

Northern Ireland Affairs Committee

Oral evidence: [Implications of the EU Withdrawal Agreement and the backstop for Northern Ireland](#),
HC 1850

Wednesday 30 January 2019

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Members present: Dr Andrew Murrison (Chair); Maria Caulfield; Mr Robert Goodwill; John Grogan; Lady Hermon; Kate Hoey; Conor McGinn; Nigel Mills; Ian Paisley; Jim Shannon.

Questions 96-159

Witness

Rt Hon Dominic Raab MP.

Examination of witness

Witness: Rt Hon Dominic Raab MP.

Q96 **Chair:** Mr Raab, good morning and welcome. It is a great pleasure to see you here. I know you have been very busy this morning already on the airwaves: you are looking very bright and chirpy, if I may say so, despite having been grilled by the *Today* programme already. As you know, we are looking into this vexed issue. We feel we are particularly well placed to do so as the Northern Ireland Affairs Select Committee. Having been Secretary of State for Exiting the European Union until very recently, you are well placed to be able to help us in our inquiry and to inform the report that we will be producing in the very near future.

Without further preamble, perhaps I can kick on with questions, because I know time is short. The Secretary of State for Exiting the European Union last night, and again today on the *Today* programme, was rightly questioned on the issue of alternatives, which is more or less where the game has shifted to in relation to the Northern Ireland backstop. He was asked whether he could lay out what those alternatives might be and the things that he and his colleagues will be raising with the European Commission in the fortnight to come. From your recent perspective in dealing with these matters, I wonder whether you can describe the alternative arrangements that there may be to the Northern Ireland backstop, as described in the withdrawal agreement.

Dominic Raab: Thank you very much, Mr Chairman. It is a real pleasure to come and give evidence to your Committee. I will try to assist you as best I can. I have one caveat: in relation to dates and details from when I was Secretary of State, I may have to come back to you if my memory fails me, but I will try to give you as much detailed help as I can.

In relation to the withdrawal agreement and in particular the backstop arrangements in the Northern Ireland Protocol, it is important to understand the two paradigms here. I say this as dispassionately as I can in relation to motivation or political intent, but there are two basic concepts at play. One is that you avoid what I think we all want to avoid, which is any hard border between the Republic and the North, by a process of high-level legislative and regulatory alignment. That is effectively the approach that the EU has adopted and is reflected in the EU withdrawal agreement. The second paradigm is to say, "We respect and we understand your equities in protecting the single market regulations, but in the modern world, with technology and with decentralised processes, this can be done away from the border".

I visited Northern Ireland. I went down and had a look at the various different points, from Crossmaglen to Newry, Warrenpoint Port and Port of Larne, which is obviously important for animal checks. I looked at how an intelligence-based approach to checks away from the border could be done.



If you want the finished article—I do not want to waffle on at great length, although I could easily be tempted down that path—the paper produced by Shanker Singham, Robert MacLean and Hans Maessen on 12 December sets out in a lot of detail what the technological paradigm could look like. The key question will be around that. It could either be a wholesale replacement of the backstop or in relation to the exit—there has been a lot of discussion about the exit—it could be in relation to a unilateral mechanism we can control with assurances to our friends and partners in Dublin and in Belfast that those arrangements in time could oversee the legislative paradigm that I mentioned at the outset.

That is the key choice that there is to be made. Both can avoid any infrastructure at the border, but one is clearly more acceptable to the UK Parliament.

Q97 **Chair:** Can that be arranged within two weeks? That sounds like a fairly wholesale revision to the withdrawal agreement that was in principle accepted last night in large part. Is it realistic to make those sorts of changes within the timeframe available?

Dominic Raab: Do you mean in terms of negotiations rather than the operational infrastructure?

Q98 **Chair:** Of course. We can accept that the changes to operations—we have heard evidence along these lines—are probably going to take some two years, which is perfectly fine in relation to the time available to us potentially. I mean the negotiation with the European Commission and whether they are likely to be able to get their heads around such a dramatic change to what is currently on the table.

Dominic Raab: Text has already been offered up. Different groups and outside interests have already suggested text. Where there is a will, there is a way. In terms of getting a deal done, it will not be the technical drafting that should hold us back.

In relation to the infrastructure, there was a quite important shift from Michel Barnier on 24 January. He was talking about a no-deal scenario, which none of us want—or certainly I do not want and I do not think they want on the EU side. I take that in good faith, and I got to know them rather well. In relation to the border in a no-deal scenario, he said, “We would be obliged to carry out controls on goods arriving in the Republic of Ireland. My team have worked hard to study how controls can be made paperless or decentralised, which will be useful in all circumstances”. He later clarified—again it is a quote—“We will have to find an operational way of carrying out checks and controls without putting back in place a border”. The reason I found this interesting is that you are talking about whether this could be done at the end of the IP. Michel Barnier is saying it could be done in a no-deal scenario. If it can be done within two months, it must be possible to do it within two years.

Q99 **Chair:** That is super. It is often said by the European Commission that



HOUSE OF COMMONS

the UK needs to come to the Commission with proposals. It is a constant refrain from Michel Barnier that they cannot negotiate with a party that does not come with proposals. It sounds as if we certainly have proposals now. Is it the case that, during the time you were Secretary of State for Exiting the European Union, you put to the Commission alternative arrangements of the sort you have just described and referenced? If so, what was the attitude of the Commission at that time?

Dominic Raab: The way the negotiations were structured—there is a whole other debate around this—is that we had the technical teams of civil servants doing the working level groups in Brussels. That would effectively be triaged up to the meeting of political principals, which was myself and Michel Barnier. Obviously, the Prime Minister was in the lead on the negotiations, but in practice that is how it worked. I was not there managing the technical negotiations on a day-to-day basis. There is an interesting point as to what precisely changed hands, and I cannot vouch for that first hand, but it was clearly being discussed.

Indeed, I discussed it at the political level with Michel Barnier on 26 July, which was the second meeting I had. I made it very clear, both as a matter of the acceptability to the UK but also what I thought would pass in Parliament, that we would have to have a finite backstop arrangement, and we talked through how that might happen. At that point, he said, “I understand that it needs to be short”. If I look back, my feeling—I am trying to be as dispassionate as possible about this—is that we did not grasp that opportunity then. Even then, in July, it was quite late in the day, but we did not grasp that opportunity to thrash out the detail of that with slightly more room for manoeuvre and breathing space, but it was certainly in play. In principle, that was understood.

Of course, they reneged on that in due course—when I say “reneged”, that is too strong a word. Let me correct that. That was not followed through with enough vigour on our side, despite my efforts and advice.

Q100 **Chair:** In your view, is the backstop in place in order to make the borders look and feel very much as it is today—the Committee was on the border yesterday, as it happens; it was very nice, beautiful and peaceful and it should remain so—or as a mechanism for holding the United Kingdom in a customs union potentially indefinitely?

Dominic Raab: In a negotiation, I never want to impugn bad intentions to any side. In terms of the substantive issue on the border in Northern Ireland, however, again, I have been down there. I have looked at it. At some length, I met with the leaders of all the main political parties at Stormont House, from Arlene Foster through to Michelle O'Neill and Mary Lou McDonald, so I got a sense of the politics as well. The substantive issue in relation to the border is eminently solvable with goodwill, practical co-operation, technology and the decentralised processes that Michel Barnier referred to.



