferred to them, have been able to deal directly with the people, the citizens and the communities, who we need to invest wealth in and we need to invest confidence in. The connection that the local authorities have had on issues like planning, economic development and some additional powers related to the public realm has allowed them to gather—if you like, locally, within sub-regions—the data and the knowledge to make sure that the decisions they take on how we use our taxes and our rates are driven by the needs of local people. The milestone, for me, in terms of 2015 was that we started to develop policies and investment and actions around places and people, rather than an institutional solution.

To answer your additional point briefly, which—correct me if I am wrong—was about additional powers, devolution should be an iterative process. Northern Ireland has not signed up to the principle of subsidiarity. The rest of the United Kingdom has. If we are looking at local authorities, convenors of people who drive the economy or custodians of the environment, having 4% of the public purse as opposed to 27% in the devolved areas of Scotland and Wales, it is absolutely imperative that there is an all-party group developing a strategic review of local government's development and investment, so that we can get it right.

I would finish, in terms of your query, Chair, by saying that this is a very exciting time for local authorities. They get things done. They want to get things done and, unfortunately, 88% of Northern Ireland's £20 billion public purse has been locked in the legislative Assembly for 18 months. We want the Northern Ireland Assembly restored, but we want to be a meaningful partner with the communities we serve.

Q286 Chair: Thank you. The balance of written evidence we have seen would pretty much support that. However, there have been one or two who have sounded a cautionary note, in particular, Professor Tonge, who is concerned about these 11 mini-Stormonts. Obviously, you have quite a lot of experience of how councils operate on the ground and the discourse between councillors. Do you fear that if more powers, particularly over really big-ticket issues, are devolved to local government that might happen and we might see the development of a bipartisan approach to local government, which would clearly be in nobody's interest and something we would all wish to avoid? That is clearly Professor Tonge's concern.



Derek McCallan: I would contest that view based on direct knowledge through experience. If I am a citizen and a ratepayer in Dungannon, I expect, broadly speaking, the same portfolio of services delivered by the same portfolio of bodies and agencies as a citizen in Dumfries and Galloway. The UK family of local government have sufficient checks and balances and knowledge through experience to make sure that the competencies, the ethical standards and the management of performance is addressed very robustly.

I would also just make a point in terms of reverse psychology. There is quite a considerable body of opinion that thinks that the legislative Assembly is merely a super-council. We should not have sub-committees of the Northern Ireland Assembly dealing with gully emptying. If we retain, for example, 6% of the public purse instead of 4%, that means, my goodness, we would be able to deliver things like local maintenance of the public realm and built architecture. This is trying to make normal and to put a challenge to institutions that we need to bring power down to and with local communities. There is a challenge for councils to build their competencies and to get their ethical standards right—I accept that—but that is the same right throughout these islands.

Chair: Thank you. That is very clear and very compelling.

Q287 **Jim Shannon:** It is nice to see you all here. I have a couple of quick questions. Derek, it is always good to see you; we have a long relationship, going back to the Ards Borough Council when you were in the role of economic development, and it is a good to see you here. I have two things for yourself. First, on the Brexit issue, we have been to Brussels, and the Northern Ireland forum that was there did not seem to have any direction or anybody telling them where they should go or what they should do; they were a bit rudderless, from that point of view. If that is what they are feeling over there and the Northern Ireland Assembly is not functioning as it should at this moment in time, do you think that local councils, for instance, could play a greater role in formulating responses to Brexit issues on behalf of the people of Northern Ireland? That is the first thing.

The second question, to yourself again, is in relation to the Northern Ireland Assembly. Again, it has been non-functioning for some 13 months or thereabouts and that concerns us all, because of the political deficit that there clearly is. Do you have concerns, or do you have some fears perhaps, that if the Northern Ireland Assembly is not the political forum and the political forum goes to the local councils, some of the conflict or spread of responses between each other could move to there? Those are my two questions, and I have a question for Paul as well.

Derek McCallan: Through yourself, Chair, and to be brief—I know that you are short of time, and colleagues will wish to interact as well—in terms of Brexit, NILGA, the local government association of which I am the officer head, has been working on a cross-party basis with the UK local government forum to meet officials and ministers in DExEU. We



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have been highlighting some key issues from a local governance and local government point of view, such as the need to have a net alternative investment fund for all structural and related EU funds, to mitigate against any issues that may be caused by Brexit. We are also aware, if I may say so, of the opportunities around making sure that we do not get a dump of legislation and regulation from Brussels bounced to Westminster and then to local municipalities. We need to make sure that there is a contemporary regulatory flow and that we work forensically to avoid the impact of regulations, legislation and policies that, frankly, we do not want.

In terms of the Brexit issue, therefore, we are aware that officers in the Assembly, permanent secretaries and their officials, have been working very diligently, giving as many people who need to know it data and knowledge. What has been missing is political leadership and what we are offering, as a collegiate body, is whatever political leadership we can around consensus issues to do with regulation, a net alternative investment fund and a voice for local and devolved Assemblies in a realigned committee of the regions, so that the UK policy team have local government voices heard. We are doing all we can, but we can only and will only, professionally and diligently, represent local government.

In answer to your point about the Assembly, what we are concerned about is not the absence of partnership; there has always been a partnership. We are part-delivering the programme for government. We have the five political parties agreeing to offer NILGA and councils go-to MLAs so we can work through common issues of concern for the citizens of Northern Ireland. The institutions are what is missing and we need to unlock those institutions. We have had 14 months without a Northern Ireland Assembly. What we are impacting on here is a legislative and a fiscal deficit.

There are so many parts, for example, Chair, of the Local Government Act (Northern Ireland) 2014 unfinished in terms of statutory guidance on standing committees and in terms of the review of the code of conduct—to modernise and make more democratic our ethical standards—not signed off, which need a Minister. From our point of view, if we are able to legislate, through recommendations from the Northern Ireland Affairs Committee, on things like an all-party group, on things like a devolution Bill, on things like the provision of neighbourhood services by councils, that is not a revolution; that is simply an evolution to bring down to local people the connect, the delivery and the impact that, frankly, every citizen of Northern Ireland deserves.

Q288 Jim Shannon: I have a quick follow-on from that, just to make sure I have that right. Are the local councils feeding in Brexit issues directly to Brussels through the Northern Ireland forum that is there? I just want to make sure that is being done? I understand the issue. The issue, quite clearly, is that permanent secretaries have no political clout. They have to have political drive somewhere. I am not saying that the councils



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should be that drive, but are they feeding their opinions into that process?

Derek McCallan: Yes. We are ensuring that we are working diligently to give all the evidence to those who need it. We are doing everything we can in that respect.

Q289 **Jim Shannon:** Paul, I want to ask you a question. You refer to citizens' assemblies. I am just wondering, in your opinion, how would you see those citizens' assemblies perhaps filling some of the deficit that there presently is in Northern Ireland? What are your thoughts, please?

Paul Braithwaite: Thanks, Mr Shannon, and thank you, Chair, for the opportunity to speak to you today. The key point we are trying to make, essentially, is that the democratic deficit, which is the subject of this inquiry, is not the result of the current political impasse. There has been a pre-existing democratic deficit in Northern Ireland for some time, which results from a systematic failure to engage the public in decision making at all levels of Government. This is not an assembly mechanism that we are suggesting—and we are resourcing a pilot citizens' assembly in Northern Ireland this year, but simply one way, and a creative method, that can be used to engage the public in decision making.

It is crucial to say that the whole idea is to be complementary to existing electoral structures. This is not a proposal for replacing any role or any aspect of the role of elected institutions or elected representatives; it is to be complementary. It would be an advisory mechanism, and it simply makes good sense. The idea of a citizens' assembly is to give the public a say, when they have had an opportunity to hear full and balanced information on a topic, and to deliberate with their peers. It makes common sense. We already do it in the judicial system. It is essentially the same kind of structure as jury duty, where we randomly select citizens, we give them the opportunity to consider complex challenges, they hear evidence and they make a judgment. That is largely established as an effective and appropriate mechanism. All we are essentially suggesting is a similar kind of approach should be adopted in relation to policy and legislation.

Citizens' assemblies are one particular mechanism that we are putting forward. It will not be us directly running it; it will be an organisation called Involve, but we have made resources available to them to do that. We would run a pilot this year simply to show how the method works, to apply it to a particular single topic in Northern Ireland, and then it will be for you and others to judge how successful that has been and whether that could be put on a statutory footing.

Citizens' assembly mechanisms and similar mechanisms have been used in a range of jurisdictions. They have been used in the UK. The most ambitious one currently in the world is in the Republic of Ireland; you will be aware of the Irish Citizens' Assembly and its forerunner the Irish Constitutional Convention. Similar mechanisms have been used in parts



of the UK, both independently and within statutory bodies. We think there is a strong body of evidence that these are effective ways of unlocking fresh thinking and providing consensual solutions to difficult issues, where traditional decision-making processes have not been able to come to agreement.

Q290 Jim Shannon: Would the citizens' assemblies be any different if the Northern Ireland Assembly was functioning, or if it was not functioning and there was direct rule? Would you see any change?

Paul Braithwaite: These mechanisms have long-term potential. As I said, the democratic deficit, in our view, predates the current impasse. I would suggest that if we had mechanisms like citizens' assemblies being resorted to by the Executive and by the Assembly, we may not have found ourselves in this situation. Serious and sustained public engagement can underpin institutional stability in Northern Ireland. Whilst mechanisms like a citizens' assembly could potentially be used to help find fresh thinking on some of the issues that have led to the political impasse, they nonetheless would be really important to incorporate into the range of mechanisms that would be used whether by the Executive, the Assembly, by Assembly committees, or even perhaps by this Committee and by the Northern Ireland Office.

Whatever the situation, there is a role there. It is really important that the public have a voice. Our democratic model in Northern Ireland is too focused on elections. Elections are crucial and I am not here to question the role of elections, because they are absolutely fundamental, but they do not give us a sophisticated or detailed view of the public's opinion on the very many complex challenges we face. We need to supplement that with complementary mechanisms, like citizens' assemblies.

Another mechanism that we have been supporting at local government level is participatory budgeting, which is where you give members of the public a direct say over how a public budget line is spent. It is not just about citizens' assemblies. The research we commissioned last year into the health of democracy in Northern Ireland, the Beyond Voting report—the link is available in our evidence—found that there is a range of ways in which this deficit of public engagement needs to be addressed over the longer term. We think citizens' assemblies are a good place to start and, essentially, we are saying we will try it out, and we simply ask people to be open-minded and judge it by its results.

Q291 Chair: Would you consider that there should be compulsion? Of course, with jury service there is an element of compulsion, with some let-outs. Would you consider that membership of the assemblies to which you have referred would be compulsory for those who had been selected at random to serve on them, or not?

Paul Braithwaite: That is a question that would need to be considered in due course, if they were to be put on a statutory footing. In the examples that I am aware of, I do not think there has been compulsion



for members. What is worth noting and what is of real interest is that there is a very high level of uptake by the people who are given the opportunity to participate.

I should just highlight the method by which people are selected, because sometimes it is misunderstood and it can be thought of as previous mechanisms, which are sometimes accused of being assemblies of the great and the good. It is random selection that is used, so usually a polling company would get a sample of the population, usually around 100 people. You would control for certain factors to ensure that that sample is representative of the public in terms of age, socioeconomic background and gender, and you could include other characteristics in the Northern Ireland context, such as community background; that would be for the designers to decide.

They then go out to a large pool of people and they ask who would be interested. If somebody—say a woman in the 35-to-45 age bracket—says they do not want to participate, you cannot replace that person with somebody with different characteristics; you have to replace them with somebody else, so you retain the representativeness of the sample. That is what sets citizens' assemblies apart from previous mechanisms; it is that, and also the internal deliberation that takes place. They are often also known by the title "mini public", because essentially that is the idea. If you could get the whole population of Northern Ireland into a room, give them all the information about a topic and give them adequate time to deliberate with one other, to exchange with their peers—people who disagree with them as well as those who agree—and then formulate and vote on resolutions, then these are the same decisions that the whole public would come to. That is why it is called a "mini public".

