

Northern Ireland Affairs Committee

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

Wednesday 20 March 2019

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Members present: Dr Andrew Murrison (Chair); Mr Gregory Campbell; Maria Caulfield; John Grogan; Lady Hermon; Kate Hoey; Nigel Mills; Ian Paisley; Jim Shannon; Bob Stewart.

Questions 467 - 608

Witnesses

[I](#): Stephen Farry MLA, Alliance Party of Northern Ireland.

[II](#): Dr Steve Aiken MLA, Ulster Unionist Party.

[III](#): Claire Sugden MLA.



Examination of witness

Witness: Stephen Farry.

Q467 **Chair:** Welcome, one and all, and particularly Stephen. Before we commence our proceedings, in the light of the tragic events in Cookstown, I would be very grateful if you could rise and observe a minute's silence.

A one-minute silence was observed.

Thank you. Welcome once again. It is a great pleasure to see you here. Thank you for coming to inform our deliberations on this most vexed issue of the day, in which Northern Ireland is clearly front and centre. Before I get on to questions, perhaps I can give you the opportunity, in a very few minutes, to set out your position on Brexit and the border.

Stephen Farry: Thank you very much, Chair. Thank you to the Committee for the invitation this morning. I probably just have three broad points to make by way of introduction. First of all, we come as a remainder party; we are unapologetic in that regard. We do not believe that there is any such thing as a good or sensible Brexit. If or when, depending on your current analysis of the situation, the UK leaves the European Union, we will be campaigning to rejoin at the earliest opportunity.

For us, we see Brexit as posing a huge threat to the political cohesion and economic future of Northern Ireland. It is important to acknowledge that Northern Ireland is a divided society and there are people with different constitutional aspirations and different identities. The only way Northern Ireland works is through sharing and interdependence, including power-sharing in terms of devolution. The difficulty with Brexit is that Brexit entails new divisions, new barriers and new friction of some sort in some location. That poses huge difficulties to the very nature of Northern Ireland that we know. It is a political, economic and security problem, plus being a massive emotional and psychological issue for a lot of people.

From our perspective, there are probably three approaches we take to addressing Brexit. We do not see these as mutually exclusive. It is probably worth noting that in Northern Ireland, within those people who do look towards remain, there is a certain pragmatism around these different issues or ways forward, whereas in London, they seem to be seen as mutually exclusive. For us, our first choice, our priority, would be a people's vote to reconsider Brexit; our second preference is a soft Brexit, UK-wide, including continued membership of the customs union and the single market; and then thirdly, in descending order, a special set of arrangements for Northern Ireland. In that context, we would regard the backstop as being the bare minimum that we need to protect the very nature of our society, including the Good Friday agreement. For us, the backstop in some ways does not go far enough, because it does not include the free movement of people and services, but we do see it as



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potentially pointing to a future relationship, and we appreciate that people have different views on that way forward.

For us, the only way you can avoid a new border on the island of Ireland, looking to the future, is through having sufficient customs and regulatory alignment. You can do that either on a Northern Ireland-only basis or a UK-wide basis.

Q468 Chair: Thank you. That was very concise. That was commendable. Can I remind you of the joint report of 8 December 2017 and, in particular, paragraph 50, which stated, “In the absence of agreed solutions, as set out in the previous paragraph”—that is paragraph 49—“the United Kingdom will ensure that no new regulatory barriers develop between Northern Ireland and the rest of the United Kingdom”. I assume you will be very keen that there should indeed be no regulatory barriers between Northern Ireland and the rest of the UK.

Stephen Farry: Certainly, our preference is that that is the situation. It is in everyone’s interest that we see no barriers, but we feel that the only safe ways to ensure that are either through the UK remaining or going for a soft Brexit UK-wide in relation to the customs union and single market. That said, we do not view the backstop as being an economic problem or a political problem. It has been dressed up falsely as being a constitutional crisis. If anything, it stabilises Northern Ireland and provides a degree of insurance. We do not see the backstop as creating economic barriers between Northern Ireland and Great Britain. If anything, the backstop could in theory give Northern Ireland some competitive advantage in terms of having the best of both worlds, looking to both the wider UK market and the EU market.

I appreciate that there is a certain interpretation of paragraph 50 of that joint report. That is ultimately an issue for the UK to resolve, in terms of my understanding of the European Union’s position. As you know, the Prime Minister has signed up to the withdrawal agreement and the backstop, as it currently stands.

Q469 Chair: It is her withdrawal agreement, backstop and political declaration. Whether it has been signed is another matter, but we will no doubt come back to that in the days ahead. I suppose my point is whether you think the current arrangements are sufficient to discharge the obligations placed upon the parties by the joint report and, in particular, paragraph 50.

Stephen Farry: We are comfortable. First of all, we believe that what is put forward is consistent with devolution. It respects that Northern Ireland is different and does things differently in a whole range of areas, including a number of economic areas. Northern Ireland acting and doing things differently is not something that frightens us. If anything, we can build on that. Of course, there are already checks down the Irish sea as things currently stand, so we do not see this as being a dramatic departure from the type of situation we are currently used to.



Q470 **Chair:** That seems to be really very different from the position taken by a significant number of political players in Northern Ireland. What you are suggesting is that your party would be very happy with differences in relation to Northern Ireland and, indeed, those differences becoming more obvious when the United Kingdom leaves the European Union. Would that be the case?

Stephen Farry: If that is necessary to protect the nature of our economy and to protect the nature of our society, particularly in the light of what I said in my introductory remarks about Northern Ireland being a divided society needing some very particular arrangements and that clash of identities and constitutional inspirations. In that sense, the backstop is very much consistent with that general approach.

It is fair to say that there are a number of political parties that are opposed to the backstop, but, equally, there are a number of political parties in Northern Ireland that very much welcome the backstop and see it as the bare minimum. For us, it is with a heavy heart that we are leaving the European Union, if indeed that does come to pass. In that event, however, it is for us the bare minimum that is required. It is supported by at least four political parties in Northern Ireland. Those four parties would have a majority of the seats in the Northern Ireland Assembly. Across the business community, there is an acceptance of the backstop. Within the Ulster Farmers' Union there is an acceptance of the backstop, as there is in trade unions, civic society and universities.

There is a very strong consensus at a civic society level. We have seen a number of different opinion polls that have shown a range of preferences, including a second referendum, in Northern Ireland, looking to a soft Brexit and indeed for special arrangements. All of those would seem to have majority support.

Q471 **Chair:** You are perfectly comfortable that is compatible with the Good Friday agreement. If there is greater difference between Northern Ireland and the rest of the United Kingdom, you would be comfortable with that.

Stephen Farry: First of all, the UK is not a unitary state. We have three regions that have devolution. This is not simply a case where Northern Ireland is the only place that is different from the rest of the UK. Both Scotland and Wales have their own degree of differences. Northern Ireland has probably had a deeper sense of difference.

Q472 **Chair:** None of those have anything that is remotely like the Good Friday agreement.

Stephen Farry: That is the point I will come to, Chair. Northern Ireland is on a different level from both Scotland and Wales because we have the Good Friday agreement, which is a political settlement that reflects the diversity and the very particular challenges that exist in Northern Ireland. It also reflects the contradictions and ambiguities that exist within our society. We have a very unstable situation. One would have hoped that the last 20 years would have stabilised things, but the recent political



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controversies in Northern Ireland have exposed the fact that we have essentially had a sticking plaster over our wounds and those wounds are still there. We are in a very uncertain future. Certainly, a hard Brexit poses huge dangers in terms of toppling that over.

Q473 Jim Shannon: Stephen, it is always nice to see you. We served together in the Assembly over a certain period of time, so it is nice to have you here. You have very clearly outlined your position. Your position in relation to the backstop is very different from the position we have. Do you recognise that the referendum result to leave has to be delivered and that cannot be ignored? That is the first question.

Stephen Farry: There are grounds for having a second referendum or what has now become known as a people's vote. The people of the UK as a whole did vote in a certain way in June 2016. The context today in 2019 is very different from that. We now know a lot more; events have conspired in certain ways and perhaps forced a different range of choices on the country as a whole. We have a situation where some people have changed their minds, and it would be a tragedy if the UK was to be dragged out of the European Union, particularly if there is any chance that there is now a majority opinion across the UK as a whole to remain.

I would also stress that you have a lot of young people who have joined the electoral register over the past three years, about 1.5 million, give or take 100,000 either way. Their views are very important to take into account as well. We are in a changed context. If the opportunity arises for a people's vote, I certainly think it should be taken. I accept that the window for that may have closed, subject to how things develop over the next day or two or week or so. If we are in a situation where we are leaving, I would again stress that the backstop would be our bottom line. I appreciate, Jim, that we come from different perspectives on that.

Q474 Jim Shannon: I understand we have different opinions, but that does not mean we cannot be friends. That is the important thing. Stephen, you made very clear your suggestion about the views of young people—those who have registered for the first time on the electoral register—if there was another people's vote, as you referred to it, or a referendum. Have you done any polls or questionnaires among the general public? I do not necessarily mean those who have just joined the electoral register.

The reason I ask the question, Stephen, is that I have done some questionnaires among my people in my constituency, and I do not see a wavering from the referendum decision of 2016. Indeed, if anything, I have to say I see it hardening. Some people who voted to remain are now clearly saying they want to leave. When it comes to getting the balance that you referred to, I am wondering whether you have done anything along those lines.

Stephen Farry: I have not personally conducted an opinion poll, but I have looked at various opinion polls that have been conducted across the UK by a range of different organisations. In particular, they do show that



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among young people there is a very strong desire to remain within the European Union. I suppose all of us have our own settings. Those we speak to will have anecdotal evidence that suggests people changing in different ways.

What I would stress is that we have a referendum result that was a 52:48 result UK-wide. Obviously, in Northern Ireland it was 56:44. All it takes is a very small shift in opinion for that majority to go a different way, and all I am saying is that it would be, from my perspective, a complete tragedy if the UK was to leave in a situation where Parliament was not entirely certain that the people of the UK have not changed their mind and do not want to do something different, particularly in light of the choices that are now in front of them.

Q475 **Jim Shannon:** In my constituency, we were 56:44 to leave, as you know.

Stephen Farry: Yes. And mine, and perhaps Lady Sylvia's as well, were 52:48 the other way.

Q476 **Jim Shannon:** You also mentioned discussions with business and prominent businesspeople, and the Ulster Farmers' Union. Again, I just want to get your view. Has your party spoken to the farming representatives? I am always very intrigued by the Ulster Farmers' Union, which I am a member of, by the way. They never ask me for my opinion, Stephen. What is more, they never ask for any of my neighbours' opinions, who are also members of the Ulster Farmers' Union. I really wonder sometimes who they represent. I am curious to know whether you have taken the time to speak to any representatives from the farming community to ascertain their opinion.

Stephen Farry: What I would say, Jim, is that certainly over the past two years, as Brexit spokesperson for the party, I have been engaging with a whole range of stakeholders on different topics, including the backstop. I have engaged with virtually all of the business organisations and the Ulster Farmers' Union. I believe them to be representative organisations. We can all point to individual businesses and individual farmers who maybe take a different perspective, but they are representative bodies. If people are not happy with the stances that their representative bodies are taking, they can seek to leave, join something else or form a different organisation. We take what they say at face value.