There are certainly some—some in Dublin, some in Northern Ireland and certainly some in the Commission—who have seen this as an opportunity to choose the high-level alignment approach to the backstop to control the UK after Brexit. I have absolutely no doubt that there are some voices for that. Indeed, it was regularly reported to me via the diplomatic channel, so through our diplomats, that there were voices to that effect. We would be naive to think that was not part of the debate.

Chair: That is very helpful, thank you.

Q101 **Lady Hermon:** It is very good of you to come and give us an hour of your time. We had hoped for a little bit longer, but it is just an hour. You were able to explain at the very beginning of your evidence what you understood as the alternative arrangements to the current backstop. It was very striking that yesterday the Prime Minister was not able to explain what the alternative arrangements were; it is very striking that the mover of the amendment, Graham Brady, was not able to explain what the alternative arrangements were; and it is very, very striking at the end of the debate that the Brexit Secretary, your successor, still was not able to explain what the alternative arrangements were.

You voted for the amendment last night. Why is it that none of those people could explain to the House of Commons, before we voted, what they believed were the alternative arrangements?

Dominic Raab: The first thing to say is that I do not want to speak for the Government or impugn the Government. They made the right decision. Having been in the position myself of coming to Select Committees and studiously trying to avoid giving too much detail, I understand that the UK Government will want to protect the integrity of the negotiations as it goes back to Brussels with this mandate for change.

In terms of the detail, for example, whether it is animal checks—I do not know whether the Committee has visited Port of Larne, but how these checks works in practice is very interesting—customs regulations and processes and the declarations that will be required, or indeed VAT, which is a significant issue for small businesses in Northern Ireland, the key point in all of those cases is that you can conduct the checks, which I understand the EU say they will need to protect the single market, without having any infrastructure at the border. The evidence that Jon Thompson from HMRC has given in relation to that at a very expert level vindicates that, but I cannot, in fairness, account for why and what—

Q102 **Lady Hermon:** That is the answer: you cannot account for why no one yesterday—

Dominic Raab: I am not in the Government, Lady Hermon. I want to be fair to them but give you my sense of what the situation is.

Q103 **Lady Hermon:** Being an ex-Cabinet member, do you think the Cabinet agreed about what alternative arrangements they are going to request from Brussels? Do you think there is agreement or unanimity in the



HOUSE OF COMMONS

Cabinet?

Dominic Raab: Again, you are doing your job very well in putting me on the spot. I do not know. I was not at the Cabinet meeting yesterday morning.

Lady Hermon: No, of course you were not.

Dominic Raab: But what I have to assume—because it is the way we behave, and there were no resignations yesterday—is that the Cabinet backed the approach that the Prime Minister took into that debate. If not, we would have seen resignations. That is the basic constitutional principle of our Government.

Q104 **Lady Hermon:** The approach that the Prime Minister took into the debate was not to tell anybody what the alternative arrangements were.

Could I just reflect to you the fact—and it is a fact—that a considerable number of businesses, such as farmers and fishermen, and community leaders across Northern Ireland supported the backstop arrangements and the Brexit deal as had been negotiated? What would you like to say to them this morning, having supported an amendment that completely ignored their views and their support for the backstop and the Brexit deal?

Dominic Raab: It is not fair to say they have been ignored. There is a difference between taking into account someone's view and then following it. There is a whole balance of economic considerations. When I was out there, I visited the Newry Chamber of Commerce. Having talked first hand to businesses, I know Warrenpoint Port is very interesting in relation to trade both ways, and so is the Port of Larne.

The question we will have to work out collectively as a country and as one United Kingdom is about preserving the balance. It is not just about preserving, though. Let us not make this a risk-management exercise alone; it is also about grasping opportunities. You have that significant swathe of north-south trade, which is crucially important and we all want to protect, with a huge SME focus. You also have the massive east-west trade that we also want to protect.

Indeed, at paragraph 50 of the joint report between the UK and the EU back in December, both sides agreed that this is something that should not be interfered with. The point is to try to maximise and protect both sets of trade and then build on them in the future with the opportunities of Brexit. Their voice has been heard. Certainly, I went and talked to them. I guess what I am saying to you is that the east-west and north-south trade needs to be looked at in the round.

Q105 **Lady Hermon:** The question is whether you appreciate how disappointed they might feel that suddenly out of the blue last night what they had expected to happen has been thrown out of the window and the Prime Minister is going back to Brussels to negotiate a completely different—we



HOUSE OF COMMONS

do not know what it is—alternative arrangement to the one that they had firmly supported in very large numbers?

Dominic Raab: The way I would want to put it to them in order to reassure any concerns they might have is that we want to protect their trade; we want to avoid any return to a hard border. We are all agreed on that. The question is about how that should be done. We are very committed, with goodwill on all sides, south of the border and in Belfast—I know the diverse communities we have there—and working with the EU, to making sure the technology is in place, the operations are in place and the decentralised processes are in place to protect that north-south trade.

Equally, it is axiomatic, if I may put it that way, that after the biggest parliamentary defeat in history, the deal that you are talking about is going to have to be revisited. Actually, I am sure that a lot of people across all the different views will have recognised that.

Q106 **Lady Hermon:** The political declaration could have been looked at, with the greatest respect. However, since you had such a critical role as the Brexit Secretary, I presume that in fact you have read the Belfast agreement. Please do not line up behind the Immigration Minister and tell us that you have not read the agreement.

Dominic Raab: I have not sat down, started at the beginning and gone through it, but of course at various points in the negotiations, when issues have been raised, it has been an important opportunity to delve into the different aspects of it and look at them very carefully.

Q107 **Lady Hermon:** So you have not read the Belfast agreement in its entirety.

Dominic Raab: I have not sat down and gone through it. I have used it as a reference tool to make sure that I understood and could satisfy and reassure myself, first, in relation to the commitments that were made in both sides in relation to the joint report in December, which was the basis of what we were going to do on the backstop, that we were not impinging on anything required by the Belfast agreement, and also that I could make sure more broadly, in a positive sense, that what we are doing can promote peace and stability, notwithstanding what I recognise is a difficult set of questions for the people in the communities in Northern Ireland.

Q108 **Lady Hermon:** So you are confirming that you have not read the Belfast agreement. You were the Brexit Secretary. The backstop and the arrangement with—

Dominic Raab: Lady Hermon, I am answering all your questions to the best of my ability and I am doing it honestly. It is not like a novel where you sit down over the holidays and say, "Do you know what? This is a cracking read", but it is an absolutely vital constitutional document and I consulted it at every moment where, either on my own initiative or as a result of advice from officials, an issue was raised to satisfy myself that



HOUSE OF COMMONS

we would never do anything not only to undermine the letter but also the spirit of the Good Friday agreement or, indeed, the political stability that I am sure, in good faith, we all want to preserve.

Q109 Lady Hermon: Good. Could you just confirm for the record that you did read the provisions in the agreement that referred to a border poll?

Dominic Raab: I am familiar with those. I do not have a copy of it in front of me, if you want to test me on the detail, but I am familiar with those.

Chair: We are running short of time.

Q110 Lady Hermon: We are running short of time. Could I just wind up, then, and ask: what is next for Dominic Raab?

Dominic Raab: I do not think, in fairness, Lady Hermon, I matter very much. What matters is that Parliament has given this Prime Minister, in a sensible way, a mandate to go and get the change we need. What also matters—this is probably slightly broader than the remit of your Committee—is that all of the parliamentary guerrilla warfare that was being threatened has been seen down. We are not going to get this supposed parliamentary wresting of control of the direction of these negotiations, which would be a big mistake. There is now a clear line of sight for a deal with the EU. The ball is in their court to show the pragmatism and flexibility that we have demonstrated.