Q292 Chair: You can understand the unease of some politicians, who are often accused of not being sufficiently representative of the people they serve.

Paul Braithwaite: We have engaged with MLAs across all parties in recent months. We have had very intensive engagement. There has been a lot of support. There has been a lot of questions and some scepticism, but the scepticism has tended to orientate around particular issues—the topic that would be under consideration and an unease that certain topics would come up. We will not be deciding ourselves what the topic is; there is going to be an independent advisory group that will make that decision. There is no real point in doing a citizens' assembly if politicians say they are not going to do anything about the results, so the key is to find a topic that is deadlocked but perhaps one that is not so polarised that it is dead from the get-go. We need to find something where there is deadlock but where people agree that the issue needs to be dealt with and that there is a public demand for consideration of the issue. That is how we will be proceeding.

Q293 Mr Campbell: I have a question for Mr McCallan, but I just wanted to check something with Mr Braithwaite. Did you say a few moments ago that the problems that we have in the Assembly now, over the course of



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the past 14 months, could or would have been avoided if we had had a citizens' assembly?

Paul Braithwaite: I said "could", but I did not mean specifically just a citizens' assembly. My point was that we need a sophisticated and multifaceted effort to engage the public in decision making at all levels. A citizens' assembly is just one possible mechanism. It is not the be all and end all; it is not a magic bullet. It is very much "could", but it is very important that we find mechanisms, whether it is a citizens' assembly or something else. There are lots of innovations that have emerged over recent months. Our remit is all around working with the voluntary and community sector, and we would encourage elected representatives and Government Departments to engage with the sector as facilitators of citizens' voice. Very often, the voluntary and community sector is thought of as simply deliverers of public services. While that is an important role, it is a really important connector between citizens and the state, so we would encourage engagement with the voluntary and community sector, which can help to find these methods and can support Government to engage with elements of the public. My point is a broader one, essentially.

Q294 **Mr Campbell:** I just wanted to be clear that, in terms of the crisis that we have, you were not seriously suggesting it could have been avoided by having a citizens' assembly.

Paul Braithwaite: Not just a citizens' assembly but sustained public engagement over a long period of time, yes. I am not really saying anything contentious. For example, the Executive themselves commissioned a public governance review, which the OECD carried out two years ago. One of their key recommendations was that there needed to be a citizen engagement strategy at the level of the Executive Office. Indeed, the last Executive had begun to make some progress in that regard, certainly on paper.

Another initiative we support is the Northern Ireland Open Government Network. That engaged with the Executive over the last two years to try to persuade the Executive to make commitments under the international Open Government Partnership, which the UK is a member of. Indeed, the Executive, just before it fell, made Northern Ireland's first formal commitment to the Open Government Partnership, which is about transparency, accountability and participation in decision making. Some small steps were being taken. There was acknowledgement within the Executive that this area needed to be addressed, and we are simply suggesting citizens' assemblies as one amongst a number of things that would need to happen.

It is important to point out that whilst people in Northern Ireland support devolution wholeheartedly, and Professor Jon Tonge made that very clear in the data that he presented, it does not necessarily mean they are satisfied with the outcome. Indeed, the data about their level of satisfaction with the outcome is extremely worrying. You will have seen



in our evidence some of the data from the Northern Ireland Life and Times Survey. Only 11% of people in Northern Ireland think the Assembly has achieved a lot, 31% think it has achieved nothing at all and only 17% feel it has given ordinary people more of a say. That was data from 2014 and 2015, before the current crisis began. That is extremely worrying and is really at the heart of the point we are trying to make.

Resolution of the very many complex challenges we face in Northern Ireland is the responsibility not just of politicians but the whole of society. These are issues experienced by all of us and we need to share that responsibility more widely. In engaging the public, the examples of citizens' assemblies and other like mechanisms that have been used before show that the public are more than up to the task. Elections tend to give us quite a simplified view of people's positions on these issues and very often in a context where they might not be fully informed. That is all we are suggesting. I hope it is a common-sense approach and something that would be complementary to the role of elected representatives.

Q295 Mr Campbell: I have a question for Mr McCallan. I served for 30 years on the City Council in Londonderry, in exceptionally difficult times, and problematic issues arose on a regular basis. Council business now, by and large, across Northern Ireland is conducted in a much better atmosphere, although there are still occasions when issues occur. I have heard and read of a number of commentators and politicians who maintain that part of the problem in Stormont that does not exist in local councils is that you have, in effect, in the Assembly the recipe for gridlock that you do not have in local councils. Do you think that that is the case? I suppose the magic bullet is about how, as a wider society, we try to gradually move away from that gridlock, zero-sum game position, which many people believe has brought us to the impasse we have.

I do not want to paint a rosier-than-reality picture of councils, because there are big issues you still see in local papers and media of problems that emerge, but no council has stopped functioning as a result of whatever problems have emerged. What do you think of the issue of the comparable between local councils and Stormont and the difference in terms of gridlock? How might people gradually move away to get to a more council-consensus replicated model at Stormont?

Derek McCallan: I will try to answer the two elements together. NILGA is on record as saying that the legislative Assembly needs to come back as soon as possible, but it cannot come back in the mechanisms that existed in the past. In other words, there needs to be a way to rewire our governance in Northern Ireland on how public services are delivered. Our £20 billion or £21 billion is almost like a pyramid. We need to invert that pyramid and have more power and authority given to the councils and, beyond the councils, to the communities they serve, so that there is a greater proportion of accountability at local community level, in the same way that the devolution agenda, from a cross-party non-institutional as well as institutional perspective, has gathered so much



momentum in terms of cities, regions and municipalities, unlocking the wealth of their communities.

Eleven councils this month struck, diligently, through cross-party activity, their rates, not just for public services but to forecast the investment they need to drive the 11 local economies of Northern Ireland. They cannot do that without partners and without a dynamic collegiate response. They cannot do that in Mr Shannon's constituency without people on the Ards peninsula working together for coastal adaptation, so they are connected. The Assembly would be better served to reconnect with the councils and to offer that iterative transfer of power.

A big conversation is needed in Northern Ireland. No one knows exactly the practical services that need to be delivered by local government yet, but we have, in NILGA, commissioned an independent report from the New Policy Institute, which will be offered to you, Chair, and this Committee, to show the objective findings of where we need to go to make Northern Ireland a better governed place to sustain the communities that we work at, as public servants.

I hope that, at least in part, Mr Campbell, helps to demonstrate that there is a passion and fervour in local government. There is absolutely no poverty of ambition. We want to be challenged to be normal local authorities. Unfetter us, give us the legislative and fiscal powers, and do not micro-manage us with policy-level bureaucracy from a centralist organisation. That is not a political issue, Mr Campbell. That is an ideological issue. There is nothing worse than fearing giving up power, but we believe that we have had enough of endless transition. We really do need transformation. It is a marvellous region; let us unlock it.

Q296 Kate Hoey: Thank you all for coming. I think there will be a lot of sympathy about the questions to do with giving local authorities more power and influence. I really want to ask all of you—or perhaps the three of you who have not said very much at the moment—how, if there is going to be direct rule, which looks very likely, you all feel that at the time when direct rule is happening, even if it is a form of direct rule, we can seriously look at whether mandatory coalition works and can ever work, when basically one party has a veto over another party. Is it time that we stop treating the Belfast agreement as completely untouchable? After all, it was changed with the St Andrews agreement.

Could I ask Ruth and Jamie particularly, because Paul has spoken? Paul, your citizens' work is very interesting and we all could look at that in our own constituencies as well. Ruth, if there is direct rule, is that an opportunity then to see whether there might be a way for there to be much more involvement of the smaller parties in our system of government, rather than it being the two big parties that can literally say, "We do not like this. We are walking out now. These are all our demands and we are not going to go back in until they are not met"? What is to stop that happening again and again and again?



Ruth Taillon: Thank you for the opportunity to engage, because it is very important, particularly in this time of huge democratic deficit. I would agree with Paul that the democratic deficit has been there even when the institutions were up and running, in the sense that they have not been as vibrant and responsive as they maybe should have been.

I would also like to make it clear that the Centre for Cross Border Studies does not take a position on the constitutional question in Northern Ireland. The main public policy context in which we have worked since 1999 has been the imperative for cross-border co-operation enshrined in the Good Friday agreement, so we would see it as very important that the institutions of the Good Friday agreement are up and running, and certainly we would appeal to you, as legislators here, to make it very clear that we think, as a guarantor of the Good Friday agreement, it is imperative on the British Government and the Irish Government to make sure the institutions do get back up and running as quickly as possible.

Kate Hoey: But we cannot make it. The two parties can make it—

Ruth Taillon: There is a lot of influence that could be brought to bear from this side of the water. The attention has maybe been not focused sufficiently over quite some time now.

Q297 **Kate Hoey:** So it is the British Government's fault.

Ruth Taillon: The sovereign Governments have a responsibility, especially now that we are in a period of crisis and everybody is now acknowledging that it is a period of crisis. I know there are those who would like to see the end of the Good Friday agreement, but it was voted in by referendum. The will of the people spoke some 20 years ago. I do not think it cannot be looked at again, but it has to be looked at in the context of consent from the two sides. At this point, it is an international agreement and it would look very bad and be seen to be very bad, not only within the island of Ireland but elsewhere, if the British Government now started to try to pull back on that agreement in any kind of unilateral form. We have to get the interlocked strands back up and running.

Q298 **Kate Hoey:** But you are not against direct rule coming in to help, for example, local government get on with doing what they need to do, with Ministers making—

Ruth Taillon: It depends how you define direct rule. I do not think it can be unilateral direct rule. The Irish Government have to have a considerable influence in how things would be going forward. Inevitably, a budget needs to be set. We are all desperate to have a budget set, but we cannot be suddenly saying, "We will pull this back", and creeping back to some other status and undermining of the Good Friday agreement. The Good Friday agreement is the framework for solving our democratic deficit.

Q299 **Kate Hoey:** Jamie, can I ask you about that?



Jamie Bryson: To address some of the points you made, the Belfast agreement was of course a political agreement; it is a political text. The legislative mechanism is the 1998 Act. There are elements of the Belfast agreement, including elements of Strand One that did not translate into the 1998 Act. If you look, for example, at section 23(1) of the 1998 Act, it is very clear that power is vested in Her Majesty. That entirely contradicts some of the things that are in Strand One of the Belfast agreement. The Belfast agreement did not translate exactly into the 1998 Act. The 1998 Act is naturally a piece of legislation, and I am aware that the House of Lords, by three to two, in the case of Peter Robinson, in 2002, gave it the status of a constitutional statute, but it was a very close case, and if you read Lord Hutton's dissent, there may be grounds to revisit that. Essentially, the legislation and the British Parliament is sovereign in relation to Northern Ireland. Northern Ireland does not have some hybrid British-Irish status, so if the British Parliament wanted to change the 1998 Act, then the British Parliament could do that, and I dispute that they cannot.

You also made the point about the Belfast agreement being presented as sacrosanct. Even within hours of it being signed we had a change to the Good Friday agreement, to put some kind of religious spin upon it, as if it was some holy writ that cannot be challenged. I just do not subscribe to that. The 1998 Act has not worked. The Belfast agreement provided the context, I suppose, for an absence of violence, which everybody must welcome. That has to be a core principle in Northern Ireland, but we cannot say that we have to have the 1998 Act because, if we do not, we might go back to violence, since that is essentially giving a veto to those who would threaten the democratic system. If it is the will of the people to reassess the 1998 Act, then why can that not be done?

Q300 **Kate Hoey:** Would you welcome voluntary coalition?

Jamie Bryson: We would all welcome a system of durable and workable devolution. The current system cannot work, and I use the example that it is enshrined within it that people cannot trust each other. When your core system of government says that we need to have a mandatory safety lock because one side can never trust the other side to govern, then in that regard how can you ever expect any genuine reconciliation to flow from that? If the core system of government is set up to say that we cannot trust each other, how does anything genuine ever flow from that?