The Ulster Farmers' Union is articulating what are very genuine concerns within the agricultural sector. The agri-food sector is perhaps uniquely in jeopardy in the context of a no-deal outcome, where they would be potentially facing a huge range of barriers to the wider European market, which they depend upon very heavily. There is also the danger that our own domestic market gets flooded by foodstuffs coming in from other parts of the world that are produced in a different way. As you well know, Jim, our agri-food sector is perhaps one of the finest in the world in terms



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of the quality at its very heart. That is not the case, sadly, in many other parts of the world. If things are coming in at lower cost, again, it will undermine that sector. Particularly for agri-food, this is potentially a double-whammy.

Q477 Jim Shannon: In relation to fisheries, Stephen, you have told us who you have contacted. I will tell you this: if you speak to anybody involved in the fishing sector in Portavogie, for instance, in the middle of my constituency or, indeed, Kilkeel or Ardglass, you will get a very different opinion. I have said it before. I say it facetiously, but I do say this: every man, woman and unborn child in Portavogie voted to leave. There is absolutely no doubt about that. Have you had any chance to talk to the fishing organisations? They will tell you a very clear opinion on what they want.

Stephen Farry: I appreciate, Jim, that you will be very familiar with Portavogie, but I have spoken to a number of people who work in the fishing sector, and I would balance what you say with two comments. The first one is that the fishing industry also depends upon the European market. As you well know, a lot of the catch that is taken goes to places like Spain and it is not consumed within our own domestic market. The fishermen also depend a lot on the free movement of labour, and there are some very particular concerns around the end of free movement or changes in immigration, in terms of the viability for them to have the staff to man their boats.

Chair: I do not need to appeal to Stephen for brevity, because he has displayed that quality amply today, but I would appeal to colleagues for brevity in the questions they put.

Q478 Lady Hermon: Thank you very much indeed, Chair. I do not know why you came to me first for brevity, but I do not feel any pressure at all. Stephen, it is very good to have you here this morning. In your introduction, you made three broad points. I am going to summarise your three broad points. The Alliance Party is going to campaign to rejoin the EU if Brexit goes ahead; the Alliance Party wants a people's vote; and that—I am quoting directly from what you said—the backstop does not go far enough, according to the Alliance Party.

The Alliance Party had a recent conference. Was it extremely well attended? Was there a resurgence in support for the Alliance Party, bearing in mind your key policy aims to rejoin the EU, a people's vote and the backstop not going far enough? Did you have an increased attendance?

Stephen Farry: We had a great conference. We had the Taoiseach as the guest speaker at our conference dinner, and we had a packed hall for the speeches by myself and Naomi Long as leader, so it was a good conference, Sylvia.

Q479 Lady Hermon: It was a good conference. Give us an idea of the size, since we did not attend. I am sure I really missed something.



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Stephen Farry: You are very welcome to come next year. We will certainly extend you an invitation.

Q480 **Lady Hermon:** Thank you, but was it well attended?

Stephen Farry: It was well attended.

Lady Hermon: By hundreds of people.

Stephen Farry: There were hundreds of people.

Q481 **Lady Hermon:** So you think the Alliance Party's campaign has huge support.

Stephen Farry: We will see where we go in terms of future elections, but we are hopeful that we are certainly going to increase. Obviously, Northern Ireland is a difficult electoral place at present. We are looking at a very polarised situation, and no doubt Brexit has contributed very heavily to that. There is, nonetheless, a strong middle ground in Northern Ireland that is looking for a sensible and pragmatic way forward. There is certainly a very strong strand of opinion that recognises that Northern Ireland only works when people come together to make it work. If people go off on different tangents with mutually exclusive objectives, that does not serve the future of Northern Ireland well. The logic of our position is strong and inarguable.

Q482 **Lady Hermon:** Let us take the first point, then, about rejoining the EU. Do you really believe that after all the friction, argument, bitterness and division caused since the EU referendum of 2016, the EU would be champing at the bit to have the UK rejoin the European Union?

Stephen Farry: I certainly would concur with you that perhaps one of the major problems is whether they will want us back, if we leave.

Q483 **Lady Hermon:** What evidence do you have for this Alliance Party policy?

Stephen Farry: The point I would stress is that from our perspective we are better off inside the European Union. We should not have had a situation where we ended up voting to leave the European Union. The referendum was fuelled by a lot of misinformation, misunderstanding and a lot of scare stories.

Q484 **Lady Hermon:** Yes, but the question is whether there is any evidence that the EU would want the UK back in a hurry?

Stephen Farry: It is probably not something on their mind at this stage, but I am looking to the future. In the event we leave, as a party with our own policies, our position would be that we want to rejoin. We believe that the UK as a whole should be part of the European Union. Economically, politically, from a security point of view and environmentally, we are far better off on the continent of Europe fully co-operating as far as we can.



Any situation in which the UK or Northern Ireland only is outside the European Union is going to be a suboptimal situation, because, for better or worse, we will end up following the guide of the European Union because they are far bigger than the UK. The UK is a big country, but the European Union is bigger. They will set the agenda and tone of what happens, particularly at the economic level, on the continent. By one means or another, we will end up accepting, either implicitly or explicitly, European rules and from outside we will not have a say over those. Rather than leaving but de facto being tied to European rules—I suspect that is far better than going free—we should have the political input.

- Q485 **Lady Hermon:** You have managed to explain in considerable detail why you believe the UK should be a member of the European Union. Coming to your second point, which is about a people's vote or a second referendum, what guarantee is there that the leave vote will not go up instead of down? You seem to be confident in a people's vote because, as you indicated, of all of the young people who have come on to the electoral register. What guarantee is there that remain would win the second time around?

Stephen Farry: There is no guarantee. Like in any election or any referendum, there is no guarantee. At this stage, opinion polls have consistently shown over a long period of time that there is a majority for remain. It is perhaps a narrow majority. That could of course change in the context of a campaign.

- Q486 **Lady Hermon:** Yes, if we remember the last time, remain were confident they were going to win the referendum in 2016. There is no guarantee.

Stephen Farry: Things change, yes, absolutely. In terms of the context for a referendum, our preferred way forward—I appreciate that others who are campaigning for a people's vote maybe have a different view on this—is that we think there should be three choices on the ballot paper: one would be remain; the second would be the approval of the Prime Minister's deal; and the third would be the default of no deal.

- Q487 **Lady Hermon:** Can I just interrupt you, Stephen? I know you are in fact an avid viewer of the parliamentary channel and follow our debates. Do you really believe, in the present context, with the present composition of the House of Commons, that you will have enough MPs to back those three questions, if they ever agreed to a second referendum?

Stephen Farry: At this stage, I certainly grant you that it does look difficult. All I would say is that the Committee has asked my view on the way forward. I am saying that a people's vote is the way forward. There should be three options on the ballot paper. That is my position. It is for others to comment on that position and to be convinced at this stage. I appreciate we are not there yet.

- Q488 **Lady Hermon:** Thank you for accepting that we are not there yet. Could I just remind you of the warning that was given by the Prime Minister in January of this year about a second referendum? She said it would risk



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the social cohesion of the country. In fact, I will just quote exactly what she said. She said that it “could damage social cohesion by undermining faith in our democracy”. Those are the words of the Prime Minister. Do you just ignore the Prime Minister now? Is she just talking rubbish?

Stephen Farry: I would not want to comment on that.

Q489 **Lady Hermon:** You are campaigning for a people’s vote.

Stephen Farry: I am trying to be polite and not cast too many aspersions on the Prime Minister. However, it is worth saying that we have been through many contortions in terms of her position over the past year, and there have been many red lines that have been changed, contradictions and delusions that have been entertained in terms of her position.

Lady Hermon: Yes, but just focus on the second referendum.

Stephen Farry: On those two particular points that you raise, the first point I would make is that I do not accept that it is not democratic to go back to the people. We did not ask the people to vote in 2016 and say, “Thank you for your views. Now go away. We do not want to hear from you on this subject ever again”. It is entirely consistent to go back to the people whenever the situation changes. That is actually the most democratic thing to do rather than being an attack on democracy.

The second thing I would say is that the UK is a divided society today. Around the world, people are looking at us with amazement and bafflement as to how we have found ourselves in this situation. We do have to heal as a country, but the question would be whether we are better off healing in a context where we are outside the European Union, where all sorts of economic and social challenges will arise from that and where the promises of a bright future will be dashed whenever the cold reality strikes, or whether we are better healing in a situation where we actually have a stronger economic relationship with the rest of the European Union that provides us with a more solid foundation on which to recover.

Q490 **Lady Hermon:** Finally, we understand that the Prime Minister is writing, will be writing or a letter will be going—cameras will not be there when it is delivered this time, presumably—from the UK Government with a request for, we think, a short extension. What would you recommend that the Government do or the Prime Minister does during that short extension, if the EU grants the short extension?

Stephen Farry: I would agree that we certainly should not take that for granted.

Lady Hermon: No, we should not take it for granted.

Stephen Farry: I have mentioned—and we have discussed at some length—the issue of a people’s vote. That is our first preference.



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Q491 **Lady Hermon:** You think the Government should have a second referendum.

Stephen Farry: That is my preferred way forward.

Q492 **Lady Hermon:** You do know that in fact it will be impossible to get the legislation through the House of Commons, the House of Lords and the Electoral Commission.

Stephen Farry: That is the second point I am going to come to, Sylvia. I am conscious that it has to get through Parliament. While the people may want it, Parliament is not there at this stage. You are correct that for a second referendum there would need to be a longer extension of Article 50.

Q493 **Lady Hermon:** So it is okay to take part in the European parliamentary elections in a longer extension. The Alliance Party is going to be happy to go around knocking on doors in Northern Ireland to campaign for European parliamentary elections, knowing that the people have voted for Brexit. Are you confident about doing that?

Stephen Farry: I am comfortable doing that, certainly in the context of Northern Ireland. What I would say is that it might not be possible to get a people's vote through Parliament, but it is important that those amendments are tested. I was pleased that the Sarah Wollaston amendment was tested last week even though it was not successful.

Lady Hermon: Actually, it was heavily defeated.

Stephen Farry: Absolutely, yes, and we may see Kyle-Wilson tested in the coming days. What I would say, however, is that in the context where you are faced with a binary choice between the withdrawal agreement and no deal, with a heavy heart I would say that the withdrawal agreement is the better way forward, including the backstop as currently drafted.

Q494 **Lady Hermon:** So the Alliance Party supports the Prime Minister's Brexit deal.

Stephen Farry: With a heavy heart—

Q495 **Lady Hermon:** With a heavy heart, you support the deal.

Stephen Farry: Yes. If you recall, at the start I said we had three choices. The first one was a people's vote; the second was a soft Brexit UK-wide; the third is a special deal for Northern Ireland; and we see the backstop as being the bare minimum. That is the floor.

Q496 **Lady Hermon:** Just to make sure we are not building up false hopes, could you just accept that it would be impossible to organise a people's vote, a second referendum, within a short period of extension, if the EU grant it?