Chair: Next we have Jim Shannon. May I appeal for brevity?

Q111 Jim Shannon: First of all, Dominic, can I just say how very pleased and proud we were of you taking the principled decision you took and the way you have conducted yourself up until now and indeed in this Committee this morning in your answering of the questions so far? Just for the record—I will just put it on record—the fishing sector, which I have the privilege to represent, are very clear that they want to leave. There is no doubt whatsoever amongst the fishing sector in my constituency in Portavogie, and indeed in my discussions with other fishing sectors in Ardglass and Kilkeel.

Within the farming community—here I declare an interest, as a member of the Ulster Farmers' Union—myself and my neighbours are very clear that they want to leave the EU. For the record—I have an accurate evidential basis for saying those things—the majority of both farming and fishing want to leave. When you explain the constitutional position to the farmers in the sector, they are very happy to move on.

Chair, I will take account of brevity in my question. Dominic, you were Secretary of State for Exiting the European Union. There came a stage when you said to yourself, "This is not going to work and there is no follow-through from the EU". Therefore, you took the principled decision to resign. Could you just very quickly tell us about that?

The second question—I am very conscious that others want to ask questions as well—is about what you see in the potential agreement that



HOUSE OF COMMONS

our Prime Minister could now do with the EU, if there is a willingness to do so. How do you see that the border can work in a way that means there is no hard border? Those are my two questions, Chair, and that will be it.

Dominic Raab: Thank you, Mr Shannon. I do not want to dwell too much on my resignation, but you have asked me a question and I want to give you a clear answer. I could see immediately on taking up the post that there was both a path to get a deal done but also some obstacles that would need to be navigated. The crucial one was making sure that any backstop that required Northern Ireland to sign up on its own to either customs regulations or wider regulatory provisions with the EU would risk and come into conflict with paragraph 50 of the joint report. If that was the path we were going down, we would need to put in some safeguards, including an exit mechanism. One of the things I was focused on, as I mentioned, back in July was being very clear that, for all the talk of “best endeavours” and “temporary”, we had a clear exit mechanism or a sunset clause from the backstop.

As late as October in my discussions with the Irish Government, as well as in Brussels and the discussion in Parliament, in terms of reading what the parliamentary support would be, it was probably still in play at the end of October. I did not relish resigning, and so I fought until the very end when we had the five-hour Cabinet meeting and tried to make the case that this would have to change either to be acceptable to the United Kingdom or, indeed, from a practical point of view, to be passed through Parliament. It was not until I resigned that I took the decision, but that was the process.

You asked about what the change would be. The crucial thing to change the backstop is the move from the high legislative alignment paradigm of avoiding a hard border to moving to a technologically decentralised, process-driven approach, which is what the modern world will do. This is what the digital age will do in global trade. Not only does that make sense in terms of commerce but it also makes sense in terms of sovereignty. Whether it is in relation to the backstop as a whole or, indeed, allowing it to be finite so we can transition to what we could call a technologically driven approach, either of those two options, in my mind, will be acceptable. There is a lot of detail to that, whether it is the customs side or the animal standards and checks side, but that is the paradigm we need to shift to.

Q112 **Jim Shannon:** The point there was very clear that you see—my neighbours would probably also agree with you—little or no change in the border as it is at this moment in time. The changes that are going to come will be technological; it will be done by drones, paperwork or work beforehand. Nothing should really change. That is what Simon Coveney says. We do not want a hard border, except for that ragtag army they have, of course, by the way. In relation to not wanting a hard border, I am very curious. That is the way it will be: a soft border, as it is at this



moment in time.

Dominic Raab: Yes, that is doable. Of course, the real expert is Jon Thompson. He has confirmed that it can be done in terms of practical arrangements. Michel Barnier has also confirmed that it can be done. The question is now one of political choice.

Q113 **Chair:** You will be aware that we had a sunset clause as an amendment to the withdrawal Bill, but it was withdrawn. From what you say, sunset was very much being discussed in the Commission until relatively recently. Is that something the European Commission would still be receptive to or have we moved past that? It would obviously deal with one of the main concerns.

Dominic Raab: I thought it was an eminently sensible proposal. There are two or three ways of dealing with it. You either change the entire paradigm from the start, so you do not have a legislative alignment and you have an operational and technology-based approach. Alternatively, through time or an exit mechanism, you can limit the legislative alignment application to avoid impinging on paragraph 50 of the joint report. The problem is that, if you take the history of the negotiations, you never start from scratch. I did not start from scratch; I went in after the Chequers proposals in July. There is no point in trying to say, "Okay, new guy is coming in. We are going to stop everything and start again from the beginning". That does not work in a negotiation.

What was clear to me is that in Dublin—I do not want to get into their domestic politics—politically they have taken a very firm line on a deadline. Therefore, in terms of coming to a solution that works for all sides, it seemed to me that a more pragmatic approach was to look at an exit mechanism. That was discussed at great length with all the relevant Cabinet members, and particularly the Attorney-General.

Politically, one of the aspects is going to be finding a ladder for the Irish Government to climb down. I do not want to get into the politics of this too much, but we are naive to talk about this if we do not understand and appreciate it. They took such a trenchant line on the backstop and such a very political line on it that we do need to understand that we probably need to work together with our Irish friends to work out a mechanism that not only deals with the practical operational issues but also is politically acceptable for them. The Irish Government is in a very difficult position now—in fairness, you mentioned Simon Coveney, with whom I met and had very constructive discussions—mainly because of the particularly strong political position that was taken by the Taoiseach.

Chair: That is very useful, thank you.

Q114 **Kate Hoey:** Thank you very much for coming along. The words "hard border" seem to have been abused and misused. Do you want to tell us, very simply, what your definition of a hard border is?



HOUSE OF COMMONS

Dominic Raab: In people's minds, in the worst-case scenario, a hard border envisages or depicts going back to some of the checks that characterised the position before we had the Belfast agreement, with all the Troubles. I prefer to think that the threshold or the litmus test, if you like, is the one Jon Thompson used, which is no additional infrastructure at the border. That is the key thing here. We do not want to have any of the infrastructure or indeed the symbols of the very troubled past for Northern Ireland. We all agree on that. Whether it is animal checks, registration or other declarations, having trusted trader schemes and all the other things that can be done and are done on reasonable porous borders elsewhere in the world, but nonetheless where regulatory checks need to be done, those things can be made to happen.

One thing that was very clear to me when I went down to South Armagh was that you do already have a regulatory border for VAT, for excise and for one or two other things. Of course, that is done, monitored and enforced without hard infrastructure at the border. It can be done, but that is the way I view it.

Q115 **Kate Hoey:** Michel Barnier made it clear that, if there was to be a WTO deal, it would have to happen in that way: that there would not be a hard border brought in again and there would be all of those things that you have mentioned. It just strikes you as common sense that, if you can do it under those circumstances, we can do it properly in a way when we are planning for it. That does seem to lead to a feeling there is more to it than just the idea that we want to not have a hard border.

Dominic Raab: It has become impossible to entirely separate the operational and technical challenge from the political context, so I agree with you.

Q116 **Kate Hoey:** I do not know whether you have heard of Professor Joseph Weiler. He used to be the President of the European University Institute. He is a professor of law and he knows a lot about Northern Ireland. He has written a very interesting piece about how we should actually now be talking about a "frontstop" approach, pointing out how when you travel from Ireland or Canada to the United States you get off the plane and you go straight into America because everything is done at that end. There is absolutely no reason, with the right goodwill, that you could not have frontstop centres in the United Kingdom where everything would be cleared before they left to go to the Republic or wherever.