Q301 **Kate Hoey:** Would you like direct rule as soon as possible, Mr McCallan, or are you still hoping, like everybody seems to be hoping, that we just sit and wait and wait and wait, and somehow the two parties will eventually sort something out?

Derek McCallan: No, I am not hoping to wait and wait and wait. There is an impatience about those who want to drive the economy. What we need to look at, as the colleague to my far right mentioned, is a model of direct rule, if that is necessary, that materially involves local government



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in the negotiated process of better services, getting the budget delivered in the best possible way. I have written to the Secretary of State for Northern Ireland, and my five cross-party officer bearers have written, on 19 February, to the Secretary of State, asking for the restoration of the Partnership Panel, which is a statutory instrument within the Northern Ireland Act, which could bring together local government representatives and MLAs, who have already affirmed they want to work with us, potentially chaired by the Secretary of State. This session, as I understood from the very diligent Committee clerk, was to look at solutions. We think that there is an adaptation of direct rule that could help us start to forecast the investment and the services that we need to deliver the infrastructure and the deficit that this inquiry is talking about.

Q302 Kate Hoey: Jamie, can I just ask you one more question? I have seen myself, in the last day or two, the reaction when I said something about, "Maybe the Belfast agreement could be refreshed and we could look at ways", and it is as if you are—I do not know—saying that you want to kill all babies at birth or something; it really is. Do you think it is quite possible in Northern Ireland to be absolutely 100% in favour of peace, against violence, against paramilitaries and against all the things that are spoiling people's lives, and yet want to have a look at how we make the institutions in Northern Ireland work better?

Jamie Bryson: Absolutely. If we get to the point of saying that you cannot challenge a piece of legislation and you cannot challenge Government policy, because if you do you must be in favour of violence, that is not right. It has been my view for a long time that that is a moral blackmail at the heart of the Belfast agreement: that peace and the process are entwined. When I talk about "the process", I refer, I suppose, to the 1998 Act, which essentially says you cannot have one without the other. As I touched on earlier, that essentially gives a veto to those who would threaten violence.

I have seen some of the criticism directed towards yourself, Owen Paterson and Daniel Hannan in the last number of days for quite reasonably raising issues in relation to the Belfast agreement. I would pose this question to those people who would say to anybody who challenges the Belfast agreement, "You are risking peace": who is threatening violence or who would engage in violence? It is an easy way out to try to shut down debate, and we have seen that over the last week, with those in favour of the 1998 Act and those in favour of the Belfast agreement just shouting as loudly as they can, "You are risking peace by daring to challenge it". That is not the case, because who is going to engage in violence? That is a question that needs to be posed to those people.

In relation to direct rule, Northern Ireland is a sovereign part of the United Kingdom and no unionist within Northern Ireland could countenance any further Irish Government involvement in the affairs of Northern Ireland. Northern Ireland does not have a hybrid British-Irish



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status. Even within the Belfast agreement, as imperfect as it is, parliamentary sovereignty rests with the British Parliament. The British Government need to make that very clear to the unionists within Northern Ireland who feel fairly uneasy at some of the current comments being made by the Irish Government and would not be, in any way, happy for there to be any further involvement.

Just finally on that point, the Irish Government say that they need to have an involvement in Northern Ireland to protect the rights of Irish citizens there. There are many Irish citizens who probably live in England. Are the Irish Government then going to say that they want a consultative role in England as well? It just cannot work and, as far as I am concerned, the British Government should move to set a budget. I would probably go further than the DUP, in that I have felt that mandatory coalition has failed so badly that I have wanted direct rule from about 2012, so we should get on with it and move to that immediately.

Q303 John Grogan: I am from Yorkshire, where we have had direct rule from London for quite a long while, and we envy the potential that you have in Northern Ireland for a more devolved settlement. Just on citizens' juries and so on, there have been some experiments in England about that. There is one model where you put some politicians in with the citizens' jury; if you have 100 people, you maybe have 10 or 15 politicians there. Some people would argue that that informs the citizens of the political realities and it also means that the politicians are influenced and so on. Others say that it means the politicians dominate and you do not hear the voice of citizens. How would you respond to that? In the Northern Ireland context, could a bit of mixing and matching help?

Paul Braithwaite: As you rightly point out, there have been models in the past where there has been a mixed approach. Indeed, the Irish Constitutional Convention adopted such an approach. That was 66 randomly selected citizens and 33 elected representatives. I have spoken to some of the elected Northern representatives who sat on that, and they described it as an extremely positive experience. It is not a pure citizens' assembly in the political science definition of the term, because the idea, as you suggested, is to separate and to provide a free space where citizens can deliberate. You would have to take into account whether the presence of elected representatives in such a context would impinge on citizens' sense of whether they were free to fully express their views.

I am not here to say that the model should be done precisely this way; those decisions may be of a more political nature. Suffice it to say that those models have been done, there are issues with them and some of the evidence suggests that the purely citizens-based model has worked better. As I said previously and to re-emphasise, this is an advisory mechanism, so ultimately the formal decision is still taken by elected representatives. Elected representatives would still, ultimately, take the



decision, and so you would perhaps question whether they also need to be in that space where the citizens are deliberating. These things are rarely done exactly the same way twice. They need to be contextualised and used differently in each local context.

Q304 John Grogan: Can I tempt you a little more on the questions that you might put? You must have had discussions. There must be a little shortlist of questions. What are the types of questions that could be put to this citizens' assembly? What sort of areas could they cover?

Paul Braithwaite: Just to emphasise again, we are not the ones who will be delivering the citizens' assembly. The charity, Involve, will be leading on that. It is a collaborative project; lots of different voluntary and community organisations and academics have collaborated on the design of the project.

The next stage is to set up an advisory group, which will be broadly representative of different viewpoints in society, and they will take the decision. We have set some criteria and, obviously, there is a long list of issues that that advisory group would consider. Broadly speaking, you could say that those are divided into political issues—so things that are to do with the institutions and the operation of the institutions—and social or economic issues.

I suppose the criteria that have been set are, first, that there is a demonstrable public appetite for consideration of the issue, through whatever opinion polling evidence there might be, and, secondly, that political action is likely or possible as a result of the deliberation. We are looking for something where there is deadlock—take your pick, because there are loads of them in Northern Ireland—but not perhaps something right at the far extreme, particularly something that might be so deadlocked along orange/green lines, if you like, that immediately the mechanism will be undermined from the start.

Q305 John Grogan: You mentioned opinion poll evidence. We have had a lot of academic evidence and so on that says that in both communities in Northern Ireland there is overwhelming support for the restoration of the devolved institutions. Do you accept that?

Paul Braithwaite: Absolutely, yes.

Q306 John Grogan: Do you all accept that?

Derek McCallan: I do.

Jamie Bryson: Not entirely, no. Everybody supports a workable and durable devolution. Everybody in Northern Ireland wants a workable, durable system of government, but especially the grassroots unionist community within Northern Ireland do not want to go back to a form of devolution whereby Sinn Féin can walk out again in six months' time, come back with another list of demands and we are in the same situation. The system of government we have facilitates demands for concessions



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in order to govern, and that is just not a fair system of government. We have not had a Government in Northern Ireland for 401 days now, and that is the result of one party in an enforced coalition walking out, collapsing the Executive and then coming up with a shopping list of demands. I cannot see how that is reasonable. My differences in the past have been well known with the DUP, but they have been clear from the start that they would go in today and form an Executive.

Q307 **John Grogan:** Just to clarify, the opinion poll evidence is that the majority in both communities would want to restore the institutions as they are. Obviously, they want them to be durable, but they would restore them under the current rules. You would accept that you are on the fringe of Northern Ireland politics. The DUP's official position, as I understand it, is they have been in negotiations to try to bring that about. I think you have had some electoral ventures; could you remind me what the most votes you have got is?

Jamie Bryson: I did stand for election before, but, to be clear, I am here to—

John Grogan: How many votes did you achieve, just as a matter of interest?

Jamie Bryson: In 2011, when I was 21, it was 167 in a local council election; the quota was about 350. I am not sure how that is relevant to Unionist Voice Policy Studies, which I am here to represent. As you say, my view on Northern Ireland politics and the people I represent may not be a majority view, but it is the view of a considerable amount of people within the unionist community, who have felt left behind by the political process. All people have the right to engage in the political process, so I do not think it is fair to insinuate that because somebody does not have majority support behind them that they cannot engage in the process.

Q308 **John Grogan:** Perhaps it is fair to ask, and perhaps this is fair; I do not know. I grew up in Yorkshire and many soldiers from Yorkshire went to Northern Ireland, and quite a few lost their lives and so on. In the last 20 years, that has not happened. Why?

Jamie Bryson: Again, there you go back to almost insinuating that, because my political view is against the process, that my view must be against peace. As I have made very clear, you cannot entwine peace with the process. Peace and the absence of violence should be a principle for all. There was never the justification for a terrorism campaign in Northern Ireland, so we should not praise people for saying, "We are going to stop engaging in terrorism". They should not have engaged in terrorism in the first place. They should not have been killing British soldiers in the first place.

Given that you have referenced British soldiers, let me say this. Currently in Northern Ireland, British soldiers are being taken from England, pulled out of their beds at 6.30 in the morning to stand trial for



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alleged offences in Northern Ireland when they were serving Her Majesty's Government, while there are IRA terrorists running about with OTR letters in their back pockets, and that was never part of the Belfast agreement, so who voted for that?

Q309 John Grogan: You said earlier on in your evidence—I wrote it down—that the Good Friday agreement provided a context for the decline of violence. You have given me no other explanation for the decline of violence other than the Good Friday agreement. Can you offer me one?

Jamie Bryson: The Belfast agreement was essentially a sop to terrorism.

Q310 John Grogan: But you said it was the context for the decline of violence earlier in your evidence. You said it was the context.

Jamie Bryson: In the context of a political process, the ceasefires were the context of that. But are you seriously, as a Member of the British Parliament, sitting here today and saying that political process should be held with a metaphorical or an actual gun to its head in relation to violence? Let me give you an example. If people took to the streets and said, "We are going to burn down London unless we can have a mandatory coalition. We are going to blow London up", would you expect the British Parliament to humiliate itself and say, "Okay, we will change our system of government to ensure that you will not shoot and bomb us"? The democratic system should never be held hostage to terrorism, to the gun, to threats of violence, and the Belfast agreement was a surrender to IRA terrorism, to stop them bombing England. That is the truth and it is a moral stain on the British Parliament.

Q311 John Grogan: We have heard Jamie there expound his views and, in the written evidence, one of his views is that the Act should be, in effect, torn up, and that the treaties that this country has signed should be torn up. Ruth, what would be the impact of that if, instead of using the mechanisms within the Good Friday agreement to make change, it was done unilaterally by the British Government? What would be the impact?

Ruth Taillon: The first thing would be that it would be to the great discredit of the British Government to tear up an international agreement or walk away from it. What the agreement did bring us—and it is not necessarily very perfect or very smooth—was government by consent, and that is what you need. It is not saying that the agreement cannot be looked at and cannot be tweaked; it certainly has been by subsequent agreements in the past 20 years. There are some things, for instance, in terms of changing the civic forum into a civic panel of six people that, personally, I find very difficult to accept. I think that was a big mistake, because it has limited the engagement of citizens and we have lost something there.

I am not saying that it cannot be relooked at and relooked at, but we need power-sharing. We need government by consent, and half the population will certainly not be consenting if there is a unilateral move like that to unpick the agreement. The Government of Britain have been



very clear in terms of the EU negotiations and, so far, there is a very public commitment to the agreement in all its parts, and that means the three strands. We know we do not have the cross-border, which is the bit that I am primarily concerned with, in term of the Strand Two stuff. Strand Two needs Strand One and Strand Three. We are in a crisis and it really does come down to the two sovereign Governments now stepping in and working together.

Q312 John Grogan: I am conscious of time, so I have one final question. What would you say have been the benefits of cross-border co-operation under the terms of the Good Friday agreement? What is the potential to do more in the future? How would you like to see it develop in the future?