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Stephen Farry: It would be impossible in that window. The only circumstance in which a people's vote could then take place is if the Prime Minister went back and asked for a longer extension.

Q497 **Lady Hermon:** You want a longer extension. Is that the policy of the Alliance Party? You want a longer extension, and that would include fighting in the European parliamentary elections.

Stephen Farry: We do not want a longer extension just for the sake of having an extension. It has to have a purpose to it. The longer extension is a function of a different approach. If Parliament chose to have a people's vote, that naturally leads to a longer extension to facilitate that. Simply having a longer extension just for the sake of it does not fill us with any enthusiasm.

Q498 **Lady Hermon:** The Alliance Party's policy is a longer extension for the purpose of a second referendum, and that would include the fact that the Alliance Party would be happy to fight the European parliamentary elections.

Stephen Farry: If a people's vote in principle were secured, you then ask for a longer extension. It would be the other way around. In that context, we would have to fight a European election. We accept that and we have no difficulty doing so.

Q499 **Lady Hermon:** You would be comfortable doing that.

Stephen Farry: We would be comfortable doing that.

Q500 **Ian Paisley:** Stephen, you are very welcome. It is good to see you here. Given the last exchange, Stephen, do you feel that you could be portrayed as a bit of a bad loser?

Stephen Farry: No. What I would portray myself as doing is standing up for Northern Ireland. As you appreciate, we can draw this distinction. The UK voted one particular way; Northern Ireland voted 56:44 to—

Q501 **Ian Paisley:** Is Northern Ireland not part of the UK? It is under the terms of the Belfast agreement.

Stephen Farry: Northern Ireland is most certainly part of the UK, but it is a different place. I do not believe the backstop as such is a threat to the constitutional position. It is entirely consistent with devolution, and not just devolution since 1998 but devolution since 1921. Things have been done differently in Northern Ireland.

Q502 **Ian Paisley:** Northern Ireland is a part of the United Kingdom. Under the terms of the Belfast agreement, we can only leave the United Kingdom by consent, so we are a fully integrated part of the United Kingdom. In 2016, the United Kingdom voted to leave the EU. You do not like that result; you wish to overturn it. That is a perfectly acceptable position to have, but nonetheless you lost that vote and you wish to overturn it. Last week, Parliament voted overwhelmingly against a second referendum, and you want to overturn that. Do you not think that there is a bit of



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consistency here in your bad losing?

Stephen Farry: First of all, I do not accept the point about bad losing. What I am saying is that, first of all, we have a responsibility to stand up for the interests of Northern Ireland. This is not a situation of overturning the result from 2016. This is a question of having a referendum in 2019 in the light of the currently prevailing circumstances we see today and letting the people have their view on the way forward, particularly in the light of the situation—

Q503 **Ian Paisley:** Would you go for best of three?

Stephen Farry: It is not a question of best of three. The question has changed in the course of three years, given what we now know. It is not a question of running the 2016 vote on a best of three. We are talking about having a referendum based upon the 2019 circumstances.

Q504 **Ian Paisley:** You mentioned, again to Lady Hermon, your party conference. Your leader appears to have fallen out with the Secretary of State. I think that would be a fair enough thing to say. Indeed, there have been lots of pejorative comments from your leader about the Secretary of State. What has happened there?

Stephen Farry: First of all, I am pleased there has been so much interest in the Alliance Party's party conference.

Lady Hermon: We all have to be invited.

Stephen Farry: Ian, again, you are very welcome to come.

Ian Paisley: That would be fun.

Stephen Farry: There are a number of issues in terms of the Secretary of State. The first one is that she has not been as proactive around the restoration of devolution as she could have been. She has claimed to have a laser-like focus on devolution, but it has been anything but that. There has been very little contact between the parties over the past year in particular, so there are certainly frustrations around that. Even since the conference there has been growing unease with the Secretary of State in light of some of the comments she made in relation to the legacy of the past. She has caused extreme hurt within a large section of the community.

Q505 **Ian Paisley:** You accept her apology, though, do you not, about that?

Stephen Farry: At this stage, it is a work in progress. She needs to demonstrate, over the coming weeks, strong leadership on legacy, including advancing the Stormont House structures. While I appreciate that there may be people here who take a different view on this, I think it is important that she stands up for the rule of law in Northern Ireland and the integrity of the Public Prosecution Service and that we have an approach to the past that is consistent with the rule of law.

Q506 **Ian Paisley:** Do you feel your party is being ignored?



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Stephen Farry: No. After this exchange, I am heading over to see the Secretary of State, ironically enough, to talk about current developments and the way forward.

Q507 **Ian Paisley:** Do you think you will have a positive engagement or will that be pejorative as well?

Stephen Farry: It will probably be an exchange of views, and we will see where things are.

Q508 **Ian Paisley:** Is there something personal in the chemistry between your leader and the Secretary of State that is just not working?

Stephen Farry: On a personal level there are no individual difficulties. It is simply a frustration at a policy level that things have not been advanced.

Q509 **Ian Paisley:** Have there been too many scare tactics about Brexit and the impact that Brexit will have on Northern Ireland?

Stephen Farry: No, people are being realistic in this regard.

Q510 **Ian Paisley:** You do not think there have been any scare stories.

Stephen Farry: No, people have spoken in terms of their view on the way forward. You have had what are very realistic assessments from a whole range of people in terms of the business community, the Ulster Farmers' Union, the Chief Constable and other political parties, as far as David Sterling, the head of the Northern Ireland Civil Service, giving out his assessment. There are massive difficulties, particularly in a no-deal context.

Q511 **Ian Paisley:** Was Leo Varadkar right in what he said about the army coming up to the border?

Stephen Farry: I do not think that is going to happen.

Q512 **Ian Paisley:** Was that a scare story? Was that just a silly thing to say?

Stephen Farry: I am not going to engage in that type of comment, but a lot of things have been said and sometimes perhaps people have misspoken. I do not think that is a likely scenario or the position of the Irish Government.

Q513 **Ian Paisley:** He was wrong. He was wrong to say that.

Stephen Farry: I do not particularly recall the context in which it was said, so I am not in a position to comment either way on that.

Q514 **Ian Paisley:** That is convenient. Lord Trimble and Lord Bew, who could not at any time be described as bit players in the Belfast agreement or the Good Friday agreement, have indicated that the withdrawal agreement and the backstop in particular breach the principle of consent. That is their opinion on that. How can you support wholeheartedly the Belfast agreement or the Good Friday agreement and at the same time



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wholeheartedly support something that some of the key authors of the Belfast agreement say breaches the fundamental principle of the Belfast agreement?

Stephen Farry: First of all, that is their view. It is a minority view. We are conscious that Lord Trimble has talked about a legal case, which has not gone particularly far at this stage. I would say two things in terms of the substance. First of all, the principle of consent applies solely in the context of a change of Northern Ireland's constitutional status, so it is simply a binary choice between Northern Ireland being part of the UK or joining a united Ireland. There are only two different options in that regard.

Q515 **Ian Paisley:** The principle of consent is that the people of Northern Ireland have to consent to a change in how they are governed. Under the backstop, there would be a change in how laws are made for Northern Ireland compared with how they are currently made. That would not happen by consent; that would happen through what happens in a treaty here.

Stephen Farry: Let me make two particular points in that regard. The first one is that whenever you talk about the Good Friday agreement, it is important to remember that it is broader than simply the principle of consent, which I fully subscribe to. It is the fundamental starting point. The Good Friday agreement is also about the three strands of relationships—the internal governance, the east-west and the north-west—all of which were in harmony until Brexit came along, and that has been destabilised. Brexit itself is a threat to the Good Friday agreement. The backstop is a response and—

Q516 **Ian Paisley:** You know that the Supreme Court disagreed with the view that Brexit challenged the Belfast agreement in any way.

Stephen Farry: It is important to draw a distinction here. You can take what would be a very legalistic approach in terms of how the structures in theory can continue outside of the European Union, but the difficulty is that once you drill beneath the surface, the Good Friday agreement works on the basis of that north-south and east-west interchange and people having the ability to lead their lives freely without hindrance in those regards. The problem with Brexit is that Brexit comes along and breaks that link.

I appreciate that there are no nationalist reps coming today to give their views to the Committee, but it is important to stress that, from their perspective, the Good Friday agreement was in effect a compromise where they, in a sense, were recognising that their constitutional aspiration was not going to be realised for the foreseeable future, but in turn their identity and their ability to operate on a north-south basis was going to be protected. That has been placed in jeopardy by Brexit.

Q517 **Ian Paisley:** I do not want to get into the issues of the Belfast agreement, but you accept that a compromise goes both ways.



Stephen Farry: Yes, and I want to come on, then, to the point you raised about the governance and the right of people to have a say in terms of the governance. The first thing I would say is that under the backstop Northern Ireland remains part of the UK. It is the UK that will be making and passing the laws in that particular regard. The arrangements around the backstop will be approved by the UK Parliament, so in that sense it is a decision taken by the UK as a whole, including representatives of Northern Ireland. Their views may be in the minority in terms of the final decision, but that is nonetheless a decision of the UK Parliament.

Q518 **Ian Paisley:** Maybe you have missed the point of the Lord Bew argument.

Stephen Farry: No, I am coming to it.

Q519 **Ian Paisley:** The Lord Bew argument is that decisions would be made outside of the entirety of the UK and given to Northern Ireland without any consent on those, and that is what breaches the compromise that you spoke about powers coming bottom-up from the Assembly.

Stephen Farry: This is the case at present. This is why it is important that we do not see this as being a radical change. At present, EU regulations automatically apply to the UK, including Northern Ireland. We are not changing radically differently in that respect. When we come to the issue of directives, which need to be transposed into domestic law, those are done at the discretion of the national Parliaments or, in some cases, the Northern Ireland Assembly. Again, that is the case. Under the withdrawal agreement, it does fall to the domestic authorities to make those changes. If they do not, they might well be in breach of their treaty obligations.

Q520 **Ian Paisley:** Under the backstop, there would be no consultation at all. Under the backstop, there would not be consultation or a say or any opportunity by the Assembly to change any of those things.

Stephen Farry: In the document of 9 January, the UK did talk about giving a consultative role to the Northern Ireland Assembly.

Q521 **Ian Paisley:** It was not consultative; it was an overview.

Stephen Farry: Whether it is consultative or an overview—

Ian Paisley: No, consultative is very different. Consultative means you are heard and there is a discussion; overview means that you watch. It is very different.

Stephen Farry: We need a Northern Ireland Assembly in place in the first instance. I would qualify what I was saying in some sense. If we go to the extreme, that the Northern Ireland Assembly would have a veto over that, then we would end up in a situation where the UK as a whole could be in breach of its treaty obligations. Ultimately, it is for the UK Government as a whole to ensure they abide by the terms of any



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withdrawal agreement. This is not anything radically different from the UK as it currently is part of the European Union, where there is an obligation to ensure that we are in line with both regulations and directives. That is the current status quo. That was not found in breach of the Belfast agreement.