There seem to be all sorts of sensible suggestions around. Because of the vote last night, can we now get a situation where the European Union would start to be realistic about some of the things that could be done to get rid of this ridiculous backstop?

Dominic Raab: I was a former diplomat. I spent six years in the Foreign Office, and I was posted to the Netherlands. My non-European colleagues used to constantly say, "There is a big world out there. You guys are so consumed and inward looking in the EU that you never look



at other practice". This is a good example. You mentioned the North American border; we know about the Swiss border. There is global practice here about how you best manage a border. Funnily enough, some of the commercially most efficient ways of managing those borders would also be politically some of the most palatable ways to approach this, with all the equities in mind.

In terms of whether or not the EU will move, the EU has a choice. Since the parliamentary defeat on the meaningful vote, the EU has been saying to us, "What is it that you want?" The EU, all the other broadcasters and the print press were saying this. The EU was saying, "What do you want?" We have now gone back and said, "These are the changes required". It is not rewriting the whole of the withdrawal agreement at all. It is not even calling for getting rid of the Northern Ireland Protocol. Of course, that is very important. It is saying that on the backstop as a whole, and in particular the exit mechanism, we need these discrete, focused and eminently deliverable changes. The choice now is for the EU. Given what Barnier has said, it is not a question of whether this can be done; it is whether they want it. The EU will now have a choice to make.

The legislative potential for knocking Brexit off course or preventing us leaving on 29 March were all defeated in the Commons yesterday. In terms of legislative proposals, I mean the Cooper-Boles amendment and indeed the Grieve amendment. This is now a very clear choice for the EU, both within Brussels and in the Commission machinery. There are diverse views in the Commission. We treat the EU like a homogenous whole, but it is not true. There are diverse views within the Commission, and there are certainly diverse views across capitals. Now is the point at which their minds will be focused. Of course they are used to driving these negotiations until the 11th hour. I do not think the EU think we are particularly late in this negotiation.

Q117 **Kate Hoey:** I have one final point. I know you do not want to go into great detail about what happened; you will write about it at some point in a book, I expect. Where we are now, given some of the advice that the Prime Minister has obviously been given by officials, who perhaps have not been as knowledgeable as they thought they were, is now the time to beef up the negotiation team and make it much more politically led rather than official led? Is there a case for saying that the Prime Minister should take with her perhaps a politician from Northern Ireland who is in this House and understands the situation?

Dominic Raab: That is a very good question. When the likes of Peter Hennessy and the constitutional historians pore over the detail of this, they will ask a lot of questions around this. We have two essential principles in our constitution. They are written in as conventions rather than a written constitution. One is Cabinet responsibility, and the second is ministerial responsibility. In relation to these negotiations, the meaningful exercise of ministerial responsibility has been fraught. My



HOUSE OF COMMONS

predecessor and certainly I can think of the ways in which that has been the case. In my experience, it certainly improved in July, but it frayed. It is a very precarious position to be in. Civil servants do a great job, and I have nothing but pride in the work that my officials at DExEU did and the Cabinet Office team as well, but this is a negotiation, and there needs to be a political endgame. That endgame must be politically controlled and driven, and that can only be done at ministerial level.

It is quite right that the Prime Minister leads negotiations. In practice, however, given the level of detail, given the amount of time spent in Brussels and given that she runs the Government as a whole, you have to have a Secretary of State exercising that day-to-day political oversight who can control and direct the negotiating technical teams and, at the same time, look back and come and be accountable to Parliament. If you lose that basic constitutional principle, the effectiveness of the negotiation is undermined, so the endgame must be politically closed out.

Q118 Mr Goodwill: How would you describe the working relationship between your Department, when you were Secretary of State, and No. 10 during the course of these negotiations?

Dominic Raab: I had a very good relationship with the Prime Minister. I really enjoyed working with her. I have huge respect for her. We had a frank conversation when I took the job about what was needed to make it work. I would not have taken it except on that basis. I do not really have any personal criticism.

Given the context I have just described and what making ministerial accountability work in practice requires, there is a question mark around the extent of the licence given to the technical teams and, in particular, the head of the technical teams, Olly Robbins, for whom I have great personal affection and high respect. At some point, if that licence is too broad, however brilliant they may be, you risk fraying the principle of ministerial accountability when things do or may go wrong. Look at Salzburg and the response to the Government's proposals there, and then look at the loss on the parliamentary defeat. Those are two very concrete examples that, with proper ministerial accountability, might have been avoided or mitigated.

Q119 Mr Goodwill: Were there occasions where you felt you were being marginalised, outflanked or ignored when the lead was being taken by those officials you have just referred to?

Dominic Raab: There was always at least a theoretical maintenance of ministerial responsibility and accountability through the Prime Minister. However, the way I would put it is like this. There is a big difference between a Secretary of State controlling, directing and taking the initiative with negotiations on the one hand and, on the other hand, a situation where both the Secretary of State and the caucuses of Cabinet—that is, the so-called SN Committee and the other sub-groups of Cabinet, which are supposed to be the exercise of wider ministerial responsibility—



HOUSE OF COMMONS

are effectively doing a vetting exercise, so checking and sending the technical teams back. One is a reactive approach to ministerial accountability; the other one is a proactive approach. What we have lost is the proactive approach, which would allow the political contours to be defined and, if you like, the technical aspects to be fleshed out within those political contours. I do think that frayed.

Q120 Mr Goodwill: Was it part of the run-up and context of your resignation that some of these factors were dogging you a little bit and the point at which you resigned was the culmination of that, or was it just on that one particular issue where your resignation occurred?

Dominic Raab: My resignation letter set out what I was worried about. I am sure you can find it; it is all around the internet. The process is important. I am a Foreign Office lawyer by training and trade. I was a Linklaters lawyer before that. It is important. Process and organisation allows you to exercise smart pressure in negotiation. I did worry that without it we would end up hitting the buffers. I take no pleasure in saying that I think that is what happened at Salzburg and then with the meaningful vote.

Ultimately, I was focused on the result. Frankly, if I was cut out of the loop on one or other decision but we got the right result, my position does not really matter. What mattered was the fact that the three flaws in the deal all really focused around the backstop, which in the end rendered the deal fatally flawed. I guess I was results rather than process-oriented when it came to the final decision. I wanted to hang in there as long as I could to try to get the best deal.

Q121 Mr Goodwill: In all this time, Liam Fox has been going around the world starting to talk about international trade deals. Was that something that your people and the No. 10 people were looking at in terms of how we could facilitate that, or was that always going to be a secondary consideration compared to getting the deal over the line and getting to the first step on the ladder, rather than looking at where we are going to be when we are ready to get on to that sunlit upland of international trade?

Dominic Raab: I had regular conversations and working-level discussions with Liam Fox, who is a brilliant colleague. He was excellent at making sure that at the forefront of our minds was not just the deal with the EU but the global opportunities for free trade, whether that is tariff control, non-tariff barriers or the latitude you will need in regulatory terms if you are going to do deals, whether that is with India, China, America or Latin America. We had those conversations. Ultimately, when you get back to the question around how you reconcile different interests and different focuses, the question will be whether we actually lost sight a little bit of the global opportunities of Brexit because we were so focused on securing the EU—

Mr Goodwill: Yes, that was basically my question in a nutshell.