Ruth Taillon: The benefits have been almost unquantifiable. They have been really significant. One of the axes I would grind, which we probably will not go into now, is that a lot of that has been supported through European financing, and we are in danger now of losing that, which could be a big issue.

In terms of cross-border co-operation and keeping things going, the integration of the economy over the last 20 years, which is one of the things we are very concerned with right now, has developed in a very different way than it ever possibly could have without those structures in place. A lot of it is day to day and a lot of it is under the radar, but it has really cemented peace and prosperity. We are in great danger, not just in terms of the political institutions but also with dangers around if there is an economic downturn. The two things coming together can create a lot of instability. Nobody is sabre-rattling, but political instability could bring all sorts of detriments. We have already seen some breakdown in social cohesion, for instance, around migrants and things being directed against them. We really do need to make sure that we have the political institutions up and running that people can identify so they feel that their needs and interests are being protected, and then we can build on that in terms of taking things forward.

Q313 Kate Hoey: Who funds your organisation? Is it just a voluntary organisation? Is it funded by anybody?

Ruth Taillon: We are a registered charity. We get project funding for research that we do.

Kate Hoey: Funding from where?

Ruth Taillon: Our primary funding at the moment—and maybe I can make a plea to the politicians here—is mainly from the Irish Government. In 2016, we had that matched by the Northern Ireland Executive. We, like many community and voluntary organisations, are in the position where our application for this year is sitting there without a Minister to sign it off. If anybody has the influence, we think it is very important, politically as well as for sustainability, that it be matched on both sides of



the border, because we are a cross-border co-operation organisation. We are very grateful to the Irish Government, but we do think there is a bit of a moral imperative on the other side of the border to also support the work that we do. We have asked for Northern Ireland Executive money and we are waiting.

Q314 Kate Hoey: Long before the Belfast agreement, even during the worst of the Troubles, there was co-operation between people on both sides of the border. This idea that somehow nothing ever happened between the Republic and Northern Ireland and that it has all been because of—

Ruth Taillon: Things did happen, but they were not institutionalised in anything like the same way. It was very ad hoc sometimes; there were a lot of exchanges and certainly, at local government level, more talking shop. Things like, for instance, the INTERREG programme, which gave additional resources for practical projects, did embed that co-operation in a way that had not been done 20 years ago.

Between the agreement and the European funding that has made cross-border co-operation particularly viable, things have moved on dramatically and it would be very unfortunate if that was allowed to deteriorate for people with priorities on both sides of the border. We even saw it after 2008, with the economic collapse on the southern side; there was a turning away from co-operation, because co-operation was seen as a luxury. It is very important that it be written in so that there is a requirement for civil servants, for instance, to do the co-operation and they cannot be pulled back into the day-to-day remits on their own side of the border. There does need to be a public policy framework for that co-operation, and financing for it as well.

Q315 Chair: I do not think there is any serious suggestion that anybody wants to tear up the Good Friday agreement. Indeed, the House of Lords has said that the 1998 Act had the effect of being a constitution, so to do so would be a truly remarkable thing. Equally, it is probably true to say that all Acts are kept under review by all of us, and nothing is absolutely certain for all time, and we must try to work out how to improve matters.

After the last period of direct rule, we came back with the St Andrews agreement to revise, in a modest way, the 1998 Act. I am wondering if you feel, Ruth, there is anything particularly relating to Strand Two that could be usefully revisited, since we appear to be in a similar situation now, with the collapse of the Executive and some form of necessary intervention being likely—and you referred to the budget—from Westminster. We may be winding the clock back a decade or so and finding ourselves in the position of having to look again at how we can amend the 1998 Act to try to ensure that, going forward, we are in a more sustainable position. I would be particularly interested in your views on Strand Two.

Ruth Taillon: Yes, if you are in a position to amend it, but amending has to be done by all the parties concerned, with consent. In terms of Strand



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Two, there is a lot more that could be done. Since 2008, we have been waiting for the review of the additional areas of co-operation that might be possible and looking forward and building on what was there. There is a lot of potential for additional areas of co-operation and additional co-operation within the already agreed areas, and that would need resourcing of course.

I would like, and we have made it quite clear at home, the Common Chapter to be revisited and reinstated in some form or other. If you have the policy framework there, then you have the civil servants who have responsibility to deliver on it, and you have targets, timetables and resources. We have been lacking that ever since devolution was brought back in. The Common Chapter, from the very early days of the agreement, was a very important piece of public policy.

Q316 Kate Hoey: Mr McCallan, I know there is a feeling generally that people want the Executive back. Do you think people, more than that even, want to see a proper budget as soon as possible? Do they want to see the health service reforms happen that it was agreed could be happening almost before the Executive fell? Do you get the feeling on the ground, no matter what everyone is saying at the academic and media level, that down there, on the grassroots, people just want to get on with doing things that make their lives better day to day?

Derek McCallan: Unquestionably people want to get on with developing their lives day to day. People who have children, those who are looking at the next generation, are not so much concerned about institutions. We in NILGA convened a meeting with over 55 industry environmental bodies, which was devoid of politicians, actually. They wanted to invest in Northern Ireland. They wanted to see budgets that would, as a good legislative Assembly should, create a fiscal and legislative framework to make Northern Ireland sustainable. That is definitely the priority, Ms Hoey.

One way to do that, whether it is in your own constituency, which I think includes Stockwell, where I used to live, or in Catterick in North Yorkshire, where I used to read electricity and water meters for the council, is that there is a need to get on with the everyday. The 9,000 or 10,000 small businesses created by the councils every year, the cross-border work that is more than just talking shops between Derry city and Strabane and Donegal and Sligo councils that Mr Campbell would be aware of, are all about growth. It is all about practical co-operation. It is all about creating the National Spatial Strategy in the south with the local development plans in Northern Ireland.

Of course people prefer ordinary life, normalisation, and paying taxes and getting services and representation in return, whoever that representation is, and however those services are delivered. Councils can help to unlock that future.

Q317 Kate Hoey: Can I ask all of you, in one or two words, whether you are



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optimistic about the next few months?

Ruth Taillon: I would have to answer that personally. I would probably say not so.

Paul Braithwaite: It depends entirely on whether we properly engage the public in what comes next.

Derek McCallan: I am permanently optimistic, but that is probably because if I am not, I would be not doing the job I love.

Jamie Bryson: I am optimistic, if we can have a look again at the 1998 Act.

Could I briefly make one very quick point on what you said, Chair, in relation to the constitutional statute in the 1998 Act? As I referred to at the start, that was a three-to-two decision. Lord Hutton strongly dissented in that. There is a body of opinion from legal scholars that devolution decisions that came after that in the Supreme Court and the Lords conflicted that decision. There may be an opportunity somewhere down the line to revisit that. I think the British Parliament does have the power to amend the 1998 Act.

In 1969, Lord Reid famously said—it is case number 1 AC 645, 723, if anybody wants to read it, and I am going to paraphrase him here—that there may be many things that could be said would be immoral or politically inconvenient for the British Parliament to do, but that does not make it unconstitutional for the British Parliament to do it. The British Parliament could do it. As I say, that is paraphrasing. I think we may find ourselves at some stage back before the Supreme Court to have a look again at whether the 1998 Act is, in effect, a constitution.

Chair: Thank you. Thanks everybody. You have all contributed to this in a thoughtful and indeed provocative way. Committee members felt your evidence was such that we wanted to ask you further questions on your thinking in this matter. You have certainly provided us with what we were looking for. Certainly this has been an extremely useful session this morning. I am really grateful to you for taking the time to come and address the Committee. What you have said we will reflect upon and I have no doubt colour our report when we eventually produce it.

We have to be optimists, Kate, in this matter, because the goal is a great one. That is to ensure that the benefits we have seen over the past 20 years are sustained and that we ensure that future generations enjoy perhaps what the people of Northern Ireland have begun to enjoy. That is a normal existence, rather than the awfulness that many of us in this room will have remembered, if not at first hand then night after night after night on our television screens. That is a goal worth aiming for. Thank you for coming today. I look forward to seeing your remarks reflected in our report shortly. Thank you.

Examination of witness

Witness: Colum Eastwood.

Q318 **Chair:** Good morning. Mr Eastwood, it is great to see you. Thank you so much for coming to inform our deliberations this morning. As you know, we are very much engaged at the moment. We are trying to work out how we can strengthen democracy in Northern Ireland so that the current impasse is not repeated. Clearly, this is quite an important week in that respect, given the statement that we had yesterday and the meetings that we understand are going on today. I would like to kick off with a question from me. Do you feel that the spirit of the Good Friday agreement is just as important as the letter of the Good Friday agreement?

Colum Eastwood: Yes, I think both are important. I am very grateful to you and the Committee for inviting me here and having the opportunity to talk about some of these issues. I know there was some controversy about this morning's proceedings, but I felt it was important to be here, and too important not to be here. This is a very serious time in our politics and our peace process. I do not think anybody should underestimate how serious that is.

Equally, there are clearly a number of people who want to threaten all that we have achieved, on all sides of the argument. There are some people who need to understand that the Good Friday agreement, its letter and its spirit, have been voted on by the people of Ireland, north and south, in huge numbers. It has been supported in every election since, because people have supported parties who have worked with those institutions and want to see those institutions up and running.

Yes, the spirit is important, and sometimes we have lost the spirit of the Good Friday agreement. The Good Friday agreement is about partnership, co-operation, recognising that we have two competing identities and two competing nationalities in Northern Ireland, and those two competing nationalities have to have a place in Government. They have to have a place in the decision-making process for Northern Ireland. In my view, that cannot be done any other way than the very imperfect system that we have created.

The Good Friday agreement is recognised as a contrivance, but so is Northern Ireland. We have to have a way—a very awkward, uncomfortable and imperfect way—of finding a way to work together and building relationships. That is what the Good Friday agreement is, and we need to get back to it pretty quickly.

Q319 **Jim Shannon:** Just for the record, Northern Ireland is not a contrivance. You may think that, but there are many unionists who have a different opinion, and the majority of people have that opinion as well. We will start off with that.



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Sometimes in politics there are things we cannot agree on. It is a fact. There are things that we cannot agree on and perhaps we can never move forward on. The Irish language Act is quite clearly one of those. I am just asking your opinion. Is there a stage that comes when the acceptance of not being able to move forward has to be set aside? There are things that we cannot agree on. We have to focus upon the things that we can agree on, whether they be health, education, roads, farming, fishing, or whatever they may be. There are many things we can do for the good of the people of Northern Ireland from all sides. We are very keen to see that and we look forward. We also have to face up to the reality that sometimes things cannot be agreed. What is your opinion on that?

Colum Eastwood: Of course I was not in the negotiations. The decision to exclude my party and the Ulster Unionist and Alliance parties—a huge number of people vote for those parties—was taken by your party and Sinn Féin. That is fine. That is what happened. I disagreed with it. It was set up in a way that was going to fail, and it has failed. I cannot tell you how far people agreed. There is lots of controversy about it. There are lots of papers out there. Everybody tells me that your party signed up to an Irish language Act, but that is for you to answer. It is for you to answer the people of Northern Ireland as to why we do not have a Government—you and Sinn Féin.

My view is that we are now at a very important and serious moment. In those moments in our peace process, both Governments have an opportunity and a responsibility, as co-guarantors not just of the Good Friday agreement but of every agreement since, including ones that your party signed up to, to ensure that we can have devolved Government. My view on that is that there are controversial issues that it does not seem to me that both the DUP and Sinn Féin, at least in the current format, can resolve. It is quite clear we are at that point that your two parties cannot resolve those issues. That is a crying shame, and I do not think we should always need Governments to come in and help us, but we are at that point.

That is why I say we should invoke the British-Irish Intergovernmental Conference, which is in the Good Friday agreement. I have been saying for months that it should be convened. I thought it should be convened directly after Brexit anyway. Those two Governments should put their best guess of what a deal should be on the table, agree it between themselves and legislate. That is what needs to happen, and it needs to happen urgently.