Q522 **Ian Paisley:** I do not want to go back to the issue of being a bad loser, but you do accept that the Supreme Court made clear that Brexit did not impact on, affect or disregard the Belfast agreement.

Stephen Farry: I have made it very clear that I draw a distinction between the legal context of the operation of the institutions versus what is the spirit and understanding of the agreement, in which basically people were making a compromise that respected the whole range of identities on the island.

Q523 **Ian Paisley:** You also accept that there is nothing in the Belfast agreement that mentions the European Union or Northern Ireland's relationship with it.

Stephen Farry: There are a number of passing references to the European Union in the—

Q524 **Ian Paisley:** Are there really? There is one reference to d'Hondt; there are several references—I think 12—to the ECHR, which is not the European Union. There is no reference to the European Union.

Stephen Farry: North-south co-operation around PEACE money would be an area where there would be a reference to the European Union.

Ian Paisley: That is British money and how it is spent.

Stephen Farry: I was around at the time of the Good Friday agreement being made; I appreciate you were as well, Ian, in a different context. At that time, it was assumed that the UK and Ireland were going to continue to be members of the EU. It was unthinkable that either would seek to change its position. It was a single market and customs union; we were taking down barriers within the island and creating the context in which the Good Friday agreement could be made.

While you are correct in the very strict legal approach, in the wider political context the European Union was entirely intrinsic to the agreement being made and for that agreement surviving. What I would stress in that, in the context of some degree of a border returning on the island, particularly in the context of no deal, we are in incredibly difficult territory in terms of the future operation of that agreement.

Q525 **Ian Paisley:** You do appreciate that the European Union played no part in the negotiations for the Belfast agreement.

Stephen Farry: The European Union was not there at the table as a negotiator.

Q526 **Ian Paisley:** Yes, it played no part.



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Stephen Farry: They were part of it in terms of setting the context for that progress, particularly through the PEACE money. Your father, among others, was part of those efforts to secure that investment coming in to Northern Ireland.

Ian Paisley: The Delors package came well before all of this.

Stephen Farry: That is the point I am making: it set the context.

Q527 **Ian Paisley:** That is why British money is spent in Northern Ireland: it goes to Europe and comes back to Northern Ireland. You do accept that it had no part in the negotiations.

Stephen Farry: The money that we get back via Europe is greater in volume than we would get through the Barnett consequential share coming straight from the Treasury, so we are a net recipient in that respect.

Q528 **Mr Campbell:** Welcome, Mr Farry, again. You mentioned earlier the concept or phrase that has been used occasionally about “the best of both worlds” for Northern Ireland. If we park for a moment our different attitudes to the backstop, do you accept that, if there was a clean break at whatever point with the EU, so the UK as a whole was outside the EU, it would be possible in that context for Northern Ireland to have the best of both worlds, in that it is the only directly accessible land border with a part of the EU, compared with the rest of the UK, but separate from the EU and separate from all the regulations that flow from it?

Stephen Farry: In terms of Northern Ireland or indeed the wider UK, if we are separate from EU regulations, there will be a land border, which will create a difficulty in the context of the island, both economically and politically. If there is significant regulatory difference, then there is a problem. That is the rationale for the backstop. The backstop was set by the European Union as, in effect, the absolute bare minimum to avoid the return of a border on the island. That was the brief that was given to Mr Barnier and that he has followed. My criticism is that it does not go far enough, particularly in terms of the free movement of people and services. It is there as the bare minimum to protect Northern Ireland.

Q529 **Mr Campbell:** You accept that we could have the best of both worlds either way.

Stephen Farry: No.

Q530 **Mr Campbell:** I do not know whether you have studiously avoided it, but you have avoided using the term that quite a few people use, “hard border”. Is that deliberate?

Stephen Farry: It is not particularly deliberate. “Hard” and “soft” are probably views. There is no accepted definition of what those would be. What I am saying is that in the context where we end up exiting, there will need to be an increased economic border between the two parts of the island, and that certainly creates problems at an economic level and



probably creates wider political, psychological, emotional and security issues as well.

Q531 Mr Campbell: We have heard all sorts of hype, media commentary and some political commentary around this hard border, which appears to some of us to be totally and utterly nonsensical, because there are 285 crossing points. There is not going to be a hard border. People are going to be able to come and go as they have done for 100 years. Do you accept that is the case, whatever the outcome of how we leave is?

Stephen Farry: I accept that it will end up being next to impossible to manage, given that volume of crossings. Let me make a number of qualifications to that. First of all, in my analysis, there is a requirement on both the European Union and the UK to manage that economic border in the context of no deal, certainly in terms of the EU in terms of the integrity of the single market and the customs union, but also the UK in terms of WTO rules. What was announced last week is at best a temporary solution pending, I suspect, some legal challenge within the WTO. If that situation was to pertain over some length, it would undermine the ability of the UK to cut its own deals, because they will be seen as breaching WTO rules at the same time as they are trying to search for new trade agreements. That would pose difficulties.

The other point I would stress is that at times we perhaps singularly focus on the issue of border infrastructure without appreciating the fact that there will be new economic barriers beyond the issue of physical checks. Particularly in a no deal, there will be problems in terms of things like the ability for services to engage on a north-south basis. There will be problems around mutual recognition of qualifications. There will be issues in terms of the legal basis for the sharing of data. When it comes to things like trade, even if the back gate is left open, virtually every business will want to ensure that it operates on a legal basis, so they will want to make sure they are complying with EU regulations; they will want to make sure they are complying and that importers are paying any tariffs that have to be paid to ensure compliance. Otherwise, those companies will themselves be in grave legal jeopardy.

This is a much wider issue than simply the issue of whether someone is on a border doing a check or not. This has much wider economic ramifications, both in terms of the movement of goods and for particular services.

Q532 Mr Campbell: I just have two final, very brief questions. You have spoken about the Alliance Party possibly going to campaign actively to rejoin the EU. Have you given any thought to what that EU might look like when you look at Alternative für Deutschland, Lega Nord and Rassemblement National, and the tens of millions of people who vote for those far right parties in the EU now?

Stephen Farry: The EU is going through huge difficulties. What I would say is that a strong progressive UK playing an active role in the European



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Union could be a force for stability. The European Union will be a lot poorer without a UK presence in those institutions. There is an overarching logic to the European Union, because there are issues that operate on a continental basis or, indeed, a global basis, on which the only way forward is through the pooling of sovereignty. Countries do not lose their identity by doing that. If anything, they are enhanced.

It is worth referencing the fact that there are countries in the European Union that are a lot newer than the UK in terms of their history. Some of them have existed for only the past 20 or 30 years and some for the past century. None of those felt in any way threatened by joining the European Union. They saw the European Union as a means of amplifying their influence on the global stage. The UK is going to find itself playing a much more diminished role on the global stage rather than an enhanced role. This Global Britain is complete and utter nonsense. It is a delusion; it is a platitude. We will see the opposite. That is certainly the reaction, to my mind, from the rest of the world to what is happening in the UK.

Chair: We have been through this quite a lot. Have you finished?

Q533 **Mr Campbell:** I have one final question, Chair. Obviously, there are millions of people in the UK who think differently. You mentioned a second vote, a people's vote. Would you apply that logic to any referendum in Northern Ireland?

Stephen Farry: The Northern Ireland situation in terms of the Good Friday agreement has been well settled. The Good Friday agreement has been implemented.

Q534 **Mr Campbell:** I do not mean about rejoining the EU. I am talking about if there was a referendum in Northern Ireland about whether we wished to remain within the UK or join the Irish Republic. Assuming that was held and won, which I believe it would be, would you then campaign for a second vote there? Is it Alliance Party policy to have second votes if you do not get the result you want?

Stephen Farry: You will appreciate that I am no advocate for a border poll. I respect people's different constitutional aspirations. That said, we are in a very fluid constitutional situation. It is becoming a very destabilised situation. For us, whatever happens, we have to make sure that in Northern Ireland the six counties on the island work together in harmony. People have to co-operate, given the divisions and different identities that we currently hold.

The text of the Good Friday agreement is clear in that regard. In the event that such a border poll was held, it would depend on your perspective in terms of won or lost. If it was a vote to stay in the UK, that would repeat every seven years. If it was a vote to join a united Ireland, subject of course to what the voters in the south of Ireland say as well, that would be the final outcome.

Q535 **Mr Campbell:** Would it be the final outcome? Would we repeat the vote there? You cannot have it both ways.



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Stephen Farry: I am simply reporting what has been set up in terms of the agreement and what its terms are. It is for others to take a view as to whether that is wise or not, but that is what the law currently states.

Q536 **Kate Hoey:** Mr Farry, we do not have a lot of time left. I thought—maybe I am wrong—that the Alliance Party was set up originally to bring people together in Northern Ireland. In your answers to Lady Hermon, you talked about divisiveness and so on in terms of the second referendum. That is what this people's vote nonsense is; it is a second referendum. Surely you must see that this is actually not going to help bring people together in any way, either in Northern Ireland or the rest of the United Kingdom.

Stephen Farry: I would probably give the same answer I gave to Lady Hermon. We have a broken Northern Ireland; we have a broken UK as things currently stand. The question is whether we are going to heal in the context where we are outside the European Union, with all of the economic and social problems that will flow from that.

Q537 **Kate Hoey:** What has changed since the vote? We have not left, so what has changed since the referendum decision?

Stephen Farry: First of all, we have seen a lot of what happened in the leave campaign being exposed, in terms of what to my mind were a lot of lies and misrepresentations.

Q538 **Kate Hoey:** So people were stupid, were they?

Stephen Farry: I am saying that the people who ran the campaign took a certain view and made promises that were utterly incapable of being fulfilled and people are now alert to that situation. We have seen analysis coming from the Government and a virtual consensus across economists that in all Brexit scenarios the UK as a whole will economically fall behind in terms of the rate of economic growth. People may wish to reflect upon that.

Q539 **Kate Hoey:** With respect, we were told by the same people that we would be in huge unemployment by now, in recession and all sorts of things even just by the actual fact of voting. I do not think we need to go into that. There is a question I really want to ask you. You say you have been talking to the business community and so on. Surely one thing the business community needs is certainty. They want to know something definitely is happening. To have a second referendum now is simply going to lead to another very long time of uncertainty.

Stephen Farry: First of all, the business community wants certainty but it also wants a positive outcome that protects their business models. We could end up with a no-deal situation in a couple of days that takes us over the cliff edge. That would be a fairly certain outcome, but it would be fairly terminal for a lot of businesses and a lot of people's livelihoods and opportunities.



You make reference to the current levels of unemployment. A lot of that is a lot of low-wage unemployment and a lot of people on zero-hours contracts. It is not full employment where people are being fully utilised in terms of the economy. Across the UK, particularly in Northern Ireland, we have levels of productivity that are a lot lower than the European Union norm. Indeed, there are lessons we could learn from parts of the European Union such as Germany, Austria and some of the Scandinavian countries as to how to do things better in that particular regard.

A people's vote does extend things, but it does allow us the hope of having what is the optimal economic outcome of staying in the European Union.

Q540 **Kate Hoey:** If the result is the same, will you accept it next time?

Stephen Farry: It is not a case of "next time".

