Northern Ireland Affairs Committee

Oral evidence: Devolution and democracy in Northern Ireland—dealing with the deficit, HC 613

Tuesday 6 March 2018

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Watch the meeting

Members present: Dr Andrew Murrison (Chair); Mr Gregory Campbell; Mr Robert Goodwill; Lady Hermon; Kate Hoey; Jack Lopresti; Nigel Mills; Ian Paisley; Jim Shannon.

Questions 478 - 646

Witnesses

I: Steven Agnew MLA, Leader of the Green Party in Northern Ireland.

II: Robin Swann MLA, Leader of the Ulster Unionist Party.

III: Jim Allister QC MLA, Leader of Traditional Unionist Voice.
Q478 Chair: Thank you very much indeed for coming this afternoon. We are very much looking forward to hearing what you have to say to us. As you know, we are conducting an inquiry into the situation that has arisen at Stormont and trying to work out ways in which the governance structures and institutions can be made more robust going forward. That is a pretty broad-reaching investigation that we hope to be able to form some sensible conclusions on, and your insights will be very valuable in colouring the report that we eventually produce. Thank you very much indeed for being here today.

Can I kick off with my question? Yesterday we were in Derry/Londonderry talking to a wide range of interlocutors, trying to get their views on Brexit, which is not the subject for debate today, and to the Executive, to inform the investigation that is the subject of today’s discussion. Their insights—I think I speak for the whole of the Committee—were extremely valuable and very useful indeed, and will certainly help us in formulating our recommendations when we publish them.

One of the suggestions, which I would just like you to reflect upon, was that, in the event that we had to default to some form of direct rule from Whitehall, a degree of democratic legitimacy might be lent to any decisions made, let us say by the Secretary of State, by the deliberations of committees of MLAs convened on various subject matters such as health, education and so on. One could envision committees of MLAs perhaps being asked to comment on policy areas, and their opinions being fairly persuasive in any decisions that the Secretary of State may have to make in relation to spending priorities or the implementation of the Hart report, the Bengoa report in healthcare and those sorts of things. I was wondering if you would like to give us your views on whether that, or some other similar model, might be useful in the eventuality of some form of decision-making having to be taken from London rather than Belfast.

Steven Agnew: Thank you, Chair, and thank you to the Committee for the invite. You will be aware that the Green Party has not been included in the talks at any stage. While we have met with the other parties, and indeed I convened meetings of all the parties that were not the DUP and Sinn Féin, at a point where we were all excluded, we have been excluded from the formal process. I appreciate the inclusion in your own inquiry.

You will not be surprised to hear that the Green Party does not want to see direct rule. We believe that all options should be explored and that it very much should be a last resort. That said, we are very mindful that the number of decisions that need to be made is mounting. I referred to some in the paper I sent. It is uncontestuous now that the budget, at this
point, needs to be set here at Westminster. Legacy issues are pressing, as is the institutional historical abuse inquiry and the recommendations from that report. In the past week I had a constituent who literally died waiting for redress. Those types of decisions are of the utmost seriousness and a decision needs to be made. Many of the people affected will see it as academic as to how they are made or who makes them; they want to see decisions made quickly.

The idea of the Assembly playing some sort of scrutiny role of decisions made by direct rule Ministers was something that came up in a meeting with other parties, and one good point that was made is that the Secretary of State could find themselves with a 90-member opposition. There would be no responsibility on MLAs to support any of the difficult decisions and we could essentially shout from the side-lines. I would hope that Members would take a more responsible approach but that is the danger.

The other danger of going to a form of direct rule is that we get used to it. We are already seeing, with the length of this current suspension or limbo—whatever term you want to use—that it is creating a public mood that says, “We are sick of you collectively as Assembly Members”. If it has to be direct rule, there is almost an acceptance. I do not think there is a want for direct rule among the people I speak to, but rather a growing tiredness and frustration with the lack of progress. Again, as I say, people want to see decisions made.

Our alternative, as I have laid out in the paper, is that I would still like to see a talks process. There will be Members here who are closer to that who know how realistic that is. Alongside that, we have called for a citizens’ assembly. Whether it is direct rule Ministers, a citizens’ assembly or the Secretary of State making decisions, we can then have a proper forum where we can test public opinion as well as informing public opinion. That is a model that should be explored. It has worked incredibly successfully in the Republic of Ireland. A number of social changes have been implemented as a result of testing the will of the people, changes, I would argue, that politicians may not have felt empowered to make were it not for the citizens’ assembly.