HOUSE OF COMMONS

Dominic Raab: Liam will give you a view from DIT's point of view, but I do not think it was not a question of not understanding those factors. The question would be the weight that was applied to them. For me it was very important, because they are the opportunities of Brexit. As a whole, the approach to these negotiations has been too much about risk management, as important as that is, and there has not been enough balance in terms of grasping the opportunities. I am saying we need a balance between the two. It became a bit too tilted towards an accountants' risk management exercise.

Q122 **Ian Paisley:** Thank you for your evidence. If I was a headline writer listening to your evidence today, I would write—I think it is a fair characterisation—that what you are saying is, “If there is a will, there is a way, and it is really now up to Europe to help us in that”. You sidestepped neatly one of the earlier questions about whether someone else should step in and help in the negotiations. Given that you have ultimately been proved right, if you were asked again by the Prime Minister to come in to this negotiation process and come back in to the Government, would you now do it?

Dominic Raab: It is very unlikely to happen. Whether I am in Government or on the backbenches, I will continue to do the only thing that really matters to me, which is to try to get a good deal for our country and, if not, mitigate the risks of a WTO Brexit and grasp the opportunities. How I add value to that is secondary.

I retain a good relationship with the Prime Minister in the sense that we spoke before and after. There is a lot of bad blood in politics, and there has been throughout the Brexit process. I do not feel that way about it. I have not lost any friends over Brexit, and I do not want to do so now. Equally, we have to get this right, because it is about our children, their children and the future of our country.

Q123 **Ian Paisley:** You have name-checked Jon Thompson from HMRC on two occasions. Given that you have drawn on his evidence twice now, would he be a useful witness for us?

Dominic Raab: From a number of the questions from the Chair and others, you are obviously interested in the technical aspects of this and how it can be done. Jon Thompson would be useful as a witness, because he has already given evidence to other Committees and he is the real expert; he is the guy who is in charge of things like customs and borders.

Chair: He has been very shy when it comes to this Committee, it has to be said. Maybe our reputation precedes us; I have no idea.

Dominic Raab: I can reassure him about what a wonderful bunch you are.

Q124 **Ian Paisley:** Lord Bew, in the other place, is a very senior academic; he is also very closely associated with and was an adviser to Lord Trimble



when David Trimble was First Minister, and he is highly regarded for his expert knowledge. With regards to the Belfast agreement, he has said that the withdrawal agreement as was framed before last night actually drove a coach and horses through the Belfast agreement, because it was a top-down approach. It took away from Belfast the role that the Belfast Parliament or Belfast Assembly would ultimately have, and it was therefore fatally flawed. People were effectively undermining—they were maybe not understanding it—the Belfast agreement if they supported the withdrawal agreement in that aspect. Should the Government, knowing that now and having that material from him, look again at that aspect of it and realise that the best way to protect the Belfast agreement, if that is their ultimate aim in all of this, is to pursue a change to the withdrawal agreement?

Dominic Raab: I did not get the last bit.

Ian Paisley: It is important for the Government to recognise that, if they really wish to be the protectors of the Belfast agreement, they must pursue this change to the withdrawal agreement.

Dominic Raab: That is right. I am looking back at some of my handwritten notes from the day of the big Cabinet discussion. I was worried about the VAT regime burden for Northern Irish businesses. I was worried about 100% animal checks between GB and Northern Ireland. I was worried about the advice that GB would be treated as a third country for Northern Ireland for the purposes of the deal. I was worried about regulatory declarations for goods crossing between GB and Northern Ireland.

I looked at the way we had approached this with the EU through the joint report, which was poorly drafted and should not have been agreed as was back in December but nonetheless we were bound to. When I looked at it, I struggled to reconcile what we are doing with paragraph 50 of the joint report in relation to the commitment to no new regulatory barriers without Northern Ireland Assembly agreement, the so-called Stormont lock, which was reaffirmed post Salzburg. I struggled to reconcile that with unfettered access to the GB market.

Throughout this process we had quite a few moments where the joint report was put back at us by the EU side, but that was without a focus on paragraph 50, which is where we lost sight of the equities that I think this Committee and certainly I and the Government are keen to make sure are protected and preserved.

For both the reasons you gave and also for those granular reasons, that is quite strong evidence to take back and say, "Look, this is not just a question of the politics in Westminster. Look at the detailed implications that MPs and experts, like the ones you have cited, have been saying about this. This is not consistent with the commitments and assurances that have been made on all sides".



Q125 **Ian Paisley:** I must say, Dominic, your answer succinctly summarises the key assault that the withdrawal agreement potentially had on the economy of Northern Ireland and the political relationship between these islands. I thank you for that answer, because all of those details—such as VAT, animal checks and third country regulation differences—are so significant and they unfortunately have been ignored by a lot of the businesspeople, who just wanted a deal. I want a deal and you want a deal, but we cannot have a deal for a deal's sake. We have to get the right deal. What you have put there to us is critically important.

Were you amazed at the comments made by Leo Varadkar last week about troops on the border? Where do you think that came from?

Dominic Raab: I have been surprised at the political approach that has been taken in Dublin. I do not want to personalise it, but that is a good illustration of language that is not desperately helpful, to say the least. We want to retain a strong relationship with our Irish friends and partners. Of course, you could argue that they have most to lose or they are at greatest risk in relation to a no-deals scenario, but some of that language has courted the very thing they wish to avoid. Even if I try as dispassionately as I can—it is difficult; we are here in Westminster—I would question the wisdom of some of those remarks.

Q126 **Ian Paisley:** I was not sure whether he was talking about his troops or our troops, but either way I thought they were ill-advised comments. Finally, if things do not work out in a final agreement, what would be the impact of no deal on the Republic of Ireland? Have you done any study or looked at the impact that no deal would have on the Republic of Ireland's economy, given their importance to us as a neighbour and our relationship with them?

Dominic Raab: There are ongoing assessments that are done on all the different aspects of this deal and there are all of the external studies that have been done. For the Republic, this is going to be a very big issue, because of their exports to the United Kingdom, particularly if you look at the agricultural sector but also more generally. Of course, that is something we want to avoid.

One of the things I was told in Brussels very early on—it is important to understand the political context of this as well—is, "Stop talking about win-win; there is only lose-lose". I challenged this at every level, because I understood why—and I continue to understand why—Brexit was something the United Kingdom chose and only has downsides for the EU, because it is another thing to add to a long list of problems they have, which they did not want to have to deal with. But when you forge a new relationship there is always an opportunity to do things better and differently, and there is a win-win deal here. Part of the challenge has been a politically very clear judgment that we cannot try to tease out the opportunities here. If you look at the Republic, there is clearly a lose-lose scenario. What we want to try to do is turn that around and



HOUSE OF COMMONS

look at win-win. That is difficult for our EU partners to accept, and I understand all of the reasons why that is the case.

If you are in a commercial negotiation, it is the way you would approach this. Frankly, I spent six years in the Foreign Office doing bilateral and multilateral negotiations, including investment protection agreements. You always have to try to look for win-win. That thinking has just not been there. What happened was that politics trumped the rational mutual economic self-interest.

Q127 Ian Paisley: If we got on to a trade discussion, it might take the politics out of it and focus on the really important thing that Brexit is about, which is a new trading relationship.