Q541 **Kate Hoey:** It might take a couple of years. If the result was the same, would you then want another referendum?

Stephen Farry: This referendum reflects the current situation we have today. It is not a re-run of 2016.

Q542 **Kate Hoey:** If the decision is the same, that the people want to leave the European Union, will you accept it then? Will circumstances have changed in another two years?

Stephen Farry: I have said that our preference would be a multi-preference ballot, a "one, two, three" choice between remain, the Prime Minister's deal and leave. Two of those three options will be leave options available to the country.

Chair: Thank you, Stephen. Thank you very much indeed. We have really put you through the wringer; we appreciate that. We look forward to seeing you back before too long.

Stephen Farry: Thank you very much, everyone. Thank you, Chair.

Examination of witness

Witness: Dr Steve Aiken.

Q543 **Chair:.** Steve, you are very welcome. Thank you for coming to better inform our deliberations today. You got the gist of what this is about from your participation in the audience this morning. Without any further ado, I would ask you to spend three minutes explaining your perception or take on the current situation with respect to Brexit and the border.

Dr Aiken: Yes. Thank you very much indeed, Chair. First of all, may I apologise for two things? I should not, as a politician, but I will anyhow. First, I have man-flu. That is why I am sitting over here. Secondly,



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Andrew, I called you Richard this morning because your brother and I served together for quite a long time in the Royal Navy.

Chair: Yes, I should say we are both ex-commanders in the Royal Navy.

Dr Aiken: We are indeed, but I served in the Submarine Service, which is a little bit different.

From our party's position, it is very clear. The Ulster Unionist Party is a party that campaigned for remain, for three primary reasons. The first reason was that, because we are indeed a party of business and the community, understanding what is going on in Northern Ireland, we were particularly concerned that, if there was a leave vote, it would undermine and further polarise Northern Ireland society.

The second issue was to do with regulations and various business rules. As the next chief executive of the British Irish Chamber of Commerce, I am talking regularly with the business community. It is very clear that the business community across the United Kingdom will continue to follow the rules and regulations that Europe sets, not because in some way they particularly enjoy being part of the system of European rules and regulations but because that is what business does. It will follow the rules and regulations of the largest markets that are available to ensure access to those markets, so that was not going to change.

The third reason was a reason that I felt was particularly germane. We wanted to see, moving forward, the United Kingdom being in a position where it would be able to be at the centre of Europe. From my experience from my years in the military and also within the British Irish Chamber of Commerce, that is very much indeed where the United Kingdom has been.

However, the vote came, and the Ulster Unionist Party is very clearly a unionist party, and we believe in the will of the people of the United Kingdom. The will of the people of the United Kingdom was to leave the European Union. The Ulster Unionist Party then decided that it was up to us to get the best deal possible going forward. Indeed, working very closely with the business community across the whole of Northern Ireland and also with civil society, we produced a document called "A Vision for Northern Ireland outside the EU", which is available on our party's website. I would commend it to you still as evidence, Chair; you can have a look at some of the key ideas that we have had. That built on what we sought as the Ulster Unionist Party going forward.

If we could have a common travel area for people, we should be looking at whether we could have a common travel area for goods across these islands. What is not commonly accepted is that, of the €1 billion of trade that goes back and forth across the Irish sea every week, 86% of that stays on these islands. As a former naval person, I will emphasise the word "islands". No doubt many of your questions will be on borders and the idea of a hard border between the United Kingdom and the Republic of Ireland and a hard border between the United Kingdom and the EU.



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However, the key point is the fact that the island of Ireland and the island of Great Britain are in fact islands and surrounded by water. There are already many options for monitoring and surveillance of trade back and forth that are used now. Many of them are not advertised and I probably would not like to discuss them further in open session, but you will be fully aware of those issues that are ongoing at the moment.

From our position, that is what we have been advocating, and we have been advocating it right from the beginning. We try to get our message across both to the Prime Minister and to the Secretary of State, and I would say that we have not had any reasonably favourable response or any discussion going forward, which is being differential for the position of Northern Ireland.

Our other position is very clearly on the backstop. We found the backstop to be unacceptable because we believe, as Lord Bew and Lord Trimble have made clear, that it does indeed undermine the principle of consent. The principle of consent, when it looks at in the Belfast agreement, particularly looks at the roles of the Northern Ireland Assembly and it looks at the issues when it comes to being able to deal with some of the issues in areas that we are likely to deal with.

A particular concern we have as a party is the issue of accountability and responsibility, which are words that have been sadly lacking in the Northern Ireland Administration over the last decade. One of the things we are particularly concerned about as well is the process of a set of sub-committees to an advisory committee to a joint committee, which, as has already been pointed out in evidence this morning, would have no formal role for any form of democratic accountability from Northern Ireland. There is no way this could be seen in any way as being part of a principle of consent. This, we believe, would be fundamentally counter to the Belfast/Good Friday agreement. Chairman, that, in a nutshell, puts our position, and I would be delighted to take any questions.

Chair: Thank you. Once again, I am going to appeal for quick-fire questions; otherwise, we are going to simply run out of time. Trying to get everybody in is always a problem with these three-panel mornings.

Q544 **Bob Stewart:** Steve, it is really nice to meet you. I am glad to know you are a Perisher. You did not mention in your opening remarks about your approach to a second referendum, which has been conclusively stumped out in Parliament here. Would you want a second referendum?

Dr Aiken: Bob, let us be fundamentally clear. A second referendum would be the most divisive thing possible, and to even bring the concept of a second referendum at the moment would fundamentally undermine what we are trying to do in trying to get any semblance of normality going ahead in Northern Ireland. It is not just an issue for Northern Ireland; it is an issue for Scotland. Any people who are advocating a second referendum at the moment need to very seriously consider their motivations. From our party's perspective, no, we would not support a



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second referendum in any form whatsoever. You think things are polarised now. Imagine what it would be like after that.

Bob Stewart: You are a man after my own heart.

Q545 **Nigel Mills:** When we talk about a hard border, what do you understand that to mean?

Dr Aiken: We have heard a lot about borders, what borders are likely to be and where they need to be. Our party's position is very clear. We do not want to see any borders north, south, east or west. Indeed, if anybody would like to join me, I will be with the British-Irish Parliamentary Assembly sitting on a car ferry in the middle of the Irish sea next Friday between Dublin and Holyhead. We are going to explore the issues of maritime borders, what happens now, what we are going to and what is likely to happen in terms of border crossings and how that is likely to be.

I have no doubt whatsoever that there will be no hard border infrastructure on the British side of the border. It is not needed. There are no real requirements for it. There are methods to be able to deal with that in that situation and, if there is any sort of border infrastructure, it no doubt will have to be built on the European side.

In the modern logistics system at the moment, in the just-enough, just-in-time world, look at the tracking of goods and how they are dealt with electronically, and look at what happens and could happen if there was a sensible, grown-up arrangement. There could be something that we have called for, which is not the customs union but a customs union. As we go back to a customs union between Britain and Ireland as part of an all-encompassing future agreement, there is no reason whatsoever to have any hard border infrastructure on either side of the border.

Q546 **Nigel Mills:** There is a slight downside to having a customs union with the Republic of Ireland, in that they are not interested remotely in doing that. It cannot happen, can it?

Dr Aiken: It is quite interesting, because our party up until fairly recently had a very strong working relationship with Enda Kenny and Charlie Flanagan. Right at the beginning, a lot of the conversation was that the really difficult bit was going to be about tariffs and trade issues, but the one bit nobody was going to have any problems with was the border in Northern Ireland, because guess what? Nobody wanted a harder border. Where there is a will there is a way, and imaginative solutions can be made.

We have a situation now, because we are so far outside the framework of where we are likely to get a reasonable discussion, that we need to probably go back to the fundamentals and think about how we are going to do this. What you have to remember is that €1 billion of Irish trade and much of Ireland's agri-business, logistics and retail trade is part of



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what I call the three Is. It is fully integrated, interdependent and interconnected with the UK.

Q547 **Nigel Mills:** There is no prospect of any Irish Government in anything like the foreseeable future deciding to leave the EU's common customs area and set up one with the UK. There is no prospect of that, is there?

Dr Aiken: There probably is not.

Q548 **Nigel Mills:** It is not a sensible suggestion.

Dr Aiken: No, it is a sensible suggestion because—

Q549 **Nigel Mills:** It is not something we can vote on next week or next month, is it? It is not there.

Dr Aiken: I was originally fully involved in the trade business within the British Irish Chamber of Commerce. From my perspective, it is something over the last two years that has been an idea that should have been explored and brought to the fore. The issue at the moment is that we do not even know what is going to happen tomorrow. I do not know what is going to happen tomorrow or what is going to happen next week, but if we are going to move—and our party has called for a short extension to Article 50—what we should be looking at is how we get to a position where we can have these sensible discussions going forward. I say again that 86% of the volume of all that trade stays on these islands. There should be methods of being able to monitor that and control that going back and forth.

Q550 **Nigel Mills:** Of all the suggestions that the Prime Minister might give tomorrow as her reason for wanting an extension, probably persuading Ireland to leave the customs union and join us in Brexit is not one she is likely to go for. How would you recommend MPs vote if we get meaningful vote 3 next week, then, because you do not like the backstop, you do not want a second a referendum and I am guessing you do not want a no-deal Brexit? Which one of those three do you think we should all jump for next week?

Dr Aiken: I would probably throw the question straight back at you. It is what position you are going to get to. For us it is very clear. We want to see a sensible withdrawal agreement. We want to see a sensible withdrawal agreement that works for all of us, but the backstop is not part of that. We are a Unionist party. We believe very strongly in the constitutional settlement of Northern Ireland. I must make it very clear that the backstop fundamentally undermines that.

Before people say to the Ulster Unionist Party, "There you go again", remember when the St Andrews agreement came out. We made it very clear at the time that that underpinned the sustainability of Northern Ireland going forward, and I hate to be in a position to say that we were right then. We are saying exactly the same thing about the backstop. It undermines fundamentally the constitutional settlement of Northern



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Ireland and we cannot be in that position. That is what I am saying to MPs. You need to come to a point where you make a decision that means that whatever we do, we have a sensible withdrawal agreement. The backstop cannot be part of that.

Q551 **Nigel Mills:** Assuming the choice remains the choice that faces us today, which is this withdrawal agreement, a long delay or leaving without a withdrawal agreement, which one would you recommend we chose?

Dr Aiken: I am not in a position to recommend. You are the MPs. You are the ones who need to make the decision.

Q552 **Nigel Mills:** You have no opinion on which one of those is the best option for Northern Ireland at all.

Dr Aiken: We have told you what we want as the Ulster Unionist Party. We want a withdrawal agreement that works for all of us. We do not want to see the backstop, because the backstop fundamentally undermines the constitutional settlement of Northern Ireland.

Q553 **Nigel Mills:** If it is a choice of long delay, this withdrawal agreement or leaving without a deal in nine days' time, which one would you choose?

Dr Aiken: I am not here to make the decision. You are the MPs.

Q554 **Nigel Mills:** You are here representing a political party. This is a fundamentally important issue for Northern Ireland. You have no view on which of those is the least bad option.