Q479 **Mr Campbell:** You are welcome to the Committee. At the commencement of your response to the Chairman’s question, you referred to the establishing of the budget, which is due to come about this week. The head of the Civil Service came and sat where you are sitting, and told us that 8 February was, in effect, the deadline. Here we are a month later and the budget still has not been set, although it is about to be. Given where the Government have been at up until now in terms of the declaration of direct rule and being unwilling to call it direct rule—you have seen all that—how realistic would it have been that we would have had a budget set, which this Committee was told more than a month ago had to be set on 8 February, if talks had been ongoing and still not reaching a definitive conclusion?
Steven Agnew: You know all about deadlines in Northern Ireland politics. We saw it last year when I met with the head of the Civil Service and he said that we absolutely had to have a budget by July, and of course we did not. While no one can argue that the situation we had last year and are facing this year in terms of the budget could be considered good governance, good governance has been set aside in trying to facilitate as far as possible the talks process and attempts to get agreement, so that we have a budget made, or at least perceived to be made, in Northern Ireland by local politicians. I suspect that is what has happened in this space. You will know, as I do, the number of groups that are unable to plan because their budget position is uncertain. Schools are being asked to submit three-year budgets to the Education Authority and they do not even have their budget for the year ahead.

It is an incredibly inadequate situation. The budget is one of the most significant responsibilities of Government. The Assembly was brought down by Sinn Féin without producing a budget, and now we have a situation where the budget is continually delayed to facilitate talks that, in the end, have failed.

Q480 Mr Campbell: It is not so much the deadlines. I am just trying to see what your view is about trying to get the Government to a point, whenever that may be, of taking the decision to set the budget. We can set aside the rights and wrongs of what happened. Do you accept that somebody somewhere had to take an initiative in order to get the Government to say, “Let us set the budget”?

Steven Agnew: Absolutely. It is paramount that a budget is set and that there is a degree of certainty. There is very little certainty at the minute for anyone in Northern Ireland who relies on public funds, so it is imperative to introduce that certainty as soon as possible.

Q481 Mr Campbell: The only other question I had is around the issue of some form of consultative assembly. If we accept that it is unlikely in the immediate term that there will be a full restoration of devolved government, which nearly everyone wants to see some form of, do you think, in the political classes—we heard yesterday what the members of the general public thought—there will be a readiness to say, “It is a better plan B than anything else we have heard to date”? For example, would your party accept some form of consultative assembly through committee stages or whatever as an interim step towards what will hopefully be the full restoration of devolution?

Steven Agnew: Every party, as I understand it, wants to see a return to devolution. Everybody might have a different idea of what that looks like and where we get to, but I am putting on the table that we are all agreed on that. It is preferable to keep the Assembly in some form. I should say that I proposed the citizens’ assembly model five years ago and it is now in a situation where people maybe see a greater relevance for it. If we were to go to a situation where there is direct rule, I would want to see a simultaneous process working towards the restoration of a fully
functioning Assembly and Executive. As I said in response to the Chair at the beginning, if direct rule is implemented—and I hope it is not—I do not want us to get used to it. I do not want it to become the status quo.

Q482  **Mr Campbell:** I know you said that there is a possibility—and people can see that it is possible—that you get a 90-member opposition to everything that is being proposed. You can see why that should not happen but may well happen. What about the other likelihood, if the Government were minded to go down that route, that you may get the parties that were the opposition when the Assembly was functioning using a consultative chamber to simply lambaste parties that could set up an Executive but, for whatever reason, have not?

**Steven Agnew:** Again, that is a danger. The Assembly was always criticised for not producing enough. If we had a consultative assembly that produced nothing and only fired mud, it would discredit it further. I apologise for being repetitive but it is why we need to get a fully functioning Assembly back up and running as soon as possible. I know what the barriers to that are but that still has to be the primary objective and it needs to be focused. If we move to direct rule, decisions start to be made and it gets comfortable, maybe some of the urgency goes. We need to keep the urgency.

**Chair:** Consulting the public came across yesterday quite strongly in various forms. I rather suspect that Ian Paisley will want to pick you up on one or two points.

Q483  **Ian Paisley:** Thank you, Mr Chairman. Steven, it is very good to see you here as well. I hope you enjoy your evidence session with us. Can I ask this question first? Do you think the public are tired of the Assembly? As a person going around Northern Ireland, living there, working there, being an Assembly Member, do you think people are fed up with it?