As we have found in the last 13 months, our institutions are very easy to pull down and not that easy to put back together again. Most people in this room remember the five years without a Government that we had in Northern Ireland. If we keep doing what we are doing, we would be lucky to get these institutions back up in five years. It is time for an intervention, and the two Governments have a responsibility to do that.



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Q320 **Jim Shannon:** For the record, Mr Chairman, we did not agree to the Irish language Act. Our party is very clear on that, and, for fear of any thoughts otherwise, I just put it on the record. "Never, never, never", to use the words that were used yesterday in Parliament.

The Ulster Unionists, the SDLP and the Alliance Party, I understand, did have a part in the talks process. Maybe you were not there. I do not know what happened there, but we were very clearly told you were part of that. The question I am asking you is this: are you insisting that the Irish language Act must be in place for the political process to go forward? Are you insisting upon that? We are asking the questions, by the way.

Colum Eastwood: I am going to answer it, if you let me. By the way, I have heard, "Never, never, never", before, and those things go off. They disappear like snow off a ditch when it is time to do Government.

Jim Shannon: Not with us they do not.

Colum Eastwood: In my view, from the people that I have spoken to and the papers that I have read, you did agree to an Irish language Act.

Jim Shannon: No, we did not.

Colum Eastwood: I know poor Mr Campbell has had to go out and bat for that position for the past week. Rarely do I feel sorry for Mr Campbell, but he has had a tough job over the last week defending that position. We were not in the negotiations and anybody who says otherwise is wrong. We wanted to be in the negotiations. We wanted to be involved. We felt that a privatised two-party process was going nowhere. We were proven right, because you privatised the process and socialised the failure. That is what happened.

The other parties, who all have a mandate, were excluded. You might not have been there, but Sinn Féin and the DUP were scurrying up and down the corridors to each other when everybody else was excluded. That is fine. That is what happened. If you want to pass blame around for the Government not being formed, you should speak to your own negotiating team and Sinn Féin's, because my negotiating team were not in the room. It was a disgrace that we were not, but we were not. That was a decision not taken by Governments, but by your party and Sinn Féin. It was the wrong decision, but it is the one that was taken.

Jim Shannon: Could I go back to the question that I asked earlier on, Mr Chairman?

Colum Eastwood: Do I believe in an Irish language Act? 100%. Do I believe in marriage equality? 100%.

Q321 **Jim Shannon:** Would you insist upon that?

Colum Eastwood: We have not done red lines.



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Jim Shannon: I am asking you a question. Would you insist upon that?

Colum Eastwood: Would you let me answer it?

Jim Shannon: Yes. Would you insist upon that? Answer the question.

Colum Eastwood: You keep asking the same question and not giving me an opportunity to answer.

Jim Shannon: It is a simple question. Give a simple answer if you have one.

Colum Eastwood: We did not pull down any institutions. We did not put red lines on any table. We told people we wanted to see an Irish language Act. We wanted to see marriage equality. We also wanted to see a healthcare transformation implementation plan. We wanted to see proper balanced regional investment. We wanted to see a Government in place to deal with issues like Brexit, given the fact that Northern Ireland and the city that I come from will be more affected than anywhere else on these islands, and we do not have a Government to talk about it. Yes, of course I wanted to see a Government.

Can I tell you exactly which line I would have compromised on in the negotiations? No, I cannot, because I was not in there. I told Sinn Féin, I told the DUP and I told everybody who would listen that we needed to compromise to work together. Our place does not work unless we come together in a spirit of partnership, co-operation and compromise. My view, having seen what was on the table, was that a lot of compromise was made, particularly from Sinn Féin. I was surprised that the DUP did not grab the offer that was on the table last week with both hands.

Q322 **Lady Hermon:** It is very good to see you here today. Picking up on what you have just said, I will go in reverse order of the questions. You said that you were very surprised that Sinn Féin had conceded so much in the papers that you have seen. I must say that Eamonn Mallie has done a great job in actually providing the general public with leaked copies of the document that we understand had been agreed by the two main parties, the DUP and Sinn Féin. You said there were a lot of compromises, many made by Sinn Féin. Which ones were made by Sinn Féin in the documents that you have seen?

Colum Eastwood: This is not an attempt to outflank Sinn Féin, because I do not think that is helpful. What I want to see is a compromise and a deal done, just for the record. There was a huge mistake made in that negotiation on not dealing with the petition of concern, for example. The issue that has been talked about by members of this Committee and in the Chamber here generally—marriage equality—will not now be dealt with by the Northern Irish Assembly if we set it up on the same basis that it was set up before. I proposed the first motion that got a majority in the House, in the Assembly, for marriage equality, then it was vetoed by the petition of concern.



Q323 **Lady Hermon:** Just for the details, how many votes does a petition of concern need?

Colum Eastwood: It takes 30 Members to sign a petition of concern. It is then a cross-community vote, so you need a majority of both nationalists and unionists then to pass a motion, not a simple majority. Equally, I was concerned that, if we had not dealt with the petition of concern, any agreement around the language, for example, could have been unpicked as the months of that legislative process rolled on. As we have seen, people are very sensitive to criticism from within their own political community.

There was a lost opportunity around the petition of concern. There is no reason why that cannot be looked at again whenever we finally get back to forming a Government. We should not continue to have a petition of concern as a dead-end veto. It should be there to protect people's rights. It should not be there to allow continued abuse of people's rights. Unless we deal with that then we are storing up more problems.

I know the temptation is just to have it legislated for here, and that is fine, but if we had a legislative assembly that would be a real problem. We do not know what the next issue is.

Q324 **Lady Hermon:** How do you suggest we move things forward? For example, we understand that the leader of the DUP and the leader of Sinn Féin will be meeting the Prime Minister later today. Can I just ask whether the same courtesy has been extended to you, as the leader of the SDLP, or indeed to Naomi Long, or any of the other parties?

Colum Eastwood: No, as far as I know nobody else has been invited.

Q325 **Lady Hermon:** Do you ask to meet the Prime Minister?

Colum Eastwood: Yes, we asked yesterday and we were turned down. That is fine.

Lady Hermon: You were turned down.

Colum Eastwood: Yes. The Prime Minister knows my views on all these issues. I spoke to her last week and told her very clearly this process has failed. We are now at a point where the process has failed, and that needs the two Governments to intervene. I say two Governments for a really important reason.

I am very grateful that this Committee is looking at these issues and has taken a real interest. What I am concerned about is the next Committee: if we end up in a situation of direct rule here, Northern Ireland will effectively be ruled by a Committee of the Tory party and the DUP. That is a return to unionist majority rule by the back door and that is how it will be seen. The nationalist community, and everybody who is not in the DUP, need to have some comfort that they will be protected in the coming weeks and months.



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How do we solve it? The British-Irish Intergovernmental Conference. The two Governments come up with their best guess, put it on the table, legislate and get on with it. By the way, I asked them to do this six months ago. If these two parties cannot deal with these issues, somebody else has to take it off their hands, get it done, and get back to the position where we can form a Government as quickly as possible. I do not think there is any other solution in the short term, unfortunately.

Q326 **Lady Hermon:** In fairness to the Prime Minister, while you may not have been involved in the talks, she is aware of your views. You have spoken to her by telephone how recently?

Colum Eastwood: I spoke to her whenever she was in Belfast last week.

Q327 **Lady Hermon:** Yes, when she made the time available to come to Northern Ireland. You made some suggestions about how we are going to move on. Whether we agree with them or not, you have made those suggestions. What about an election? That, of course, is still on the cards. The legislation is there. The Secretary of State, as she repeated yesterday in her statement, has the power to call an Assembly election. Is it not about time we gave the people of Northern Ireland a say on whether they want a deal done or not?

Colum Eastwood: They have had their say a number of times. First, if there is an election, there is an election. We will fight it.

Q328 **Lady Hermon:** Do you think it would be a good idea?

Colum Eastwood: No, I do not. What we have at the minute is a very precarious situation in Northern Ireland, where our communities have been driven apart.

Lady Hermon: By what?

Colum Eastwood: By the politics of the last 12 months, by Brexit and by all those things that we all know about. We are in real danger of driving those people further and further apart. If someone could give me a good enough reason to have an election and that it would be helpful to the process, then no problem. I do not see how it would be helpful to the process, because all it would do is harden, if they could be hardened any more, the views of the two largest parties. It would be harder for us to come back to a position where an agreement could be made.

I do not think it should be used just to buy time, which could be the temptation. This is now urgent, and, as I keep saying, the two Governments have to intervene. That is the next step and it is an urgent next step, in my view.

Q329 **Lady Hermon:** There was a phrase that you used that I was concerned about. We should be concerned about it. You said there are a number of people who want to threaten the peace that we have at this time. Who do you have in your sights when you are thinking about the number of



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people?

Colum Eastwood: There are always people in our communities who, with the opportunity, would like to destroy all that we have achieved.

Q330 **Lady Hermon:** Are we talking about dissident republicans?

Colum Eastwood: We are talking about dissident republicans.

Q331 **Lady Hermon:** Are we talking about loyalists?

Colum Eastwood: We are talking about all those people. I do not want to elevate that beyond where it needs to be. There are also people in the political sphere who, in my view, for reasons of their narrow agenda around Brexit, are now talking down the progress that we have made. They are now talking down the Good Friday agreement. The Good Friday agreement, as the man sitting beside you said, is owned by the people of Ireland, north and south, not anybody else, and particularly not anybody in this building.

Q332 **Lady Hermon:** The Belfast agreement is the only show in town.

Colum Eastwood: It is. We spent 30 or 40 years trying to find a different way of doing it and nobody could come up with a better answer. That is the answer. It is imperfect, it is awkward, it is difficult—and, to go back to the Chairman's question, it takes us to get to the spirit of the Good Friday agreement as much as the letter—but it is what we have. We should not forget what got us here. We should not have such short memories to think that this is easy just to rip apart and it will not have any effect.

Q333 **Lady Hermon:** I agree with that. Finally, I will just ask you, because I have to ask: it has been 13 months with no functioning Assembly and MLAs still receiving their full salary. Would you object to it being cut? Do you have a party policy on that? Surely we need MLAs' salaries cut if we are not going have the restoration of the Assembly.

Colum Eastwood: Yes, absolutely. I am on the record for eight or nine months as saying that they should be cut. People are doing a job, but they are not doing the full job that they were paid to do. There is a proposal on the table that the Secretary of State has, and she should act on it.

Q334 **Conor McGinn:** It is very good to have you here, Colum. I am glad that you were able to make it. The Secretary of State was very emphatic yesterday in agreeing with my statement in the House that the Good Friday agreement is the central tenet of Government policy here in relation to Northern Ireland, and that it cannot be usurped by this House, any party or any individual in it. Nonetheless, I feel there is deep concern about some comments that have been made over the last week that seek to undermine the Good Friday agreement. Terms like "mandatory coalition" have been used, when actually what we are talking about is power-sharing, parity of esteem, equality between communities



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and governance for all. How has that commentary gone down in nationalist communities in Northern Ireland? How worried are you about the mood music in that regard? What is your party's response to that?

Colum Eastwood: It has gone down extremely badly, because people remember what it was like before the Good Friday agreement. People remember the work that was put in to getting our two communities to come together, to work together and to begin to govern our place together. They know that if you mess with that, first, you have no right to mess with it, and, secondly, it is a very dangerous thing to do.

Nobody has ever told me a better way of doing it. We have to get back to it and we have to get back to it very quickly. As John Hume said, walking out the door of Sunningdale in 1974, sooner or later we are going to be back at this point. It took 24 more years. We cannot let that happen again.

They are also equally concerned about the prospect of direct rule. That is not any old direct rule, but direct rule with one political party in Northern Ireland having a very unique relationship with the British Government. If people think that a Committee made up of DUP MPs and Conservative Party Ministers making decisions for Northern Ireland is not a very retrograde step for our community and does not give people an awful lot of cause for concern, then they are living in cloud cuckoo land.