Dr Aiken: If your question is what the least bad option is, the least bad option would be some form of delay so we get a decent solution. We are not seeing any good options. Unfortunately, we do not have any MPs at the moment and that is something we would like to see rectified fairly soon. However, the situation at the moment is we look at you and say, "What are you doing about this? You have had two years to manage this. Why are we in this situation?"

Nigel Mills: Some of us are reluctantly voting for a deal to get this over the line, but you do not appear to have any idea what we should do.

Q555 **Kate Hoey:** Thank you for coming. There are two pro-Union parties in Northern Ireland: the Ulster Unionists and the Democratic Unionist Party. Would it be fair to say that 99% of the pro-Union community who are members or supporters of those two parties understand why the backstop would not be good for the constitutional position of Northern Ireland in the future?

Dr Aiken: I would also say that Jim Allister in the TUV would probably be a bit upset.

Kate Hoey: He has been with us.

Dr Aiken: Last week there was a set of polling by LucidTalk that was reported on a UK politics website. That said that 69% of the Unionist



electorate, as such, were fundamentally opposed to the backstop and the provisions of the backstop. People in Northern Ireland want to get a deal and a sensible deal that works. That is very clear, but particularly many people now understand that the backstop is not the way to deliver on that. I would not quite put the figures as high as in your observation, but I would stand over 69% of the Unionist population and the Unionist voters being against the backstop.

Q556 Kate Hoey: As a party that worked closely with the Conservative Party—and indeed the Prime Minister sometimes calls herself Conservative and Unionist—does it surprise you or indeed shock you that the Prime Minister could ever have agreed to a deal, although I know she has not physically signed it, without getting the support of people in Northern Ireland parties to something that is so fundamentally against the Union?

Dr Aiken: We have members of the Democratic Unionist Party here who have been on a confidence and supply agreement with the Conservative Party for the last nearly two years. We find it extraordinary that we got into the position that the backstop was even being put on the table for discussion. Through our excellent MEP, Jim Nicholson, in Brussels, who is very well connected, we were getting briefings on some of the provisions of the protocol that were being discussed in Brussels and we could not quite believe it.

I would like to say that as a party we were having regular discussions with the Secretary of State and the Cabinet Office here, but the reality is that over the last couple of years we have had very little interaction and it came as an enormous surprise to us, first, that the DUP let this go through at all and did not stop it, and, secondly, that a Prime Minister who believes herself to be a Unionist had decided that was the way ahead.

This is the bit that I found very difficult to understand. It fundamentally undermines the principle of consent with the Belfast agreement. You did not need Lord Bew and you did not need Lord Trimble, Nobel Prize winner, to be able to explain that, because that was abundantly clear right from the provision. If the whole issue about the protocol was supposed to be about defending the Belfast/Good Friday agreement, why would provisions be put into it that are fundamentally opposed to the main aspects of it? That is one of the issues that we, as a Unionist party, have concern with, because ourselves and the SDLP are the people who self-immolated on the Belfast agreement to try to get it across the line. Indeed, Lady Sylvia, you were very much part of that.

Q557 Kate Hoey: Given that we have criticised the Conservative Prime Minister, do you feel that the Irish Government have played a positive role or a negative role in all this? You talked about having meetings with Enda Kenny and so forth. As I understand it, there were lots of meetings going on between civil servants about how all these issues might be dealt with amicably. What do you feel now about why, for whatever reason—it would probably be conjecture—the Taoiseach has been so unwilling to



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engage with the Northern Ireland issue or Ireland issue, rather than an EU issue?

Dr Aiken: It will be no surprise to know that we have had fairly interesting conversations with the Taoiseach and particularly the Tánaiste. I am not saying anything in this Committee that I have not said directly to them. The approach of both Leo and Simon has been unhelpful. On many occasions they have racked up tensions that did not deserve to be there.

One of the biggest problems is that in London, when we think of the EU, we look east and we basically ignore the west bit. In Ireland when they think of Britain they look east and they ignore the northern bit. One of the things that most people do not understand is that Leo Varadkar, who is a very able politician and is indeed a Thatcherite if ever there was one, bearing in mind the rumour at the moment, is very much of the Erasmus-type generation. He sees himself above all as being on the European stage and he sees himself as being part of this European piece and because they do not have the same feel for the north-south-east relationships that their predecessors had that has not helped matters.

I have made this appeal time and time again directly to the Taoiseach, the Tánaiste, the Prime Minister and the Secretary of State. Can we please get back to where we were in April 2014? Ian may have been there when we were at Windsor Castle being presented to Her Majesty the Queen and to the Irish President, and at that point British-Irish relationships were probably at the strongest point they had been for a very long time. We are a very long way away from that and we need to get back to that.

Q558 **Jim Shannon:** I have a couple of very quick questions, given the Chairman's request for short-term or short-time answers. You have been very clear on the backstop, so I probably know the answer to this, but I just want to ask you it. Is there any circumstance in which you as a party would accept a customs union or a single market within the United Kingdom? Would you accept it, for instance, if all the United Kingdom was in it?

Dr Aiken: If all of the United Kingdom was in a customs union and there was no need for a backstop, yes, we probably would do. That goes back to Nigel's question of how we would get to a position where we do that. It is not ideal, but we are a constitutional party. We do not want to see Northern Ireland's position in the United Kingdom being undermined. It is bad enough being undermined by elements of republicanism and nationalism trying to do that, but to be undermined from within is not acceptable. If that was the situation and that was what we had to accept, we would have to accept it, because our position is very clear.

Q559 **Jim Shannon:** I appreciate that. Thanks very much. The second question is to do with the movement of products across the border. Again, I perceive that you are probably fairly well versed in the agri-food sector



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and have a knowledge of that. Lakeland Dairies is in my constituency. It has two factories in Northern Ireland and two factories in south Ireland. The product crosses the border three times before it is officially processed in Newtownards in my constituency and then moved out across the whole of Europe and, indeed, across the world. There is no need for the hard border at all. It is really an aspiration of some people. It is even, I suspect, maybe smoke and mirrors, because I have yet to meet any person who has come to this Committee and has told us that they are in favour of a hard border. Is it, as I think, just somebody's mind?

Dr Aiken: You are quite right when you talk about the dairy business. You and I and various other people have talked behind the scenes, and there are indeed arrangements, depending on origin, about the flow of milk back and forth and all the rest of it. Of all the sectors of the agri-business sector, that probably is not going to be really affected in the way some people consider it would be and in the way that has been made out.

If I am allowed to digress slightly, one of the issues we hear lots and lots of times is that Northern Ireland always already has a phytosanitary border at Larne, with livestock going back across the Irish sea. There is a presumption that that was a European initiative. It was not. It was an initiative by the Northern Ireland Assembly, brought about by Margaret Ritchie, to defend Northern Ireland agriculture from foot and mouth disease. It has nothing to do with the EU and phytosanitary rules. It is how we defend the Northern Ireland agri-business sector as we go forward.

There has been a lot of misinformation, but there are genuine concerns that we will not dismiss. The answer to get round it is we get to a position where there are no hard borders north, south, east or west.

Q560 **Lady Hermon:** It is very good of you to come to give us evidence today. I will start in reverse order. Could I just pick up on a comment that you made in relation to Leo Varadkar and Simon Coveney? You were very critical of the leadership that they have shown. Could you just tell me where you would identify real leadership by any of the political leaders of Northern Ireland parties in these Brexit negotiations?

Dr Aiken: I would obviously say there has been real leadership from Robin Swann. Robin Swann has been very clear, time and again, that even though we were a remain party and we reached a situation where the British people as a whole voted to leave, we then as a party decided we need to get the best deal going forward for Northern Ireland.

Q561 **Lady Hermon:** Have you seen an uptick of membership of the Ulster Unionist Party because of the stance that you have taken on Brexit?

Dr Aiken: Yes. Quite happily, as the Chief Whip and sitting on our party executive, we have seen an uptick in members.

Q562 **Lady Hermon:** How many new members have you had?



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Dr Aiken: We have had several hundred new members. As you would understand, the Ulster Unionist Party is probably, by political membership alone, the largest party in Northern Ireland.

Lady Hermon: Yes, that is political membership but attendance of meetings is quite a different matter.

Dr Aiken: We recently had our party executive meeting in the Park Avenue Hotel and we had 300-odd seats in it. I was concerned that the room was too big, but we needed to put another 50 seats in it and there was standing room only for another 50 people on top of that.

Q563 **Lady Hermon:** Good. The Ulster Unionist Party has attracted new membership on account, do you think, of the stance on Brexit?

Dr Aiken: No, the Ulster Unionists have attracted new membership because we are providing proper leadership in Unionism. This is a much broader issue at the moment.

Q564 **Lady Hermon:** You identify your party leader; there is no surprise in that. Much has been said about the DUP's influence over the Brexit negotiations. As recently as yesterday, a leading member of the SNP was not particularly flattering, but how would you describe the DUP's influence over the Government and the Prime Minister in the Brexit negotiations?

Dr Aiken: I cannot understand how the DUP had any influence at all, because if they had any influence at all how did we end up with the backstop? It does not compute for me. I genuinely do not understand how any party that believes in the fundamental principles of Unionism and understands the principle of consent would have agreed to the protocol if they had any influence at all. Either they did have influence and they were asleep at the wheel, or they did not have any influence so they did not have any sort of control over the process at all about the single most important thing happening to Northern Ireland. I am making a political point here, but I genuinely do not understand how we got to this situation.

Q565 **Lady Hermon:** You had said quite a considerable amount about the backstop. You have mentioned Lord Trimble and Lord Bew on a couple of occasions, and the very significant role that they played in relation to the Belfast/Good Friday agreement, which is absolutely right; it was Nobel Peace Prize-winning. You will also be aware that certainly the *Belfast Telegraph*, on Monday of this week, 18 March, reported that there was a boost for Theresa May because Lord Trimble had said that the Prime Minister had won "substantive changes that will affect and limit the impact of the Irish backstop", if it were ever to be triggered. Is that correct or not?

Dr Aiken: That is indeed what the *Belfast Telegraph* had reported.

Q566 **Lady Hermon:** Who is wrong and who is right?



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Dr Aiken: One of the things I want to do is to go and have a chat with Lord Bew.

Q567 **Lady Hermon:** We are sitting on Wednesday. This is very significant. I pay tribute time and again to David Trimble's contribution in achieving what was a magnificent achievement in the Good Friday/Belfast agreement. The Nobel Peace Prize was richly deserved. This is a very significant intervention by Lord Trimble and, indeed, Lord Bew. I am surprised, having quoted them extensively in your earlier evidence, that you have not met them or phoned them to find out what the substantive changes were.

Dr Aiken: Interestingly enough, I will probably be talking to Lord Bew today. Indeed, after this meeting, along with Lord Empey, I am probably trying to talk to David Trimble later on today. Those are some of the questions I will be asking them, and it would not be right of me now to come back and say that until I have had a conversation.

Q568 **Lady Hermon:** Let me just register my surprise that you have not already spoken to him and are able to fill in the details of what those changes are.