Dominic Raab: That is the upside. There is security co-operation as well. We are bigger than the sum of our parts in Europe. We do not want to be part of the undemocratic political club, but that does not mean we cannot be good neighbours. I understand that they are worried about the precedent of this. If the brave new relationship for the future works, who else would be attracted by that? The reality is the UK has been pretty unique politically, economically and in terms of the ties we have, so it must be right, without setting the dominoes falling, to be able to say, "Let us look to the future and aim for win-win". I still think now that is doable. That spirit has to be reciprocated on both sides in the negotiations.

Q128 Ian Paisley: Does the material you have seen as Secretary of State bear any relation to what appeared on *Newsnight* a few weeks ago? It was indicated that 5% of the Republic of Ireland's GDP would go in a no-deal scenario and up to £9 billion of their trade with the United Kingdom would disappear.

Dominic Raab: I do not recollect those figures as official advice, but I can see all the risks for the Republic. That is why we need to get this deal across the line: for us, for Northern Ireland and for all of our EU partners.

Q129 Mr Campbell: You are very welcome, Dominic. Could I turn your mind back again to this whole concept of the prevention of a hard border? During your discussions with Michel Barnier, Simon Coveney and others, did they go into any detail about the need to avoid it and what it might constitute if it were to come about—what exactly it was that all of us want to avoid?

Dominic Raab: Is the question whether they said, "If you do not agree to what we are doing, X, Y and Z will happen"?

Mr Campbell: Yes.

Dominic Raab: No. What we wanted to do—and in fairness I think this was the right approach—is to say, "Precisely to avoid that, A, B and C can be done", along the lines we have discussed, the technological paradigm,



HOUSE OF COMMONS

and, "Look, tell us why it ain't so". We had that argument. We have to be realistic. Really, there was a big political push for the high legislative alignment approach to solve the backstop when actually an operational and technological approach could deal with the problem substantively. In my experience, that is the way the dialogue progressed.

Q130 Mr Campbell: Over the course of the past few months, there have been all sorts of connotations about what a hard border would constitute. Some of that has driven fear and anguish on the border. I live close to the border. All of us know what the borders of the past were. They were there to try to prevent terror, murder and escape from Northern Ireland into the Republic for safer sanctuary. Nobody talked about that, did they, or did they mention that?

Dominic Raab: No. In fact, my experience of talking with Simon Coveney and all of my Irish counterparts is that at no point did they either put that out as a realistic prospect or possibility, let alone—this is what you are asking—as a threat.

Q131 Mr Campbell: Nobody produced any throwback to, say, a customs post being blown up in the 1970s as evidence of what might return.

Dominic Raab: In fairness, the Troubles of the past were never far from our concerns and fears, but no one ever put that to me in the terms you just have. To be clear, we all just agreed that we never want to go anywhere near that.

Q132 Mr Campbell: Yes, of course. Because there is this fear of what may happen, it is important to try to analyse what it is everyone is trying to avoid. Nobody said what it might constitute. Did anybody say, then, who would implement it if a hard border came about?

Dominic Raab: The discussions never progressed down that line. We were all committed to avoiding the scenario you are depicting.

Q133 Mr Campbell: There was this awful scenario but nobody said, "This is what could happen. This is what it would entail". Nobody elaborated on that or went into any detail about what that might mean.

Dominic Raab: You are asking me in relation to the Irish Government. In Brussels—

Mr Campbell: Yes, or in Brussels.

Dominic Raab: In Brussels the suggestion was made, "Well, we will have to do these checks—X, Y and Z. They will have to be done. In order to avoid this, you, Britain, the United Kingdom, which has voted for Brexit, are going to have to agree to the high legislative alignment approach to avoid that". It never really progressed and we would have been very sensitive—and indeed I was very sensitive in these talks—to any suggested threat: "If you do not agree with what we are saying, there will be checks that we will demand of the Republic here, here and



HOUSE OF COMMONS

here". We would immediately retort and respond by saying, "You do not need to do that. That would your choice".

In fact, in one of the meetings I had with Michel Barnier, I made it clear on behalf of the UK Government that we would never countenance or implement a return to the hard border. I pointed out that I believed that was the position of the Republic and I asked the question, "Are you realistically going to do it?" It was pretty clear to me from the rather carefully worded response that the EU is not going to do that. First, it is unnecessary. Secondly, is that really going to be the European Union's legacy, in the spirit of European unity, with all the history from the Balkans through to Catalonia? It seems to me obviously not a serious prospect.

Q134 **Mr Campbell:** So nobody got into the detail of saying that, if some form of checks were required at a hard border, it would be exceptionally difficult to put 300 of them there at the crossing points, at every single one, because if you did not do that everyone would know a way around the ones that were there. Did anyone get into that level of detail? Maybe that would be to outline the absurdity of a hard border.

Dominic Raab: Yes, we worked out the absurdity before getting to that point.

Q135 **Nigel Mills:** Can I take you back to the definition of the hard border, Dominic? When you were negotiating the backstop with Michel Barnier, was there ever a discussion about actually defining what we were guaranteeing not to have?

Dominic Raab: Not in abstract conceptual terms, no. Whenever we talked about checks, the EU would say—I paraphrase—"We have to make sure that our rules and equities are respected and that the indivisibility and integrity of the single market is preserved". We would say, "Of course, you do not need checks at the border for that".

Q136 **Nigel Mills:** You said that your natural definition of a hard border was physical infrastructure on the border. Would you say that is what the EU's understanding of "hard border" means as well? Do they have a somewhat broader definition in mind?

Dominic Raab: I am not sure I have ever asked that in conceptual terms. That tends to be a debate between the UK Government and the Republic of Ireland or the discussions that we have in Belfast. The EU just say, "We have our rules and they have to be enforced". That is the approach that they take. We say, "We understand that and we respect that. Let us work out a way forward". In effect, you have an analogue approach and a digital approach. The UK approach is to say, "Let us grasp the technological facilities you have for that. Let us look at the global practice. We can make this work".

You see it in Port of Larne with the way they approach animal safety. It is an intelligence-led approach. Something like 10% of the animals that



HOUSE OF COMMONS

are taken off the truck. That is the way those checks are dealt with globally, and that is not done at the border. Those are the kinds of responses we would make. I did not quite get into the conceptual definition. I suppose I was practically trying to work through problems.

Q137 Nigel Mills: The test for any future partnership to be sufficient not to have to need the backstop involves a load of pretty woolly terms around “not creating a hard border” and “enabling the all-Ireland economy” and a couple of other things. You obviously have a long experience in law. Would you ever let a client sign an agreement with a material condition without knowing what the terms in that condition actually meant?

Dominic Raab: To make sure I understand you correctly, Mr Mills, are you saying that the practical operation of those checks was left until after the withdrawal agreement was signed?

Q138 Nigel Mills: In the withdrawal agreement, the backstop section says that the future partnership must meet the following tests before the backstop can be let go, in effect. Those tests basically are no hard border, enables the all-Ireland economy and a couple of other things. Nowhere do we define what “no hard border” and “the all-Ireland economy” actually do or do not involve.

Is it not a bit unusual, in what is in many places a very detailed and very complex legal agreement, to have a fundamental clause that sets the conditions for what our future partnership must look like that does not define the key items in those conditions anywhere in the document, so nobody actually knows what those mean or what you have to do to satisfy that test? That is not a legal document I would have thought I would ever want to sign.