Let me explain this. Because of Brexit and all the things that have happened since, nationalism is beginning to move away from the notion of Stormont. Some of us are trying to keep them there and all of us need to be doing the same thing from our respective communities. We need to get back to a position where nationalists and unionists understand that there is no other way. Whatever our long-term political aspirations, there is no other way to govern this place other than together. That is a job that I am committed to doing and nobody else should play games with that.

Conor McGinn: Can I tease that out a little bit with you? There has been no nationalist representation on this Committee since the last election. That was the will of the people. We either get elected or we do not. Nonetheless, when this is a Committee that is scrutinising the role of the Northern Ireland Office and Northern Ireland affairs generally, that is a huge deficit in terms of our representation and membership. Secondly, you are right, the arithmetic of this Parliament means that the Tory Government rely on the DUP to get its legislative programme through. There is an agreement between both those parties, a programme for government, if you like, that works here, if not one that works or is working at Stormont. Thirdly, Brexit has obviously had a destabilising impact on nationalism in Northern Ireland, particularly on border communities.

How feasible, palatable or realistic is it that we are in any way, shape or form talking about direct rule in isolation? We all want to see the



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institutions restored, absolutely. We should all be working towards that, but, in the interim, are there processes you think that Westminster, this Committee or others could invoke, create or be imaginative about that would allow nationalist voices to be heard here? You are absolutely right. There is a danger that this place has become an anathema to nationalism and that, more worryingly, people are moving away from Stormont. I worry then that there is nowhere for them to go.

Colum Eastwood: Whatever you may think about Brexit, you cannot deny the impact that is having. In nationalist communities, in particular, and communities around the border, as you have stated, it has been a massive shake to people. The constitutional issue is now on the table in a way that it never was before. My nationalism means that we have to work to make the thing work, make Northern Ireland work in order to get a united Ireland. That is where I come from politically.

That position and that approach is under threat, and people need to understand that. We have to get back to that. I think it is a real pity—people will know this—that we do not have nationalist representation in this Committee or in this House. That is a decision taken by others. It is the wrong decision at a time when our island is faced with the biggest attack, economically and every other way, because of Brexit. People have walked off the pitch in relation to the House that is going to make the decisions around those things. That is, politically, a very silly thing to do.

Regardless of that, it is other people's decision to make, when they are sitting in this House, as to how they represent people. My view is you do your job: you are here and you vote, argue and debate. Your point is right around the shake that Brexit has had and the negative impact that has had on the nationalist psyche. We do not have a Government, we do not have an Executive, and then we are being faced with a situation where we are likely to have direct rule with the DUP in charge. By the way, they are entitled to have that relationship with the British Government, but the British Government are supposed to be neutral when it comes to the affairs of Northern Ireland. It is supposed to understand what the Good Friday agreement was about. It was about recognising that we have two nationalities who both need to be involved in the Government of Northern Ireland.

My very firm view is that we get back to the position where we have an Executive. How do we get there? The two Governments convene the British-Irish Intergovernmental Conference, put their best guess of a deal on the table and get on with implementing that in whatever legislative way it has to be done.

Q335 **Mr Campbell:** Mr Eastwood, you are very welcome, despite your comments about me. However, I am happy enough. I can take them all.

Colum Eastwood: I thought I was very nice to you.



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Mr Campbell: I am big enough to take them all.

You mentioned parity of esteem. If I could say so, that is not only a good idea, but unionists would welcome that. We would look forward to that. I think it was Mahatma Gandhi that said it was a very good idea. We would welcome that and embrace it. You said about some comments regarding the past few days. I am just wondering if you had heard, because you had not referred to this, two very brief quotes, which I will read to you. Last Wednesday, Michelle O'Neill, the leader of Sinn Féin in Stormont, said, "I am 100% crystal clear that we had an accommodation with the DUP. We had a way forward on all the issues". I wondered if you were aware that she had said that.

Colum Eastwood: Yes, I heard that she had said it. Yes.

Mr Campbell: Were you aware that the next day, Thursday—

Colum Eastwood: She is not in my party, just so you know that.

Mr Campbell: No. I understand that, yes. The next day, Mary Lou McDonald, who is the president of Sinn Féin, said, "There has been no meeting of minds on marriage equality". Were you aware that she had said that?

Colum Eastwood: Yes.

Q336 **Mr Campbell:** And are you aware of the massive distinction between the two?

Colum Eastwood: It depends what the context was.

Q337 **Mr Campbell:** No, Michelle O'Neill said there was an agreement. She used the word "accommodation". There was an accommodation across all the range of issues: "We had a way forward on all the issues". The next day, Mary Lou Macdonald said, "There has been no meeting of minds on marriage equality". Were you aware of both comments.

Colum Eastwood: Do you want me to answer for Sinn Féin?

Mr Campbell: No. I am asking whether you were aware of both those comments.

Colum Eastwood: Yes, of course.

Q338 **Mr Campbell:** Okay. That is fine. The other thing goes back to the start of what you had said—I think it was in answer to the Chairman's question—about the way forward, and about the British-Irish Intergovernmental Conference. Just refresh my memory of what you had said. I thought that you had said that they should come together, convene that, and then lay out a framework and implement it.

Colum Eastwood: Yes.

Q339 **Mr Campbell:** Setting aside what that might mean, that is what you said?



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Colum Eastwood: Yes.

Q340 **Mr Campbell:** Setting aside what the outcome of that would be—

Colum Eastwood: I do not think we can.

Mr Campbell: If there was another framework that was set up, and either one Government or two Governments were to conclude at the end of it that they wanted to implement the outcome of that process, and nationalists were opposed to it, would you still be in favour of it?

Colum Eastwood: We would need to recognise the fact that your party and Sinn Féin, having spent 13 months—

Mr Campbell: That is not my question.

Colum Eastwood: I am going to give you the answer the way I want.

Mr Campbell: Yes, but that is not my question.

Colum Eastwood: I am going to give you the answer the way I want to give you the answer. We need to recognise that your party and Sinn Féin, having designed a process, have failed to come to an accommodation. You refused to allow anybody else into the room because you are determined to have this cosy little conversation with Sinn Féin and not include anybody else, at times including even the two Governments. I am saying the process has failed.

I would love to tell you that we could have another process similar to that, or a bit different, that would succeed. My judgment is that right now that is not possible, and we should not pretend to people that it is possible. I want to see, like you say you want to see, devolved Government as soon as possible, because I know if we do not have it as soon as possible we might not have it again. My view is both Governments have a responsibility to step in, in the way that I have outlined. Will I like everything in the deal? I am sure I will not. I did not like everything in the one that was published last week, but we have to get on with things.

Q341 **Mr Campbell:** Chairman, just for absolute clarity on the comments about implementing an outcome of the BIIGC, in effect that would be because unionists regard that as a nationalist talking shop.

Colum Eastwood: It is in the Good Friday agreement, which was voted for by the people of Ireland. I know you did not like it at the time, but you were outvoted at the time, Gregory.

Mr Campbell: Whatever about 20 years ago, the point is—

Colum Eastwood: You have implemented the institutions of the Good Friday agreement ever since, of course.

Q342 **Mr Campbell:** The point has been made in this Committee. The leader



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of a constitutional political party has intimated that a process could be arrived at that a major element of Northern Ireland takes exception to. That leader has said it should be implemented anyway. That is just not acceptable.

Colum Eastwood: Tell me what is going to happen then, Gregory. Seriously, what is the plan here? You are part of the failure here. Tell me what the plan is here, because the public out there are crying out for leadership.

Q343 **Mr Campbell:** The point here is you have put forward a proposition that, if it were taken to its logical conclusion, could well lead to the entirety of unionism rejecting it. You have said you would implement it anyway. I have asked you, if the corollary were to occur and some process was to be developed that led to the totality of nationalism rejecting it, would it be implemented? That is what you have said.

Colum Eastwood: I am explaining to you that right now what we are faced with and what you have called for is the British Government to take decisions in Northern Ireland. What is the relationship between the DUP and the British Government? You have a very comfortable relationship with the British Government, and that is your right. Does the idea that everybody else has to just forget about it, because you are going to take decisions on behalf of us all, not undermine all the progress and agreements, including the ones that you signed up to, at St Andrews and everywhere else?

Q344 **Mr Campbell:** What was called for yesterday in the House of Commons and repeatedly in the past week has been for the Secretary of State to take such steps as she deems necessary to have a budget in place. That is so some of the issues that we agree on, in terms of the health service, education, roads and all the other issues, can be dealt with. If she does not do that, they cannot be dealt with. That is what was raised yesterday. That is what I raised yesterday.

Colum Eastwood: I am not in denial that decisions need to be taken very quickly. While you and other people have been in a negotiating room for months upon months, I have been one of the people who have been saying that we need to get on with it. Do you think for a second that it is going to be acceptable to the other community in Northern Ireland and everybody else who does not vote for the DUP—a fairly significant number of people—that you can be taking decisions in a quiet room, somewhere in this building, with the Conservative Government, without any reference to the rest of us? Is that going to be acceptable? No, it is not. If the parties in Northern Ireland cannot do it, and it is clear that they have not been able to, the Government of Ireland and the Government of the United Kingdom need to do it for us, to allow us to get back to the position where we can have government in Northern Ireland. The process that you have designed has failed. That is the point.

Q345 **Mr Campbell:** The irony of the two juxtapositions will not be lost on



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people.

Colum Eastwood: I think your logic will be lost on people.

Q346 **John Grogan:** Chair, I realise that I have to be very quick, so I will be very quick and fire in just a couple of questions. On the British-Irish Intergovernmental Conference that you are calling for, what would you expect to emerge from that? You say that we would legislate. Is that covering areas like the Irish language Act and equal marriage? Could you list what you were thinking about?

Colum Eastwood: It absolutely is. I suppose you could take the agreement that was either arrived at or very close to being arrived at between the DUP and Sinn Féin, and look at that. If it was up to me, I would deal with the issue of the petition of concern, and some of the fundamental problems that we have in the Assembly, and implement it, yes. Some of that, I will not like; some of it, Gregory will not like. But neither I nor Gregory was in the negotiating room last Friday night when that text was going between the two parties.

It seemed to me that they were very close to an agreement on those issues. It seemed to me, given the fact that legislation has been drawn up, that they were very close to agreeing on those two issues. I hope that they were. I hope that they realise they have to get back to that. My judgment call is that that is not going to happen any time soon, but we cannot just not have government, and not have government that represents both communities.

Q347 **John Grogan:** There is a lot more I would like to ask, but I will confine myself to one more question, given the time. We heard, in previous evidence, about the idea of citizens' assemblies, juries and so on. It would be interesting to hear your view on whether that has any potential.

Colum Eastwood: Yes, as long as it is not seen as being instead of the actual Assembly that we should have. As much participation of citizens as we can arrive at is good. Of course, we have the civic forum, which we could have made a lot more of, and we should have back again. The Citizens' Assembly has worked in the Republic, has looked at all the evidence in a way that sometimes politicians are not great at doing, and has left political allegiances at the door. It is an advisory body anyway. The bottom line is that we always have to remember we have, hopefully, a democratic institution that will make any decisions, but it does no harm to look at advice and evidence, particularly from citizens.

Q348 **Kate Hoey:** Thank you, Colum, for coming. It is very important that you are here. You criticised the DUP relationship with the Conservative Government, and said that that was causing problems. There is likely to be an Irish election in the Republic in the next six or eight months. Should Sinn Féin get elected, in the sense that it goes into coalition with one of the two parties, would you feel exactly the same: that the Irish Government were in some way biased because they were in coalition with Sinn Féin, even though it is not a formal coalition with the DUP?



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Colum Eastwood: I did not criticise the fact that it happened. Of course, I would have liked a different outcome. I criticised the fact that we are faced with direct rule from London, and the only party in Northern Ireland that has a very unique relationship with the British Government is the DUP. As hard as I might try, we are not going to have direct rule from Dublin just after the next sovereign election. That is a bit of a way off yet. It is a very different situation.