Dr Aiken: I also know that one of their arguments was based around Article 62 of Vienna Convention. I cannot see how that could possibly be done. I must admit that my doctorate is in international relations, not in international law, but I did study treaty law. One of the issues and concerns I have about it going forward is that I would agree with the Attorney General's view that nothing has substantially changed legally from his original opinion.

I would really like to discuss it through, because Lord Bew and I discuss this quite a lot. I would really like to really get to grips with that. I do not want to sound as if I am being dismissive or anything, but I would like to really discuss it with them. I also know some of the opinions that have been pushed out today.

Q569 **Lady Hermon:** You will also know, in fact, all of the debate, discussion and argument about the backstop will become entirely academic and we will not even get into an implementation period unless we have a Brexit deal. You accept that. Do you support the Brexit deal of the Prime Minister?

Dr Aiken: No, we do not support the Brexit deal, because the Brexit deal includes the backstop.

Q570 **Lady Hermon:** Can I just come back then to your introductory remarks? You said that the Ulster Unionist Party, quite rightly, was a remain party. I was certainly a very strong remain campaigner as well. You identified the reasons why and you included business. You emphasised, time and again, the business community, your commitment to the business community, EU rules, that it was better for business to be in the EU and all the rest of it, and the fact that you have served on various committees and in various business organisations.



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Can I just say to you that I need you to reconcile the fact that the vast majority of businesses in Northern Ireland, Manufacturing NI and the Ulster Farmers' Union have come out very strong in support of the Brexit deal with the backstop arrangements, if we were ever to get into the backstop arrangements? How can you reconcile the stance of the Ulster Unionist Party with your opposition to a Brexit deal that has been consistently supported by the majority of businesses in Northern Ireland, farmers and indeed some fisherman—I am sorry Jim is not here, but certainly some fishermen do support it—as well as community leaders. How can you reconcile this?

Chair: Can we have a brief response to that, because we are then going to have to move on?

Dr Aiken: The issue is very clear. It has to be in the constitutional issue, for the business community and the rest of it. The best situation would have been if we had not left, but we are leaving so we need to make the best deal we have going forward. The reality is that the fundamental constitutional issue of the backstop overcomes that. It is not as if the Ulster Unionist Party lives in a vacuum. Of our membership, we have large businesses, small businesses, farmers, small farmers, fishermen, business community and the rest of it. There are communities in Northern Ireland that are divided across the border, including those in the business community. We have been engaging with them, including even this week. We are not doing this in a vacuum. There is not a monolith.

Q571 **Lady Hermon:** Even though the withdrawal agreement says in black and white that it protects the Belfast/Good Friday agreement and, in particular, the consent principle, and the constitutional status of Northern Ireland is protected in the deal, you are still prepared to vote against and encourage people to vote against that deal.

Dr Aiken: It is not.

Lady Hermon: I have to disagree with you.

Dr Aiken: I know you do and this is why we are here. We disagree fundamentally on that. We do not see that.

Lady Hermon: I suggest that you speak to Lord Bew and Lord Trimble then and catch up on whatever was said on Monday.

Q572 **Ian Paisley:** It is good to see you, Steve. How long an extension should the British Government seek?

Dr Aiken: We are dealing with how long a piece of string is at the moment.

Q573 **Ian Paisley:** No, we are not. The request is being made at the moment and your fundamental policy change, in Robin Swann's words, is that the Prime Minister should put in place immediately an extension of Article 50. How long an extension should they seek? It is a simple question. You must have an answer. You must have thought about this. At your



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meeting with the Secretary of State today, she will ask you the question.

Dr Aiken: We need to have an extension of Article 50 to enable us to get to a situation where we can have a deal that deals with the issue of the backstop.

Q574 **Ian Paisley:** Should we go beyond the European elections?

Dr Aiken: I hope we do not have to.

Q575 **Ian Paisley:** We should have a short extension.

Dr Aiken: We should have a short extension.

Q576 **Ian Paisley:** Should it be three weeks?

Dr Aiken: The question is how long. Do we go up to 12 April, by which date we have to make the decision about whether we go for the European elections? Do we go to the end of June?

Q577 **Ian Paisley:** I am asking you. What should we do?

Dr Aiken: We do not have enough information to answer that question, because we keep on saying that what we need to do is be in a position where we have an extension of Article 50—

Q578 **Ian Paisley:** Should the Republic of Ireland join the Commonwealth?

Dr Aiken: Yes, of course the Republic of Ireland should join the Commonwealth. They should never have left.

Q579 **Ian Paisley:** Do you think their reason for refusing is sectarian or economic?

Dr Aiken: I do not think the Republic of Ireland really understands what the Commonwealth is, to a degree. If anybody who has been a member understands what the Commonwealth is, with countries like Rwanda and Mozambique in it, it is an international community. It would suit the Republic of Ireland's values very well to be part of the Commonwealth. I have had discussions a number of times in the Dáil in which people have said to me, "We do not want to join the British Commonwealth". It has not been the British Commonwealth for a very long time.

Q580 **Ian Paisley:** Does the Ulster Unionist Party believe that a united Ireland is now more likely?

Dr Aiken: No.

Q581 **Ian Paisley:** You have made a number of very important points today about the withdrawal agreement. On 15 January, if the Ulster Unionist Party had had Members of Parliament, would they have whipped them to vote for or against the withdrawal agreement?

Dr Aiken: That is a hypothetical question.

Q582 **Ian Paisley:** No. Would you have voted for or against the withdrawal agreement as it was on 15 January?



Dr Aiken: Our party would have been against it.

Q583 **Ian Paisley:** Would Jim Nicholson have voted for or against it?

Dr Aiken: Jim Nicholson is an MEP.

Q584 **Ian Paisley:** Yes, but he still expressed views on it. Would he have voted for or against it?

Dr Aiken: I honestly cannot answer that question.

Q585 **Ian Paisley:** On 12 March when it came back to Parliament would you have voted for or against the agreement?

Dr Aiken: No, we still would have been against it.

Chair: Steve, thank you ever so much for being with us today, and particularly for the brevity of most of your answers. We are very grateful. Thank you, particularly, since you are clearly suffering with man-flu, which is a serious complaint. I will certainly send on your greeting to my brother, Richard, when I see him.

Examination of witness

Witness: Claire Sugden.

Q586 **Chair:** Claire, thank you ever so much for coming to appear before us today. We are very much exercised by the issue of Brexit, the border and the fact that Northern Ireland is front and centre of the big issue of the day. Very briefly, could you just give us a short synopsis, in a couple of minutes, of where you see the current situation?

Claire Sugden: I suppose "uncertainty" is the word that seems to characterise Brexit and where we are at now. As a representative of a constituency in Northern Ireland, certainly "uncertainty" is the word that my constituents would tell me. I would nearly say that people are becoming lethargic with the politics of it all, which I can absolutely understand. It is critical, more now than ever, that we do somehow find a way forward on this. I was a remain voter. I do, however, accept that it was a UK-wide referendum and that is what the UK had voted for. My preferred scenario is that we put our best foot forward and try to get the best role for the UK in this situation. It is difficult. There are a lot of key elements, in particular around the Good Friday agreement, that we need to protect. I suppose that is where we are at in terms of trying to get that over the line.

I want to advocate for the people of Northern Ireland in saying that we have been through an awful lot, and I am starting to see a palpable anger existing in Northern Ireland, first, because we do not have a Northern Ireland Executive, but, secondly, because of Brexit. We are still delicate, albeit 20 years past the Good Friday agreement. We need to be very careful that we do not upset any sort of progress that we have had in



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these past two decades, which is really important. Brexit does throw a curveball in there, but it requires leadership and sadly we are not seeing that from any side.

Q587 Lady Hermon: It is very good of you, Claire, to come. Can I just touch on something that you have just mentioned, and that is the prolonged absence of the Assembly, from January 2017 until now, March 2019? Do you think it has been a deliberate policy of the two large parties, Sinn Féin and the DUP, to have the Assembly not functioning during the Brexit negotiations?

Claire Sugden: In recent months I have suspected it could be because of Brexit that we do not have an Executive at this point. I would not have said that was the reason why the Assembly collapsed over two years ago.

Lady Hermon: No, it is not. My question is whether you think it suits both of them now not to enter into talks.

Claire Sugden: It is well acknowledged throughout the political representatives that we are not getting an Assembly back until this part of Brexit is somewhat concluded.

Q588 Lady Hermon: Why have you all accepted that?

Claire Sugden: It is not that we have accepted it. It is realistic. The DUP and Sinn Féin are quite contrary on this position, and I feel if they were to form an Executive and something were to happen with Brexit, the Assembly could collapse again and at the point we are not getting it up, whereas there is still an opportunity post-Brexit for an Assembly to be established and an Executive to be established. That is just the reality of where those two political parties are. Given the fact that we cannot form an Executive without them agreeing to do that and that everything happens after they decide to become friends, sadly we are all waiting and seeing what happens.

Q589 Lady Hermon: It has come to suit both Sinn Féin and the DUP not to have the Assembly functioning during the Brexit negotiations. Is that your conclusion?

Claire Sugden: Yes. I cannot see how they would see it any more helpful at this stage, so, yes, I would say that until this element of Brexit is concluded I cannot see the Assembly getting up and running again. That in itself has its own implications. We are two years into a five-year mandate. If the Assembly, for example, was to get up and running come September we will have just under three years left, and we all know how long legislation takes to get through a House, so the workability of any sort of mandate is becoming less and less. At that point we may be faced with another election, so that we can get things done.

Q590 Lady Hermon: Just to follow on from that, if the Prime Minister asks for a short, limited extension to Article 50 and if the EU was to grant that short, limited extension, do you expect there to be no Assembly at all, so



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this pushes further down the line the expectation that the general public have that, in fact, we are going to have an Assembly up and running?

Claire Sugden: Potentially, yes, but I would not expect to have an Assembly before September anyway, given that we have local government elections, which will be a test for the two parties around the public mood. Other elements that are happening as well as Brexit are also what are keeping the Assembly down, but pushing back Brexit does have the potential to push back the Assembly as well.

Q591 **Lady Hermon:** Let me just unpick that a little bit. You said that you did not really think that we would see an Assembly this side of September. Would a short, limited extension change that? You hinted in your last reply that, in fact, it might push it further it back.

Claire Sugden: No, it could push it back. The opportunities for the Executive to be formed are impacted by Brexit, so if Brexit is pushed back, potentially the Executive being formed could be pushed back as well.

Q592 **Lady Hermon:** You will know of remarks made in the House last Wednesday by the DEFRA Secretary, Michael Gove. I will stand corrected if I have not quoted him properly, but he did seem to indicate that if there were no deal and there continued to be no functioning Assembly, at that stage the Government may have to think about talking about the reintroduction of direct rule. How did you respond to that?

Claire Sugden: It is worrying. I would never be an advocate for direct rule. Northern Ireland is 20 years behind because we had direct rule for so long. We were not serving the people of Northern Ireland, because the people making those decisions did not have that relationship to know what Northern Ireland needed.