**Steven Agnew:** As it was sitting and functioning, people were critical of it but I would not say they were tired of it, just as I am sure that all MPs experience frustration with the House of Commons. People have been critical of the Assembly but, if you asked them whether it would be better if Northern Ireland did not have a functioning Assembly, they would have said “no”. We can see that playing out. We are definitely worse off for not having an Executive and not having an Assembly.

Are they fed up with the space and what is happening now? Absolutely. I have never been as embarrassed to be an MLA as I am currently. Even among friends, supporters and family, it is difficult. I very often get: “I know it is not your fault, Steven” and that is very nice, but it does not make me feel much better. I want to be in and I want to be legislating. I served one term and passed a piece of legislation as a private Member. I had another cross-party Private Members’ Bill in fruition and I was working on a second Private Members’ Bill. This is what I want to be doing with my time. The only thing I can say to those members of the
public, family members and friends is that I am as frustrated as they are. Are people fed up with the current situation? Absolutely.

Q484 Ian Paisley: If the current Assembly was functioning, how should it be reformed to make it function better?

Steven Agnew: First of all, ultimately, any reforms need to be put to the people. I believe that we have a democratic deficit in Northern Ireland. Since the Good Friday agreement, we have had Hillsborough, St Andrews, Stormont House and fresh start. We have had tinkering and toying with the Good Friday agreement, and we have never gone back to the people for their consent to those changes. Whatever changes I propose now, I would propose putting them to the public for their consent.

I would like to see a reform of the petition of concern. The designation system on which it is based disadvantages me. My constituents are not as well served as others because I do not designate as unionist or nationalist. The irony is that, as the leader of a cross-community party, my vote does not count in a cross-community vote. That is 11 out of 90 members at this point. That has to go. The time has come that we stop designating as essentially two tribes in the Assembly and “other”, whatever that means. I do not define myself as “other” but the Assembly does. We need to get rid of community designation. We need to at least reform petition of concern and have it based on a 60% or two-thirds majority.

Q485 Ian Paisley: We could have a majority system. We could go for that in terms of the design of actual government: instead of having it by power sharing enforced, having it by power sharing agreed.

Steven Agnew: I would like to see a move to voluntary coalition. The time has come. The danger of the current system has been exposed as one party can pull the whole system down. Even if we had a voluntary coalition, if a major party said that it was not going to participate, we would still likely have a degree of constitutional crisis. I do not believe that any party should have the power, as the DUP did previously, to block anything proposed by another party that it did not like or, as Sinn Féin has in this case, to pull down the whole Assembly.

Q486 Ian Paisley: All those things that you are suggesting would be away from the Belfast agreement. There would be significant changes.

Steven Agnew: I think so. We had the reference from Mark Durkan MP at the time to the “ugly scaffolding”, and that is coming from the SDLP, which is very proud of its role in creating the Good Friday agreement. I am very proud that my first ever vote, as an 18 year-old, was voting in the referendum for the agreement. I believe in the Good Friday agreement but we are 20 years on. We have a whole generation who did not endorse the agreement and who have not had their say. As one of the people who voted for it, I have seen the agreement be changed by politicians. The line I always use is: “Politicians took power and guarded it jealously”. We have to go back to our people. We have to ask their
consent. The Good Friday agreement is our constitution and we should change it with their consent only.

Q487 Ian Paisley: You have mentioned a 90-member opposition Assembly functioning under direct rule as a current option. Of course, one of the options is going back to the people and having an election. Another option might be putting a list of questions—a multi-question referendum—to people and telling the Assembly to govern in that way and govern on those issues in the same way that some of the Swiss cantons operate. Have you considered any of those options?

Steven Agnew: In terms of the constitutional issues, I believe that, if we agree a suite of changes, or indeed if a citizens’ assembly were to establish a suite of changes, to the Good Friday agreement, that should be put to the people. I think the citizens’ assembly model is the right way to test many of the social issues that we are grappling with that maybe would not be seen as constitutional changes but are still significant law changes where relevant. That is a good way to test the public. Preferably the Executive would then respond accordingly. That is what I would like to see where we have that continual engagement.

Whether or not we need to go to referendum on every issue leads to the question of at what point we make decisions without that recourse. For me, the distinction is between constitutional issues and social changes or other legislative changes that need to be made. For example, moving to voluntarily coalition is different from something like marriage equality, which I have campaigned for.

Q488 Ian Paisley: If an issue like that was put to the people and the people decided to stay with the status quo, would you accept that?