Q349 **Kate Hoey:** You do not feel in any way that it would affect anything that was happening in terms of the Irish Government's attitude of being impartial, apparently.

Colum Eastwood: We will judge it as it comes. I am saying that we are not faced with the prospect of Simon Coveney making decisions around housing in north Belfast, the need to expand university provision or whatever. We are not faced with that prospect, so they are not the same thing.

Q350 **Kate Hoey:** You also said, which I thought was very interesting, that the SDLP really wants to make Northern Ireland work, in order to get a united Ireland.

Colum Eastwood: Yes, and because it is the right thing to do.

Q351 **Kate Hoey:** I understand that. Would you agree that perhaps Sinn Féin has the opposite view: that it does not really want Northern Ireland to work, because it thinks, by it not working, that makes it easier to get a united Ireland? Is there a debate there?

Colum Eastwood: In the old battle between provisional republicanism, constitutional republicanism and constitutional nationalism, our view was that you have to persuade people, bring people along and build up towards Irish unification. Breaking things does not work. Sinn Féin has eventually come to that realisation. I think sometimes it forgets about it, though. I hope it is back on track. It seems to me that it was keen for a deal. Particularly reading it, it seemed pretty keen for a deal. I think it has realised, at whatever point that happened over the course of the last 13 months, that we are better having an Assembly than not having one.

Q352 **Kate Hoey:** I have one final quick question. My colleague said that mandatory coalition was really about power-sharing. Are there other ways of having genuine power-sharing by involving the smaller parties a lot more, than having a mandatory coalition of the two big parties?

Colum Eastwood: The smaller parties should be involved a lot more. They could be in government if they want to be. Our party is entitled to be in government. We will make a decision around that based upon what that Government will do and a negotiation around the programme for government. So is the Ulster Unionist Party, and it is likely that the Alliance Party would be as well. The attitude of the two largest parties while they were in government was the problem; it was not the fact that we were not there, because we were.



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There is a lot of talk about getting rid of mandatory coalition. My view is that this process we are involved in is about including people, even people I am arguing with about trying to get votes, even people who are my main competition in elections. My view is that they have to be involved. Do you know why? Because they have been elected to be involved, and the people have decided that they should be involved. I have already said that this is an awkward and cumbersome process and system that we have, but it is the one that we have, it is the best one that we have, and in my view it is the only one that will work, because I have never heard anybody come up with a better solution.

It was John Hume who banged on about it for years: a three-stranded approach—to recognise the internal relations in Northern Ireland, the relations between north and south, the relations between the people of this island and my island—and to find ways to work together. That is what the Good Friday agreement is at its core. We have to get back to that, as the Chairman has intimated, not just in terms of the structures, but in terms of the spirit. We have to be trying to compromise and have partnership every day, not just once and then go back into our siloes again.

Q353 **Kate Hoey:** Do you accept that there could be some minor changes to the Belfast agreement without the world coming to—

Colum Eastwood: In fact, the Good Friday agreement has a review mechanism built into it.

Q354 **Kate Hoey:** Exactly, so why is it that anyone who suggests tinkering around with it is treated as if they are suggesting—

Colum Eastwood: That is not tinkering, though. Getting rid of mandatory coalition, as you call it, is not tinkering. It is a fundamental change in what the Good Friday agreement represents. The Good Friday agreement, at its very core, represents peace. It is the first time that we have properly had an accommodation between the peoples of this island and the peoples of our island in many hundreds of years.

Q355 **Kate Hoey:** You are not saying anyone who criticises the Belfast agreement is against peace.

Colum Eastwood: No, but I think people who criticise the Belfast agreement, the Good Friday agreement—whatever you want to call it—are not recognising that the people of Ireland have voted for it and it is not going away, because we cannot do anything that will undermine all that progress. I noted your own comments; I noted other people's comments, who seemed to be more focused on ensuring that we get out of the customs union and single market, and we have a Brexit no matter what—

Q356 **Kate Hoey:** I can assure you that my comments were absolutely nothing to do with Brexit.



Colum Eastwood: Okay, but it seems fairly co-ordinated to me. I will just put the warning out there that the impact that has on communities is very, very destabilising. I, the people of Northern Ireland and the people of Ireland as a whole will not have the Good Friday agreement torn up just to facilitate a very awkward negotiation that is going on between the United Kingdom and the European Commission.

Kate Hoey: I have not heard anyone suggesting tearing it up.

Chair: May I say in conclusion that nobody is suggesting tearing up the Good Friday agreement? It does none of us any favours to suggest that that is the case. Mr Eastwood, thank you very much indeed for coming today. We are very grateful for your time.

Colum Eastwood: Thank you.

Examination of witness

Witness: Claire Sugden MLA.

Q357 **Chair:** Good morning. I am sorry we have kept you waiting a long time, but you will understand that members are deeply interested in this subject matter. I believe this is going to be one of the most important reports and inquiries that we are engaged in in this Parliament. That means being particularly forensic when we come to examine our witnesses, of which you are a very important and welcome one. Thank you very much indeed, Claire, for coming to see us today.

Can I start with a general question? In your view, is it institutional change that is important, or political desire that needs to be changed, before we make any progress in terms of making the situation in Northern Ireland sustainable, bearing in mind, of course, this week we have had a statement from the Secretary of State for Northern Ireland, which is one that none of us wanted to hear, and there are further meetings today to establish whether there is any possibility of a way forward?

Claire Sugden: It is perhaps a parallel approach. There has to be political will, because politicians are representatives of the people, and we are mandated in the roles that we take on when we stand for election. There has to be political will. There needs to be institutional change as well, and that is around creating good quality governance structures within Northern Ireland. We keep coming back to these political differences; however, we need to have a keen eye on the governance arrangements.

You will recall the resignation of Martin McGuinness, as said by Sinn Féin, was due to the RHI inquiry. I am not going to talk about that, because it



is an ongoing inquiry, but it perhaps highlights that we need to look at our structures in terms of governance in Northern Ireland. In my experience as a Minister, there is work to be done there. If we are looking at making devolution work, that is about making governance work, and that is about putting a programme of work into place, with specific aims, and trying to work towards those aims.

Yes, the political will has to be there, because the leadership in trying to promote good government comes from Ministers, but equally we need to look at the day-to-day business of being elected representatives and what our job is. That is running the country and the public services that come from that. It has to be a parallel approach. Sometimes I think that the difficulties in Northern Ireland are not necessarily down to the ones that are said to exist within the communities; they are just down to bad politicians, because they do not know how to do their jobs. We need to start being a bit more sophisticated in our politics in Northern Ireland, and I am not sure we are quite there yet. Institutional change would help that.

Q358 Jim Shannon: Thank you very much for all you have done and the role you have played independently in Northern Ireland. It is much appreciated by everyone. I just wanted that on record.

Forgive me for asking this question, but it is one that has been on my mind and the minds of my constituents. I would be keen to get your thoughts on it. When you come to an impasse, as we have, and you come to things that we cannot agree on—and there are things we cannot agree on; that is the nature of life, but there are so many things we can agree and move forward on—is it not time to look at an Assembly where those parties that want to participate in a viable, functional Assembly can do so within the system? The system does not let that happen at the moment. Is it time to look at radical change?

Claire Sugden: You are making a very direct statement about a certain political party and I would say, from its perspective, it would want to participate, but others' perspectives would say that it would not. That accusation could be levied at all political parties in Northern Ireland. If you look at the wider politics and try to understand the longer-term aims of the political parties, you have to understand where they are going. Where we are at right now, I get a sense that all political parties, including the two main parties, want to be in devolved government. It is about trying to find accommodation and agreement. I am not sure how to do that.

The events of last week were interesting. They were disappointing, because I thought we were getting to a stage where we were going to finally end this frustrating 13 months. To be fair, equally, as I have said publicly, an agreement was not made, and there is a reason for that. Sometimes we perhaps do not look into those reasons until the last minute. There should be generosity from both sides here to try to understand why an agreement was not possible. Despite what has come



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out in the news in the past couple of days, whether it is leaked papers or anything else, as I remind people, these two parties have worked together for 10 years. There is capability there, but I suppose the difficulty is that we tend to put our heads in the sand about the issues that really divide us.

I was in government with those two parties, and sometimes I wonder whether their success was their own downfall, in the sense that they worked very well together. On the day-to-day issues that you are alluding to, there was agreement. The last Government I was part of probably had the most potential to start creating better public services in Northern Ireland. That is the sad thing in all this. Yes, we are different; of course we are all different, so we are going to disagree, but we have to get to a point where we can be content with our own position so far, in a space with others who do not agree with us.

Q359 **Lady Hermon:** It is very good of you, Claire, to come over to give us evidence here at Westminster. I have noted down a couple of things that you said. Did you say we just have bad politicians in Northern Ireland?

Claire Sugden: I think so, yes.

Q360 **Lady Hermon:** I thought you said it. That is what I have written down. Would you like to elaborate, but without naming anybody at all? What exactly do you mean? Do you mean they do not have a generosity of spirit?

Claire Sugden: For me, being a politician is about bettering public services for the people you represent. That is about trying to look at the structures of government and seeing how we can make those better. Given the context of the conflict, Northern Ireland is 20 years behind in terms of our public services, so we have a mountain to climb in that respect. I am not quite sure there are politicians who are capable of doing that.

Q361 **Lady Hermon:** Because they are always looking at the next election, and how they are going to strengthen their position.

Claire Sugden: Perhaps. We are all politicians in this room. You try to understand the decisions that politicians make, and you always come back to how that will affect their vote. There is a fairness in saying that, because if you are not elected it is very difficult to create that change and try to better public services. I would like to see politicians starting to take responsibility for the job that they are there to do. They are there to scrutinise and to look at the work of Government. That is not in a negative way; they are just there to challenge, on the basis of trying to make policy better.

If we were on that footing and that was a priority, rather than these issues that divide us and, day to day, do not really get talked about, other than when they are on the news, we would tend to work very well



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together. I would like to see politicians starting to focus on doing the job that they are elected to do.

Q362 **Lady Hermon:** As the former Justice Minister—I think we have the answer here—do you think the MLAs are sophisticated enough to have justice as one of the ministries that would be allocated under the d'Hondt system at the present time? It had been taken away when justice and policing were first devolved in 2010. You were a very good Justice Minister, as was David Ford before you. Do we have a set of politicians who are mature enough—your reply to my previous question would hint that we do not—to involve the Department of Justice within the d'Hondt system?

Claire Sugden: You have described it much more eloquently than I did. I am not sure we are there yet. In terms of the Department of Justice and being familiar with that remit, it is absolutely the case that we have difficult issues that we need to deal with. I had hoped we would have dealt with them in the previous mandate, but we have another mandate to do that. I was pleased to see, in the leaked papers, whether it was agreed or not, that justice was thought about being put into the normal d'Hondt arrangements. That is important, because that is normalising politics here in Northern Ireland.

I have to caveat that by saying that I am not sure we are mature enough, given this past 12 or 13 months. I do not know if we are there yet, in terms of the issues that we still have to deal with. The legacy issues, and the implementation of the institutions, are going to be difficult. If politicians can find a way forward in the coming months, and in good faith realise what being a politician is all about, maybe, but I just do not know. This has been a very difficult and frustrating year. Yes, I am not quite sure we are mature enough yet for justice to go into the d'Hondt arrangements, but the fact that we are thinking in that direction is really important.

I am fully aware of the criticism that I got for being a unionist Justice Minister. As I said the other day, this is not about unionism and nationalism. This is about two political parties that do not trust one another. That is why it was acceptable to Martin McGuinness to have me as a unionist Justice Minister, and that was a huge step. If anything, that paved the way for this direction of travel that we are going in, in bringing justice into the normal arrangements. But there are contentious issues that we will have to see forward, and it takes someone who is mature enough to deal with them in a way that is thoughtful and is mindful of all the people of Northern Ireland, not just the constituency they say they represent.