That said, we have not had a functioning Executive for two years. Decisions have not been made and it is starting to impact on the ground. I am starting to see it in my own constituency office. If it is a lesser of two evils, I would rather someone made decisions than the vacuum that exists now, but direct rule is not the preferable way forward. Essentially, the two parties have to do the job the people of Northern Ireland elected them for and form an Executive. I cannot see why they are not.

The other disappointing factor in this is that we could move on for now if the Secretary of State for Northern Ireland was willing to do her job as well and put some sort of pressure on the two main parties to try to find a way forward. Her first job is to not come back to Westminster with direct rule while her boss is trying to put Brexit through, and there is no priority for Northern Ireland there.

Q593 **Lady Hermon:** You feel there is no priority for Northern Ireland during Brexit.



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Claire Sugden: No, of course not. Brexit is first and Northern Ireland is maybe second.

Q594 **Lady Hermon:** Despite the fact that so much hinges on the backstop and the Brexit deal, you are saying that—

Claire Sugden: The biggest mistake that the Prime Minister made was triggering Article 50. Had she not triggered Article 50 she maybe would have been able to negotiate a deal that meant she would then have been able to negotiate a withdrawal deal, if that makes sense. Had she not triggered Article 50 she could have got to a point where everyone was happy and then triggered it, whereas her biggest mistake was bowing to pressure from elements within her party.

Q595 **Lady Hermon:** As they say, we are where we are. You can be critical of whether she should or should not have triggered Article 50 when she did, but she did. What is your position on the backstop? We have heard very clearly the contrary views articulated here this morning. What is your view?

Claire Sugden: I read the withdrawal agreement. Initially, from the outset, I did think there was an opportunity for Northern Ireland to have the best of both worlds. I am fully aware that this is an insurance policy. Therefore, it will only be triggered if the UK and the EU do not come to a final arrangement in the deal rather than the withdrawal deal.

I understand why people would have difficulty with the backstop, in terms of how it separates Northern Ireland from the rest of the UK. I have had my own thoughts around this. Please challenge me on this because I am not entirely sure that I am right in saying this, but my biggest difficulty is that when we come out of the EU we are going to have no democratic representation there. Therefore, I have a bit of a difficulty with the opportunity that the EU has to make changes in our position. I know that that is a bilateral agreement, so we will have representation from the UK, but the EU being able to make decisions when we do not have any democratic representation there does give me cause for concern. I bring that back to the Good Friday agreement.

Q596 **Lady Hermon:** Even though there will be involvement, we now know, from the Northern Ireland Assembly, if we do have a Northern Ireland Assembly. Is that not an incentive to have a Northern Ireland Assembly?

Claire Sugden: Absolutely, and I hope that would certainly encourage my colleagues to maybe get back into the Executive again. If that was the case, then, absolutely, I would be happy enough with it.

Q597 **Lady Hermon:** It is the important and significant role for the Northern Ireland Assembly that would make you support the backstop, if we were to ever get into that backstop.

Claire Sugden: Yes, because the core principle of the Good Friday agreement is the principle of consent for the people of Northern Ireland.



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Their involvement is really critical, given that it may change something that will impact the arrangements in Northern Ireland.

Q598 **Kate Hoey:** Welcome, Claire. If there was a vote and you had a vote and a say, would you vote for a second referendum at the moment?

Claire Sugden: No.

Q599 **Kate Hoey:** When would you decide that things were getting so ridiculous with the way Northern Ireland was being governed, or not governed, that you would support a formal direct rule?

Claire Sugden: We are past that point, but, again, I struggle with direct rule, because I do feel that we are going back to a situation that we were in 20 years ago. To be fair to civil servants, it is not their responsibility or their job to make these decisions, but essentially that is what they will be doing and they do not have that connection with the public that politicians do, as everyone around this table will know, to know what is right for the people they represent. Therefore, they are going to be making decisions not necessarily for the people, but maybe for the bottom line or to satisfy policy because it is easy.

To me, direct rule is one of the reasons why Northern Ireland is so far behind in its public services. It is not maybe tomorrow that we will see the problems with direct rule. It is in 10 or 20 years' time. We are setting ourselves up for problems later down the line.

To answer your question as to at what point we need to start being governed, it was two years ago. We are long past the point of that. It is a complete relinquishing of responsibility on the part of the two parties who have the power to do something about this.

Q600 **Kate Hoey:** The legislation that went through has given senior civil servants a lot more power. Do you really think it is acceptable that a senior civil servant can decide, for example, to go against all the people wanting the incinerator not to be built in Mallusk, for example?

Claire Sugden: No. I make the point that what the Secretary of State did was that she legislated to stop herself breaking the law. If that had happened in South America, the world would be aghast, so why has it been allowed to happen in a western democracy like the United Kingdom? It is a disgrace.

In terms of the decisions that you are making, to be fair to civil servants, they are quite tentative about any decisions moving forward, and certainly some of the decisions that we have been seeing in the past couple of weeks, because we have been informed as MLAs, have been ones that have somewhat followed the direction of previous Ministers, and I would say most politicians are quite happy with them. It is only when a politician decides they are not happy with it that it becomes an issue. No, I am not happy with that. I would prefer that we had Ministers in place doing the job that they were elected to do.



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Q601 **Kate Hoey:** Do you think after we leave on 29 March—that is what the Prime Minister has said 140 times—would be the time then for the Prime Minister to focus completely on Northern Ireland and perhaps move to direct rule if there is no sign of the parties coming together?

Claire Sugden: To be realistic, the Prime Minister is not going to be focusing on Northern Ireland and, to be fair, she defers that to the Secretary of State, so maybe it is her job to put pressure on the political parties and try to convene some sort of talks and pressure. We have heard one of the two major parties say that direct rule is not acceptable. If you do not like it, get back into Government.

Q602 **Ian Paisley:** Claire, it is good to see you. In your constituency 19,500 voted to leave the EU and 21,000 voted to remain in the EU, so it was fairly evenly split, with about 1,500 votes the difference. Is it fair to summarise your position as, "Please, this has now happened. Just get on with it and let us now focus on things that affect your constituents, like economic development, tourism, the Open, the North West 200 and all the positives things"? Is that really your position: "Let us get on with this"?

Claire Sugden: Yes, absolutely. We have to accept the democratic will here. I understand that the region of Northern Ireland in itself did not necessarily vote to come out of the EU, but it was not a Northern Ireland referendum; it was a UK one. Now we just have to accept the result of that and we have to put our best foot forward. Indeed, there have been an awful lot of conversations about the second vote, but we are well past that. Now is not the time to be talking about having a second referendum. The palpable anger exists from not having an Executive in Northern Ireland but there is also just the lethargy that exists around Brexit.

Q603 **Ian Paisley:** The sooner we cross the finish line, the sooner we can get on with it.

Claire Sugden: I would say genuinely that probably most people on the street do not really even understand it. I struggle to understand it, if I am really honest. People just want to get on with their lives. Right now it feels that they are not able to do that because we are consistently hearing about this.

Q604 **Ian Paisley:** One point you made that startled me slightly was where you said that Northern Ireland really is in second or third place over here. Is it not really hard to reconcile that against the fact that, to be fair, the Labour Party and the Conservative Party have voted down the withdrawal agreement because of the Northern Ireland protocol and because of the disadvantage it would bring to a region of the United Kingdom? No matter what we think of the various parties and the various politics, the fact is the parties have supported Northern Ireland's role in the UK.

Claire Sugden: You could take a different perspective on that: the reason they voted it down is that they saw the opportunities in it that



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would put them at a disadvantage in other parts of the UK. I know some people have described it in that way. It is not that they are standing up for Northern Ireland. They are standing up for themselves and I would not expect any less of any politician.

Q605 **Ian Paisley:** The only people I have heard making that argument are the Scots nats.

Claire Sugden: I understand that. Sometimes I wonder whether we forget the fact that we were in conflict for many years, as we were. Our public services have suffered because of that and we should be standing up for Northern Ireland on that basis, if nothing else, from a humanity perspective. If you want to understand the decisions that politicians make, you see how it affects the road. I am believer of that.

Q606 **Ian Paisley:** I appreciate that. Are you engaged at all with the Secretary of State and the NIO and are they engaged with you? Are they listening to these points that you are making, because the most sensible point that unifies a lot of people is, "Please just get on with this"?

Claire Sugden: No. In terms of Westminster and the Northern Ireland Office, this Committee is the only body that gives me the courtesy of hearing my views.

Ian Paisley: I am delighted that we are able to do that.

Claire Sugden: I really appreciate it. Since the last time I was here, we had a conversation about how the Secretary of State has not met with me. She still has not. I have requested it. I have worked in politics for 10 years and have been a MLA for just over five, and I have never met a Secretary of State who has not reached out to an MLA. When she disrespects me she is not disrespecting Claire Sugden; she is disrespecting the 100,000 constituents of East Londonderry, which is what I have a big issue with. I am really disappointed in our Secretary of State, not because I have any great desire for myself as one individual Member of the Assembly, but I do have a voice and it is a mandated one. It is really disappointing that she has not seen fit to meet with me.

Q607 **Ian Paisley:** Claire, thank you very much. I am sure the Secretary of State has heard your comment.

Claire Sugden: I hope so.

Q608 **Chair:** I just have a very quick point. In terms of Article 50 and the joint report at the end of 2017, if you cast your mind back there was a lot of discussion about this, because the concern then was that Northern Ireland was being floated off, as it were, from the rest of the United Kingdom. Those words in that article, I am sure you would agree, are really quite important in relation to ensuring that come what may GB and Northern Ireland would not be separate.

When you start talking about separateness, you rub up against the Good Friday agreement and the concept of consent. Are you at all concerned



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that those words at the end of 2017, perhaps in all the noise that has been going on, have somehow or another been forgotten or sidelined?

Claire Sugden: Yes, I suppose as a unionist that is my pursuit—that Northern Ireland remains part of the United Kingdom, so any talk otherwise would give me concern. Again, one of my theories around where we are and how we have got to where we are is about the fact that we have not had a Northern Ireland Executive. I feel that there was a disproportionate voice of representatives from Northern Ireland taking their concerns to the EU. We have now come out with the response that we have, in terms of the withdrawal deal.

If we had a Northern Ireland Executive, the voice coming from Northern Ireland would have been more balanced and representative of all of Northern Ireland rather than just one faction within it. That is the difficulty and to an extent as well the Irish Government have played into that. It would have been preferable that the Northern Ireland Executive had not collapsed. I was a Minister in the last Government in Northern Ireland and I very distinctly remember sitting around a table where all parties were united in the position that we took forward. It was acknowledged that both parties had very separate opinions on that issue, but we would put our best foot forward and those were the words that were put to us an Executive. It is just disappointing that party politics overtook and then everything manifested from that.

I do have a concern around the Union. Do I feel that we are heading towards a united Ireland? No, I do not, because if you look at the facts and figures, it does not stack up, but I absolutely respect those who wish to pursue a united Ireland, because that is what the Good Friday agreement allows them to do. Equally, I would hope that they would respect my pursuit of maintaining Northern Ireland within the United Kingdom, because that is my right to do as well within the Good Friday agreement.

Chair: Claire, thank you ever so much. We are very grateful to you for coming to appear before us today.