Steven Agnew: I would accept it, but I believe that rights are not at the behest of the majority. There is a responsibility among politicians to legislate for minority groups. The issue of marriage equality, for example, should come through a Parliament, preferably the Northern Ireland Assembly and, if not, Westminster.

Q489 Chair: Do you think the citizens’ assembly, which you are promoting, would be more legitimate than a slate of referendum questions of the Swiss canton variety that Ian Paisley referred to?

Steven Agnew: I encourage anyone who gets the opportunity, if you have not already, to observe the Irish citizens’ assembly. I took part in the Irish Convention on the Constitution. The original model included politicians: one-third politicians and two-thirds other citizens. It was great to see people change their minds, including politicians, as they were informed, as the evidence was presented, as the discussion unfolded and as people met other people with different ideas and heard their opinions. That is what you do not get so well in a referendum, because so much of it is played out through the media. The media does what it does; it tends to put everything in two camps and we get the scenarios that we have in Northern Ireland of a win/lose scenario. We
had it with Brexit. We are getting it in our talks process as it plays out through the media. Someone must win and someone must lose. Through the deliberative forum of the citizens' assembly, people simply discuss, change their mind and form an opinion. No one wins; no one loses. A vote is taken as necessary, but it does not have that same animosity that you get with referenda.

Q490 **Lady Hermon:** It is very good of you to come to give us evidence this afternoon, Steven, and we appreciate it. I noted that you are embarrassed to be an MLA, a Member of the Legislative Assembly, because you have not been doing much legislating over the last 13 months. Is the embarrassment because you are getting your full salary?

**Steven Agnew:** Salary is an issue and I understand the public call for a reduction in salary. That is certainly part of it, but part of it is just any credibility in the role of an MLA having been lost.

Q491 **Lady Hermon:** Is that a yes or a no? Are you embarrassed to receive your full salary for doing a job that includes the word “legislative”?

**Steven Agnew:** As I say, I understand the public opinion. If you are asking me whether the salary should be reduced, I think we are at a point where it should. It is untenable.

Q492 **Lady Hermon:** Do you think we have now reached that point? Do you agree that your salaries as MLAs should be cut?

**Steven Agnew:** I believe so, but I want to put in the caveat that that is not for a second because the MLAs are not working hard—I know MLAs are still doing incredibly hard work and serving their constituents—but because we are not performing one of our key functions, which is to legislate.

Q493 **Lady Hermon:** Yes, absolutely, and you have not been performing one of your key functions for a very long time, since January 2017. Trevor Rainey carried out an independent review and made recommendations in December of last year for an immediate cut. Did you write to the Secretary of State saying, "I think MLAs’ salaries should be cut"?

**Steven Agnew:** I did not. I met with Trevor Rainey as a party leader and said that I accepted the call for a reduction in salaries.

Q494 **Lady Hermon:** When did you meet with him?

**Steven Agnew:** If I remember rightly, it was November, certainly before he wrote his report. I gave him the best evidence I could, including what my average week looked like now and the duties I was carrying out.

**Lady Hermon:** You have accepted that we have now reached the point, in March 2018, that MLA salaries should be cut.

**Steven Agnew:** As I say, it is untenable.

Q495 **Lady Hermon:** Will you be writing to that effect to the Secretary of
Steven Agnew: As my constituent, if you would like me to, I will certainly write.

Lady Hermon: I have to say that I think MLAs and leaders of parties represented in the Assembly should take a lead on this.

Steven Agnew: I appreciate your point.

Q496 Lady Hermon: The general public are absolutely weary and angry about the full salary being paid to MLAs, and quite rightly so, so we will leave you to write the letter to the Secretary of State. If you would like to copy in your MP, I would be delighted to get a copy of that letter any day soon.

We have heard about the citizens’ assembly and we have taken evidence on that. What has happened to the civic forum?

Steven Agnew: It was before my time in full-time politics. Nevertheless, it was the right idea in terms of giving a voice to civic society. Some of the analysis is that it did not produce sufficiently for the cost. It is important that we have a role for the citizens’ assembly. In the past, in fact, when it has been debated, I have supported the return to a civic forum. What I like about the citizens’ assembly is that there are very clear outputs from it. Again, if we look at the Irish model, the Government will give very specific questions that need to be answered. There will be a set timeline. In terms of finance, it is not an unwieldy budget because this piece of work is very discrete on each issue. That is one of the ways in which they differ. I will always argue in favour of more of a voice for civic society, because politicians should not take decisions in isolation. We are a representative democracy but we can represent people only if we listen to them.