Dominic Raab: It is a 500-plus page withdrawal agreement, including the protocol. That is before we get on to the political declaration. The two key things are, on the UK side, that we were focused on this being subsumed as quickly as possible by the future relationship. In fact, one of the interesting arguments, when you talk about sunsets and how long the backstop will be in play, is that if it really was going to be in play for a very short period of time it would be rather a curious thing to set up all of those checks, wherever they would be, only for a different arrangement to apply in the future. The approach of the UK Government throughout has been to try to leverage that conversation into, “What is the future relationship going to look like?” in order to avoid any extra infrastructure at the border and facilitate trade.

That is why you come back to the crucial issue here. You may be right: you could have taken a more or less prescriptive approach to setting out how those checks would work, but what matters really is how you get out of the backstop. Ultimately, the number one issue is that mechanism. The big problem or issue that you have alighted on is that there would be no exit from that set of arrangements that we could control. Maybe the concern you are raising does not matter so much if there is good faith



HOUSE OF COMMONS

and, in any event, you know you can exit it. It matters a lot if you are tied into it indefinitely.

Q139 **Conor McGinn:** You said that you visited South Armagh. How long did you spend there and who did you meet?

Dominic Raab: I wanted to do this properly and not just do a flyby or a political grip and grin, so we went the night before and I toured the border with the PSNI from Crossmaglen to Newry. I looked at police stations and border crossings, and I really got a sense of what it meant in practice. It is beautiful around the border, with rolling hills.

Conor McGinn: It is now.

Dominic Raab: I then met with Newry Chamber of Commerce, because I wanted to understand the small-business aspects of it. I also wanted to understand the international trade and the trade both ways, which is why I went to Warrenpoint Port. I mentioned the Port of Larne. We spent some time and I followed some of the checks that were conducted. I went and had a look at how it was done. You talk about some of these things on paper, but you need to visualise them. I also met with all the leaders of all the main parties at Stormont House, as I have already described.

Q140 **Conor McGinn:** Specifically in South Armagh in the border community, you spent a couple of hours being driven around by the PSNI looking at the border infrastructure.

Dominic Raab: We spent the best part of a morning, yes.

Q141 **Conor McGinn:** Did you stop at any point to talk to anyone who lives there and ask them what their definition of a hard border is? I am less interested in your definition of a hard border. I am more interested in what the definition of a hard border is according to people who live there and use it every day.

Dominic Raab: I understand the point you are making. The advice was to avoid what would inevitably end up being a political scrum, because you would get local political representatives trying to hijack that. If I had thought there would have been an opportunity—

Q142 **Conor McGinn:** You were not prepared to meet local political representatives who were elected by the people who live there.

Dominic Raab: No, I went and met with every leader of every political party. I went and talked to the people who run the port facility at Larne, the Warrenpoint facilities and I met with the Chamber of Commerce in Newry, so I would get a sense of people who, whether from business or all different walks of life, in whichever sector, could give me that personal flavour you are talking about. I also took the advice of the PSNI about the best way, sensitively, to manage a UK politician and former Brexit Secretary going along the border crossings, so I took their advice on that.



HOUSE OF COMMONS

What I wanted to do was to take the time to do it as sensitively and properly as I could. When I arrived, there were—because people got wind—people looking to try to make their political point in terms of politicians. That would have made it even more difficult to do what you are suggesting, and I understand why you are suggesting it. Feel free to criticise, but I took advice.

Q143 **Conor McGinn:** Your Department published a report outlining areas of cross-border work and co-operation. Do you know how many they identified?

Dominic Raab: Off the top of my head without the documents, no.

Q144 **Conor McGinn:** It was 157. Many of those are predicated on Ireland and the UK's membership of the EU, including food, tourism, schools and colleges, farming, fighting crime, tackling environmental pollution, waste management, bus and train services, cancer care, GPs and prescriptions, gas supply and electricity supply. Did you talk about any of those things when you visited border communities with people who rely on those cross-border services every day?

Dominic Raab: I certainly got a sense—and this came out very clearly from my conversation with the individuals and the businesses in the Newry Chamber of Commerce—of those issues and a flavour of what it meant in terms of real life for small businesses going back and forth. So there was an opportunity to discuss all of that.

Q145 **Conor McGinn:** You met a preordained list of people to discuss very specific issues around trade and the economy.

Dominic Raab: Yes, we planned the visit, which is what you would normally do if you went down to any area, to get the best out of it.

Q146 **Conor McGinn:** But you did not feel it would be useful to engage with people who live there, with the community at large and with organisations and representatives of that community. You did not feel it would be useful to talk to them.

Dominic Raab: If I had done that, I suspect you would be delivering the reverse criticism at me.

Conor McGinn: Not at all, no.

Dominic Raab: What I did do, which I think is the correct thing, is, from Michelle O'Neill, Mary Lou McDonald through to Arlene Foster and everyone in between, including the Alliance, the Greens, the UUP and the SDLP, I made sure I met with the representatives from each one of the communities you are talking about.

Q147 **Conor McGinn:** I get all that. It is not a specific criticism of you. It is alluding to a more general point. I have listened to Ministers and Secretaries of State from the UK Government who say they have visited the border and that they have been to see the border. My contention is



HOUSE OF COMMONS

that this conversation is largely about technological solutions, trade and the economy and less about people.

For people in those communities—I am from that community; I do not represent it, but I am from it—there is a concern, a fear and a frustration that their voices and their views are not being heard. Quite frankly, when you talk about goodwill and acting in good faith, it is hard to see how they can trust any incumbent in your previous position or the UK Government as a whole to act in their interests when they will not even meet them. That is simply—

Dominic Raab: They are represented by you and they are represented by all the parties whose leaders I met, and you are making your point in a powerful way.

Conor McGinn: They are not represented by me.

Dominic Raab: If you want to raise a substantive point, I am happy to answer it. I never turned down any meeting with anyone when I was Secretary of State. That is the way our representative democracy works. I suspect I would have been criticised whichever way I approached it.

Q148 **Conor McGinn:** I do not think so. I am making my point very clear about my criticism of how you did approach it. My final point is this. I listened to Micheál Martin, the leader of Fianna Fáil on the radio this morning. You were on the wireless this morning as well, I think, were you not? In fairness, Dominic, you have been a very good witness and you have been very clear and concise; I just do not agree with a lot of what you have said.

There is a delusion here that somehow the normal internecine politics of Dublin is driving the attitude of the Irish Government. Anyone who listened to the Leader of the Opposition from the Irish Parliament this morning would have realised that, in contrast to us, the Oireachtas is completely unified in its approach to this. The Taoiseach is not under any domestic political pressure from opposition parties, which are fully supportive of the stance of the Irish Government.

You mentioned again this morning that somehow the Taoiseach's position was to adopt a harder line, or at least alluded to this, than the Foreign Minister. You said a couple of weeks ago in the media that Simon Coveney had told you privately that he was open to alternatives on the backstop but the Taoiseach had opted for a harder line. He said that was categorically untrue. Who are we to believe? Is that an example of the goodwill you had hoped to engender between both Governments?

Dominic Raab: In fairness, I met with Simon Coveney twice. The fact that we had a conversation that I was asked to keep confidential and then was made public by the Taoiseach, not by Simon Coveney, and was factually inaccurate answers your question.

Q149 **Conor McGinn:** He says that is not true. He has categorically said that is not true. Is he lying?



HOUSE OF COMMONS

Dominic Raab: He has not said what I have just said now is untrue.

Q150 **Conor McGinn:** This is really important, by the way, because you were Her Majesty's Government's representative and he was the Irish Government's representative. He says that what you have said is untrue, that that did not happen, that the conversation did not take place and that what you have said—

Dominic Raab: When you say "that conversation", it is very clear that I had dinner with Simon Coveney.