Q363 **Lady Hermon:** Can I just pick up on something a previous witness said? I am sorry you were not in the room to have heard the evidence from the SDLP leader, but he specifically mentioned his concerns around the petition of concern. He described it as a missed opportunity to do something with that in the papers that have been put into the public



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domain by Eamonn Mallie. Would you like to comment on that?

Claire Sugden: I am no fan of the petition of concern. I would personally abolish it.

Lady Hermon: You would abolish the petition of concern.

Claire Sugden: Yes. I do not see how a minority can hold the rest of the Assembly to account. The Northern Ireland Assembly, in my mind, is a representative body. If 30 signatures can veto any decision by a majority of 60, that to me is not democracy. That said, I appreciate why it was originally put in place.

The interesting thing around the petition of concern is that it is a parliamentary mechanism. If it is there, it will be abused as much as any other parliamentary mechanism that is there. We are having to look at reform of the petition, or at abolishing it, but I do not think you can criticise those people for using a parliamentary mechanism that is at their disposal. Equally, they would be criticised for not using it when they could. Yes, the petition of concern is something that I would like to see gone entirely. Let us just leave it to the will of the people, through the representative Assembly in Northern Ireland.

Q364 **Lady Hermon:** Finally, would it be a good idea to have another Assembly election—

Claire Sugden: No.

Lady Hermon: I did not even finish the sentence. That is a very clear no.

Claire Sugden: Sorry, I beg your pardon.

Chair: This place is well versed in using parliamentary mechanisms for partisan advantage, so I absolutely associate myself with your remarks.

Q365 **Conor McGinn:** It is very nice to see you, Claire. With some notable and esteemed exceptions, we are pretty much set up in this place on a party structure. While John, Kate and I would be seen as pretty independent members of our party, we still are colleagues and within the protection and common bond of being part of the same party. The Assembly is even more so, due to d'Hondt, the make-up of the Executive and the Business Committee. How hard is it to be independent in the Assembly, and what could be done better to allow you and other smaller parties, but particularly independents, to have their voice heard in the Assembly?

Claire Sugden: We need to realise that there is life outside the five main political parties. I am deeply disappointed that the Secretary of State for Northern Ireland has yet to seek a meeting with me. I am deeply disappointed that she has yet to acknowledge my request for a meeting. That is not disrespecting me, as one individual in that Assembly, but the constituency of East Londonderry that I represent. We need to pay regard to the fact that there are MLAs other than in the five main political parties. I appreciate that it is perhaps disproportionate in the people we



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say we represent, but I am there, and I am mandated to be there, so my voice should absolutely be heard.

The interesting fact, for me, is that I was Justice Minister. People would argue that I was not mandated, but the current legislative arrangements around the Justice Minister mean that any one MLA can be the Justice Minister. That was my entitlement, as much as any of the 89 other MLAs. That could still be the position moving forward, unless we move it into the normal arrangements in 2022. Every MLA has a right to have a voice. A number of lobbyists and NGOs have met with the Secretary of State, yet I, as an independent representative, have not. Given the fact that, in my previous role, I was part of a Government and could be again in the future, for her own relationship with me, it is really disappointing.

In terms of my independence, I think I have done pretty well in trying to get my voice out there.

Conor McGinn: You have.

Claire Sugden: I think I am respected for it. The beauty of being independent is that you do not have any party-political baggage. Of course, I have views; I have politics, but it means that I can take every issue as I find it, and I can weigh up the pluses and the negatives. Yes, I have my own political prejudices—we all do—but I like the freedom of not being constrained to a party, because I like to make my mind up on things that I believe are right.

Conor McGinn: I think I heard Lady Hermon emphatically endorse that.

Lady Hermon: Yes.

Q366 **Conor McGinn:** With a nod to your previous role as Justice Minister, how concerned are you about the democratic and accountability structures in terms of policing being in a hiatus, because the Policing Board does not have its full powers? In addition to that, we have had the Chief Constable here, who has talked about resources and decisions being made for that. I know we will all have heard from the Police Federation as well about its concerns around pending pay awards, which need ministerial sign-off. How worried are you about where we are at, at the minute, in terms of what that means for policing.

Claire Sugden: Terribly worried. My experience as Justice Minister would say that our politicians are not necessarily the problem, and our Northern Ireland Civil Service is. What are we actually doing for Northern Ireland in terms of bettering public services? We need a root-and-branch review of every department. I was pleased to see, in the released papers that came out last night, that they were looking at doing an entire review, justice included. Had I still been the Justice Minister, I would have announced an end-to-end review of the justice system, because it is not working to the capacity that it should be and we are failing the people of Northern Ireland in that respect. That is the same for health,



education and all the other departments within the Northern Ireland Executive.

One aspect that I would really love to see, if we were to get an Executive up and running, is to have a root-and-branch review of the Northern Ireland Civil Service and how we conduct our business towards a programme of work that has a beginning, middle and end, and is not allowed to run on into the abyss.

Conor McGinn: I am sure they will be delighted to hear that.

Claire Sugden: I am sure they would.

Q367 **Mr Campbell:** You are very welcome. I have a couple of questions just briefly. The first one is this. You talked quite a lot about individual politicians, the difficulties, and how you see problems that have emerged and hopefully could be resolved in the future. In terms of the structures that are in the Assembly at the moment—I put this to a previous witness—is it your view, looking at them and having had personal experience of them for quite a few years, that there is anything intrinsically endemic within this system that is causing the gridlock, so that, however well meaning the politicians may be, they are trapped within this cage, from which they cannot escape? You mentioned the petition of concern, and that is fine. What is your view of the overall system? Is it free enough to allow politicians to break out, or is it entrapping them?

Claire Sugden: Consociationalism and power-sharing is an interesting model. It is towards trying to facilitate a deeply divided society, as Northern Ireland is. Sometimes we bury our head in the sand around political ideologies of unionism and nationalism. Further to the Good Friday agreement, I am asked to designate as a unionist or a nationalist, and I designate as a unionist, because I absolutely think Northern Ireland is better as part of the United Kingdom, but equally I respect there are others who disagree with me on that and designate as nationalists.

Sometimes we give too much credit to unionist and nationalist labels, and we should look at it as a political ideology. If you go to any other political system in the world, in America, for example, they have republican and democratic politics; in Scotland, they have unionist and nationalist politics, albeit in a different way. Sometimes we need to accept that that is what we are, respect that and move forward with that, because it is the basis of any political system. The difference with Northern Ireland is the context of the violent history that we have had.

I am not sure what other system in Northern Ireland we could use. I hear people describing it as a forced coalition; any coalition is forced. A political party would like to be the only one in any Government, but they make it work. To an extent, that is what you and Sinn Féin have tried to do for the past 10 years.



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The biggest difficulty with our politics is not necessarily that particular system. It is the fact that we have not quite got to a reconciliation piece in Northern Ireland. I know there has been a bit of debate around the Good Friday agreement and whether it has served its purpose. Absolutely it has, because it stopped the violence, so to say that it failed is wrong, but I would say that it was of its time. Perhaps there is another phase that we need to implement of the Good Friday agreement, which brings people genuinely together.

The system can work. I was quite pleased to see an Opposition come into the Northern Ireland Assembly, because that is healthy. People should not be afraid of challenge. It should strengthen their arguments, if it does not undermine them, and if it undermines them they were bad points to begin with. It is democracy and it is bringing people together, and there is nothing wrong with that.

I understand where you are coming from, Gregory, in the sense that it is disappointing that one party was able to bring the Northern Ireland Assembly down, but equally it is mandated.

Q368 Mr Campbell: That is really what I am trying to get at. For example, earlier we talked to NILGA, the Northern Ireland Local Government Association. While it is different, the principle is the same. We have the same parties, the same independents, on local councils. Local councils do not grind to a halt because of the juxtaposition of extremes that have to sit side by side on those elected councils. They have problems, they have issues and things blow up, but the council business goes on. The problem with Stormont appears to be that the structure does not allow for business to continue if somebody can mob out, pull the plug and the whole thing collapses.

Claire Sugden: That is the same with any coalition, though, to be fair. Your party's agreement with the Conservatives in the UK could arguably do the same thing. It comes back to the point I was making to Lady Hermon. We need to start seeing this beyond party politics, and look at trying to make decisions for the people of Northern Ireland. It has been frustrating. It is frustrating that we have not had something up before now. I probably say this to my own detriment: this should not have been allowed to go on for 13 months. Perhaps it is a case that, when it does bring it down, we move more swiftly, to try to get something in place much more quickly.

Q369 Mr Campbell: As a final question, there does not appear to be a substantial exception to the premise of some sort of consensus-building, with people across the divide and those who do not designate as on either part of the divide. You cannot run Northern Ireland unless everybody has bought into the process. I do not see any viable political proposition that says that is not part of what we want to see, so everybody has bought into that. It is about how that manifests itself. You have indicated that that is your view.



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Just prior to you being in, the leader of the SDLP indicated that, given where we are now, there should be a meeting of the British-Irish Intergovernmental Conference, and that the British Government and the Irish Government should meet, take a set of steps and implement whatever the outcome is. There will be many people in my community who will see that as a nationalist agenda, and unionists will just have to suck it up and get on with it. In terms of the consensus-building that you alluded to, and we hope everybody has bought into, how would you see that working, if it was to come about?

Claire Sugden: I am not quite sure. I suppose the Good Friday agreement provides for the Irish Government to be a main stakeholder in the affairs of Northern Ireland. When it comes to the overarching decisions that need to be made, they still lie with Her Majesty's Government. I would much prefer that your party and Sinn Féin found a way to move forward. I would absolutely compel you to do it on the basis of the people of Northern Ireland, because 13 months has seen a deficit in public services.

I have used this phrase a lot in the past couple of weeks: there is no point in emptying the sink unless you turn the tap off. Turning the tap off will only happen if we have strategic direction from Ministers about how we look at this on a long-term basis. The Bengoa strategy around the Department of Health was the right type of strategy that we need to take, in trying to better public services here in Northern Ireland. It is a 10-year strategy. We are not going to see any real change unless we approach it in that way.

I appreciate what you are saying. There is an awful lot of fear within both communities about what has been said in these past couple of weeks. We need to dispel that fear by being honest and transparent about what we mean in terms of agreements, what has been agreed and what has not. As I have stated already, I designate as a unionist, and I am fully aware of the fears that exist in and around unionism, particularly with some of the challenges that we have faced in trying to reach agreement. Equally, if we were a little grown-up and we started to talk about what it actually means, there might not be as much fear.

I would certainly compel those trying to find a way forward to be honest about what is happening, and take some leadership, because that is what people want.

Q370 **Kate Hoey:** Claire, can I commend you for the way you have handled everything over the last year? Every time I see you on television, you always speak a lot of common sense, which is what is needed in Northern Ireland.

One very quick thing: you were the Minister of Justice. How just is it now that Assembly Members are continuing to be paid the full amount? Is it something that has to be addressed soon?



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Claire Sugden: Yes, absolutely. I have no difficulty with the report that was commissioned and the subsequent recommendations that came from that report. I will say that, from a constituency perspective—and I know other MLAs say the same thing—I have never been busier. I am quite overwhelmed, but the difficulty for me in doing that constituency work is that it usually leads to challenging policy in some way. We are putting a sticking plaster on the problems that we find in the constituencies, but we are not able to feed that through to a Minister with a recommendation.

Q371 **Kate Hoey:** The job is almost harder.

Claire Sugden: The job is harder. You get that awful letter back from the permanent secretaries that says, "Without a Minister in place, we cannot do anything". They pick and choose when they send that letter. It is difficult. To be honest, I think the Secretary of State would need to be looking at something a little more concrete, rather than just letting this exist for another year and paying MLAs a third of the pay. People have said to me, "Cut their pay. That will make them move on". There is a legitimate argument for saying that I need to earn a living, but this is not about money for me personally. If it was, I would not be independent.

Chair: Claire, thank you very much indeed. We have kept you quite a long time this morning, but we are really grateful, because what you have said does indeed make a great deal of sense, and I know will colour and influence the report that we eventually end up writing. Thank you so much for being with us today.