Q497 Lady Hermon: Why do we not go back to the idea of a civic forum? Is it perhaps because it would rival any future Assembly?

Steven Agnew: I have no objection. My passion is for a citizens’ assembly.

Q498 Lady Hermon: Right, but you have no objection to a civic forum.

Steven Agnew: I have no objection to a civic forum.

Q499 Lady Hermon: Fantastic. You mentioned at the very beginning of your evidence the Hart report and the Hart recommendations. It is absolutely disgraceful that we have not had the implementation of the Hart report.

Steven Agnew: I agree.

Lady Hermon: That is particularly since many of the people affected are moving towards the latter stages of their lives and may not, as we have seen, shamefully, with one particular leading campaigner, live long enough to see any justice being done or compensation paid. In the absence of a functioning Assembly, will you be calling upon the Secretary
of State to do the right thing? That is to introduce legislation here at Westminster?

**Steven Agnew:** I have written twice to the Secretary of State on that issue.

**Lady Hermon:** Oh, right, you have written to the Secretary of State twice on that issue.

**Steven Agnew:** I would have raised it in meetings with the Secretary of State if I had been able to get a meeting with the Secretary of State since last March, but I have been unable to. I have not been given that privilege.

Q500 **Lady Hermon:** When you wrote to the Secretary of State, that would have been the current Secretary of State’s predecessor. Have you written to the current Secretary of State?

**Steven Agnew:** I would have to check the date of the last letter because it would have been around the change, but I think it was just after the change, yes.

Q501 **Lady Hermon:** In those letters, did you call for the implementation through legislation here at Westminster?

**Steven Agnew:** Yes.

Q502 **Lady Hermon:** When the Secretary of State told us last week that she could not move, one of the reasons given was that, apparently, the Executive had not discussed the Hart report. Is that an acceptable excuse or reason for not implementing the Hart report’s recommendations here at Westminster?

**Steven Agnew:** The Secretary of State has decided that the budget is of such significance that legislation has to be put through, and I would agree. This is of such significance that Westminster should put through legislation.

Q503 **Ian Paisley:** In your letter to the Secretary of State, have you asked for the state to pay compensation, or have you asked for the culprits and the institutions that were guilty to pay the compensation?

**Steven Agnew:** I have asked for the implementation of the recommendations of the Hart report.

Q504 **Ian Paisley:** That is for the state to pay on behalf of the culprits. Do you think that that is fair on your taxpaying electorate?

**Steven Agnew:** Why do we pay taxes? We pay for public goods, and compensation for the victims of historical child abuse is a public good that needs to be paid. If there is a way of recouping that money from the culprits, I would most certainly be supportive of that, but it would be adding further delay to people who have already faced an unacceptable amount of delay.
Lady Hermon: We have received evidence from other witnesses that there is a need for a review of the Good Friday agreement, the Belfast agreement. Do you agree that it should be reviewed?

Steven Agnew: I do. I called for it on the 15th anniversary.

Lady Hermon: That is five years ago.

Steven Agnew: Yes. I said then, in a speech in the Assembly marking the 15th anniversary, that if we do not review it and reform it we will face continual crises, as we have done. I cannot remember if I specifically said we could face collapse but it is clear that we have. I believe it needs to be reviewed. If the review says that no changes need to be made, I will accept that.

Using a citizens’ assembly type of model, I believe we need to test the public mood. It is fine asking the politicians; we all have vested interests. We are asking about the structures in which we operate. How should they be changed? I can argue what is to my party’s advantage. I should get more speaking time in the Assembly for a start. Is that in the public interest? Is that in the interest of good governance? That is not for me to decide; that is for the people who elect me.

Nigel Mills: Steven, coming back to the prospect of direct rule, would you agree that that is better than having no Government at all, as we have seen for the last 13 months?

Steven Agnew: It is clear that decisions need to be made. If there is a possibility of reconvening the talks in a more inclusive form with an independent chair and getting us over the line in that agreement, if we are as close as it appears, it is preferable for some of the key decisions that we have talked about to be made through the Secretary of State, as was done with the last budget, than to go to direct rule, which takes away the urgency. But that argument becomes untenable if we are here in another year’s time.

Nigel Mills: Would a year be your cut-off? Would we have to do direct rule by the end of 2018 or February 2019?

Steven Agnew: I put it as an example, because we cannot go on like this for ever and I do not think anyone would desire that.