Q151 **Conor McGinn:** He told you that there was an alternative to the backstop but that the Taoiseach would not allow him to pursue it.

Dominic Raab: No, which is not what I said and not even what you quoted. What I made clear was that options for resolving this had not been closed down. Then the conversation I had with him was leaked to the media in terms that were not factually accurate, in terms of the proposal that I had put forward privately and confidentially at his request. It was leaked in a misrepresenting and inaccurate way by the Taoiseach directly.

Q152 **Conor McGinn:** It is a pretty serious accusation to make against another Government.

Dominic Raab: I am just telling you the facts. I would have to look at the exact quote, but I think it was that I was insisting that within three months we would be able to exit unilaterally. Everyone within the UK Government knows the approach that I have been suggesting in relation to an exit mechanism and knows that is not what I have argued for within the UK Government, let alone with our Irish friends.

Q153 **Conor McGinn:** Just for the record, you are saying the Taoiseach deliberately leaked a private conversation between you and the Irish Foreign Minister.

Dominic Raab: "Deliberate" then assigns intention and motivation.

Q154 **Conor McGinn:** It is not a court of law here, Dominic. You have been clear and concise so far. Go with what I am saying.

Dominic Raab: Conor, I will not go with what you are saying. What I will do is correct you when you are wrong, and you are wrong. We had dinner—

Q155 **Conor McGinn:** What am I wrong about specifically?

Dominic Raab: If you pause for breath, I will explain. You are wrong to suggest that I am accusing him of lying. What I am saying very clearly is that the meeting I had with Simon Coveney was very constructive. We both wanted to make this work. I found him a great interlocutor. I urged him not to rule out looking at some of the other opportunities and mechanisms for dealing with the exit from the backstop. We agreed, at his request, to keep that meeting confidential. Check with the media. I



did not comment on it. It was only commented on not by Simon Coveney but by the Taoiseach.

If you want to ask the question, ask whether we agreed to keep that meeting confidential. Secondly, the question is whether the account of what I was proposing is what the Taoiseach leaked to the media or presented to the media. I do not know quite what conversation Simon Coveney had with the Taoiseach and I do not understand what the motivation may or may not have been. All I am telling you is that that was simply not what we discussed or what I proposed. I kept it confidential to protect the integrity of the negotiations.

Maria Caulfield: I wanted to clarify something Conor said about people in some communities in Northern Ireland not being represented. They do have elected representatives; they choose not to come here to represent those views. It is not quite true to say their voices are not here. There are reasons—

Conor McGinn: My point was that Dominic did not meet them when he went there.

Maria Caulfield: No, but there are elected representatives and they choose not to come.

Dominic Raab: In fairness, I met with Sinn Féin.

Q156 **Maria Caulfield:** To move the conversation on in terms of what is likely to happen next, given your experience in terms of being part of the negotiations, there seems to me to be three options to get around the backstop: either a unilateral exit is inserted into the withdrawal agreement, a time limit is put in so we can get out after a certain period of time or there is no agreement at all and the withdrawal agreement falls. Given your experience of the negotiations with all the countries involved, what is the most likely outcome going to be?

Dominic Raab: That is difficult to judge, because it depends on political appetite. There is one option that lies between your spectrum, which I was interested in, which touches on what Conor mentioned earlier and which is worth bearing in mind. This is the idea of a review mechanism that could come into play to begin after three, four or six months. After a period of weeks, months or whatever it may be, it would then only continue with mutual agreement. Effectively, that would allow us to unilaterally exit. You could condition the exercise of that unilateral mechanism with assurances and conditions that would be around the technological reassurances that there would be no extra infrastructure at the border but the checks would be done.

I thought that was quite a practical, pragmatic approach to avoid what was very clearly ruled out in Dublin and the EU, which was a direct time limit, but to give assurances that somewhere between an EU veto over us exiting the backstop and them saying, "You cannot just unilaterally pull the plug on it", we could navigate this.



HOUSE OF COMMONS

The final point I would make is that here is no democratic country in history that has ever signed up to something that resembles the backstop without some form of exit mechanism, because of the lack of democratic control we would have over a vast swathe of rules that would be applied to us. But I thought the model I have just described to you was a way that would be win-win. It would avoid the red lines that have been set variously across the negotiating table and would be a pragmatic way to build up trust. You would have the review mechanism and, from the outset, you would be trying to work out what the operational technological solution would be, because you would know that at some point it would be politically impossible for the UK to stay locked in. You would in effect create a dynamic where both sides would work together.

The problem with this relationship we have with the EU is it is not just a transaction; we are trying to build a future relationship. Therefore, you have to have mechanisms for maintaining, sustaining and feeding goodwill. I felt that was an opportunity to do that.

Q157 Maria Caulfield: From my experience of being frequently in both the Republic of Ireland and Northern Ireland, the first question people ask me about Brexit is—this has been right up until the last few weeks—whether it is going to happen. Is a big part of this problem the fact that the EU and the Republic of Ireland have not really believed that Brexit is going to happen? Is that why they have been less willing to negotiate or be flexible in their negotiations?

Dominic Raab: Possibly, yes. That is why yesterday was quite important. There is now a clear track to a negotiated solution and a clear choice if that does not happen, which is that we will leave on 29 March. Maybe some of that is as a result of the politics here, because I am sure that in the EU, Dublin and Belfast a lot of close attention is paid to that.

It is difficult to sense what the appetite is, because there has been so much uncertainty in our politics here. Hopefully, one of the things we have got is much greater clarity about the path to Brexit: it will happen, and it will either happen with a deal, which would be my preference, or on WTO terms. For all the immediate reaction we had from political figures, from frankly the usual suspects, that will be focusing minds. Of course, the pragmatists and the moderates are not the ones who are first out on the media airwaves.

Q158 Maria Caulfield: I know you said you do not want to touch on Irish domestic politics. Leo Varadkar was the Taoiseach when you were Secretary of State, but your predecessor dealt with Enda Kenny. Did your Department get a sense that the direction of travel or the resistance to some discussions changed dramatically when there was a change of Taoiseach?

Dominic Raab: I do not know because I was not there to do the before and after, but personalities do matter. Equally, we always take the view that the Irish Taoiseach is a friend of the United Kingdom of Great Britain



HOUSE OF COMMONS

and Northern Ireland and we always want to make this work. But it does matter. This is a moment for leadership. Parliament has stepped up to the plate and given the Prime Minister the mandate, and she is showing leadership in going back to Brussels. Across the EU, on all sides, we need to see that reciprocated.

Q159 **Maria Caulfield:** The final question is that you said we need to offer Ireland a ladder for them to climb up, to get themselves out of the political—

Dominic Raab: To climb down.

Maria Caulfield: Yes, to climb down from the political hole they have got themselves into. What would that look like? What would physically work?

Dominic Raab: I would suggest the exit mechanism that I have described, with effectively the ultimate ability, after a certain period of time, for the UK to control our exit, but with a string of assurances that we will be providing at the operational level to give them the practical assurance and guarantees, even, that the things they are concerned about would not happen. There are plenty of other people who can come up with whizzier ideas, but it seemed to me that that still remains the best pragmatic way to deal with the problem but also to address the understandable political concerns in Dublin.

Chair: Mr Raab, thank you so much for being with us today. You have really given us a fascinating insight as somebody who has really been in the thick of it and continues to be heavily engaged in this material. We are very grateful for your time today.

Dominic Raab: Thank you, Chair.