Nigel Mills: You would accept that there comes a point when we have to do direct rule. That is better than there being no Ministers and no accountability.

Steven Agnew: At some point, we need a regular way of making decisions. My preference and my call to those who have the power, in particular the DUP and Sinn Féin, is to make that devolution. That is what the people of Northern Ireland want. In my understanding, that is what all the parties of the Assembly want, and that is what the focus should be on.
Q509 **Nigel Mills:** Which party do you blame for us being in the mess we are in?

**Steven Agnew:** There is blame on both sides. As I said in my paper, I am not sure that laying blame solves the problem. It is about providing solutions.

Q510 **Nigel Mills:** Your voters would like to know who it really is.

**Steven Agnew:** It is interesting to analyse, if you want me to be a political commentator rather than a participant. As a participant, I am putting forward proposals for a citizens’ assembly.

Q511 **Nigel Mills:** We have been through that. I was looking through a newsletter article from a few months ago when you said that supporting the Irish language should not be confused with supporting the divisive tactics used by Sinn Féin. You presumably accept that is about Sinn Féin. You also said, “When Sinn Féin collapsed the Assembly without first putting in place a budget, they brought the country to its knees”. It sounds like you think Sinn Féin is the cause of this.

**Steven Agnew:** I believe that tearing down the Assembly was utterly irresponsible, the wrong thing to do and the wrong way to go about trying to achieve its aims. Yes, I support an Irish language Act, but do I believe the Assembly should have been brought down to achieve it. No, I do not. Do I believe that the DUP should continually abuse the petition of concern? No, I do not.

This combination of factors is why I say there is blame on both sides. We had parties with powers that they should not have had, and I said this earlier. Sinn Féin should not have had the power to pull down the Assembly. The DUP should not have had the power to block progress on so many issues. I remember with the planning Bill a petition of concern was used to block 21 different amendments by the DUP. That, I would argue, is an abuse of power and frustrated the work of the Assembly. That is why there needs to be reform, because the DUP had that power and used it. In terms of collapsing the Assembly, Sinn Féin had that power and used it. I have signed a petition of concern on the issue of the welfare cuts, because I had the power to help stop the welfare cuts in Northern Ireland or at least delay them, so I used it. Do I think I should have that power? No, the system needs to be changed.

Q512 **Nigel Mills:** Can I ask you about the idea of voluntary coalition? You have suggested no longer making Assembly Members self-designate their background. If you had a voluntary coalition, how would you ensure that you did not have one half of a community, maybe with a couple of cross-community parties, getting a small majority, and one community effectively not in power? Is that not pretty fundamentally inconsistent with the principles of the Good Friday agreement?

**Steven Agnew:** There are two points on that. Our proposal is to reform the petition of concern rather than wholly get rid of it, for the reason you
outlined. It is to move away from using designation and to shift to a weighted majority. It seems unlikely that we would ever have the situation where, to achieve a weighted majority of, say, two-thirds, you would not have that input from both sides of the community.

**Q513 Nigel Mills:** You are saying that an Executive would need to command two-thirds support of the Assembly.

**Steven Agnew:** Yes, on key issues, as currently.

**Q514 Nigel Mills:** Would it need to command two-thirds even to be formed as an Executive?

**Steven Agnew:** If you have a voluntary coalition, it is a judgment call, like you have here when forming a Government. Can you get your legislative programme through? Do you have enough Members represented on the Executive to get your programme through?

On this issue of ensuring we have the two communities represented, we need to move away from that term. There is a challenge to nationalism. A lot has been asked of unionism to accept change and to progress, whether it has been done willingly or resisted. On different issues there have been different responses. The challenge is for nationalism to accept that we are not returning to unionist rule. The Assembly and the demographics would not allow for it.

Northern Ireland has changed. We may have made a backwards step in recent times. As we have, for example, used our past to justify the veil of secrecy over political donations, we cannot keep using it as an excuse to not have good governance and normal governance. We need to take the next big step and it is now time, 20 years on. We have outlined how we would like to see that done, with public consent.

**Q515 Nigel Mills:** To be clear, you would be happy with a coalition of DUP, UUP and Alliance forming an Executive with no nationalist party involved.

**Steven Agnew:** The assumption is always that the nationalists would not be in there.

**Q516 Nigel Mills:** I think you were proposing to us abandoning designation and then having a voluntary coalition that only happened to have a simple majority. Those three parties could get a simple majority in the current Assembly. Is that something that you are advocating: that their 46 members out of the 90 could form an Executive?

**Steven Agnew:** The assumption is always that nationalists would somehow be excluded. If we look at issues like marriage equality and the Irish language Act, that coalition does not form. If we look at many of the social changes that I believe are required, there is not a coalition on the unionist side.

**Q517 Nigel Mills:** I am trying to tease out of you whether you think that a voluntary coalition with a simple majority in the Assembly forming an
Executive would be a good idea. When other people have suggested reforms like that, they have been accused of trying to tear down the Belfast agreement, the “ugly scaffolding” or whatever. Are you sure that that is a scenario that should be allowed to happen?

Steven Agnew: I would challenge your premise, because it assumes to some extent what I am arguing against.

Nigel Mills: I am quoting maths from the latest Assembly election.

Steven Agnew: Let me explain. You are assuming that Northern Ireland divides neatly into unionists and nationalists. We will never move on from that while we always make that assumption. Cross-community parties exist and many people will not designate themselves that simply. I defined myself as European when I registered as an MLA, to make the point that there are many identities in Northern Ireland.

Q518 Nigel Mills: Would you not favour requiring at least a 60% vote of the Assembly for an Executive to be formed?

Steven Agnew: That is why you have a reformed petition of concern that requires a two-thirds majority, and that would apply, as it does now, to the budget. If an Executive cannot get its own budget through, it is not going to be sustainable. That is part of the out-workings, as you get that sense of a grander coalition, a greater consensus and a cross-community approach. If we ever want Northern Ireland politics to change in terms of the divisive nature of it, we need that change. To some extent, your question sounds like: would I ever accept having a centre-right Government in the UK? Well, I have to because that is what democracy decided. I do not like it. That is worth pointing out but that is what democracy decided. If things are sometimes unpalatable in Northern Ireland politics, rather than rig the system, we should challenge the electorate to vote for something different.

Q519 Kate Hoey: Thank you, Steven, for coming to meet us. You are very welcome. Can you just remind us how you would get the makeup of the citizens’ assembly, please?

Steven Agnew: It is called a random selection, but with the caveat that you ensure it is representative in terms of age, gender, income, educational background and that sort of thing. In Northern Ireland, I suspect, as we have just been discussing, that you would have to test community background in terms of religious make-up. It is a bit like how jury duty would be done. We are looking at a representative sample of the population. The way it works, for example in the Irish model, is that, if a 25-year-old female with a degree has to pull out, she is replaced by a 25-year-old female to keep that balance. You are getting a sense of the population. You are getting a test of the public mood.

Q520 Kate Hoey: How big would it be?
**Steven Agnew:** There are lots of people writing papers about this including academics at Queen’s University and elsewhere, but the Irish model has 100 members: one independent chair and 99 citizens.

**Q521 Kate Hoey:** You are suggesting that as well as an Assembly.

**Steven Agnew:** Yes. To explain how it works, the Government—it would be the Executive or the Secretary of State in this scenario—would set a number of questions that need to be answered by the citizens’ assembly that can be deliberated on over a weekend. When I was involved in the constitutional convention, we took one or two issues per month, one weekend per month, and deliberated on them and made recommendations. That is the type of set-up. We are not talking about it sitting every week, mirroring the elected Assembly; it is tasked with tackling specific issues whereby we either do not have political agreement or politicians are genuinely asking the question: “There is a problem here and we are not sure of the answer. Can you make suggestions?”

**Q522 Kate Hoey:** You say in your evidence, “The traditional parties have failed once again. I am frustrated that they have chosen to put narrow party priorities before the interests of the people of Northern Ireland”. Would you agree that the best way would be for both the DUP and Sinn Féin to simply go back into the Executive without any pre-demands, and then work out their differences on all the other issues that are stopping Sinn Féin, in particular, from going back in?

**Steven Agnew:** I said that Sinn Féin should not have closed down the Assembly and I stand by that. The people of Northern Ireland are better served by a functioning Assembly and we use the democratic means that are available to us to progress our issues. I suppose the ability to pull down the Assembly actually was one of those means that was available to Sinn Féin and it chose to use it. As I have criticised the DUP for using petition of concern, I would criticise Sinn Féin for using that power to pull down the Assembly.

**Q523 Kate Hoey:** I hope that you would not get attacked, as some of us have, for saying that the Belfast agreement should be looked at, but is that one of the things that you would suggest in terms of stopping a party from being able to bring down the Assembly?

**Steven Agnew:** If we have a voluntary coalition, like any normal coalition, if one party tears it down, the other parties have the opportunity to get going on that. That is probably the thing I am most asked, after being asked about my pay: “Why can the rest of you not just get on with it?” It is very unsatisfactory to say to people that the legislation does not allow it, because they do not understand why the legislation does not allow us to get on with it.

**Q524 Kate Hoey:** Of course, you could argue that Members of Parliament have long recesses where they are not legislating but they are still, I hope, on the whole, working.
**Steven Agnew:** As I say, I am only working full-time now.

**Jim Shannon:** Steven, it is nice to see you again, in good form. You mentioned about this being 20 years on from the Belfast and Good Friday agreement. In the short time we have, I would ask the question: is it not time to reconsider something completely different from what we originally looked at? You hinted at that in your response to some of the questions. Do you agree that there are some things that we will just never, ever agree on? We will never agree on the Irish language Act; that is a fact. There are things that we either park or we do not go ahead with, and we instead look at the bigger issues of education, health, roads and all the other things. What do you see as the option? Do you see majority rule as the way forward? Is that something that you would be happy to support and look at favourably?

We are at this impasse, where we are not moving forward. If the talks process was to start tomorrow, what would be the key issue? It would be the Irish language Act. That is never going to happen. That is a fact. Therefore, the process dies unless we move on. What do we do?

**Steven Agnew:** To come back to something you said at the start, to me it is not a complete rewriting of the Good Friday agreement. For me, it is about some reforms. I still think it is the right foundation. I want to be clear that I remain a supporter of the Good Friday agreement. I just think it needs to be brought up to date for now. The context of 20 years on is different from 1998.

I have already said that voluntary coalition is the way forward. I suppose that I would put it to you, Mr Shannon, that the Assembly is a lesser place for you not being in it because you brought Ulster Scots. The Assembly would be a lesser place if we did not have Irish in it. We enhance our society with different languages, different cultures, diversity and change. I would challenge you, as the lover of language that you clearly are, to love the Irish language, even if you do not choose to speak it, as I do not speak it.

**Jim Shannon:** It is not a matter of loving the Irish language, Ulster Scots or anything. That is not the issue. The Irish language Act is something completely different. It gives power above and beyond that. I love their language. I think people should have the Irish language. Should there be a strategy for the Irish language? Yes, there should. Should there be an Irish language Act? No, there should not because the powers that that gives them goes above and beyond. That is the difference. I respect the language and they know I do. I love the Ulster Scots and that is just me, but I do not want to spend £65 million on the Ulster Scots just to give us the hybrid that is going to be acceptable. That is a fact.

**Steven Agnew:** My understanding of the figures around an Irish language Act would be in the region of £3 million to £5 million per year, which I do not think is excessive. There have been what I believe are
scare stories around requiring Irish to get a job in the Civil Service, et cetera. I met with Conradh na Gaeilge, Sinn Féin and other parties that support an Irish language Act and, to me, those are not the proposals that are on the table. If they came to the Assembly and everybody in the Civil Service was required to speak Irish, I would be objecting to those elements. The principle of an Irish language Act enshrined in legislation, as they did in Wales, to depoliticise the language, is the right one.

I suppose your point is about how we move on in this context. That is the challenge for the two parties. I can only read the analysis and make my judgment, and my judgment is that it was very close to an agreement. I have heard, a number of times in fact, that the parties have been very close to an agreement, and I do not believe that that would ever have been the case without an Irish language Act being on the table, because that has been the main issue of dispute.

The challenge is to your party: why were we so close and why did you come back? I do not know the answer to that. I can only read the speculation. I am not in there. I have been asked to assign blame and I have thrown out plenty, despite my better judgment. In terms of the recent near agreement, we were that close to having an Assembly back up and running, and it would appear from the outside that it was the DUP that pulled the plug in this instance.

Q527  **Jim Shannon:** So near and yet so far, but it is has been quite clear that 10% of the civil servants having to speak Irish to qualify for a job is not acceptable. Irish language schools, primary schools, secondary schools or intermediate colleges, as of right, are not acceptable. Irish street signs on the streets of Saintfield, Ballynahinch, Ballywalter or anywhere else where they are not wanted is not acceptable. An Irish language Act is not acceptable. We have to put that down and make that very clear. That is where we are. When it comes to moving forward, you have put forward some suggestions, but this Irish language Act as it is—and these are the things that some of the Irish language groups that you have talked to want, and you understand that—is never going to happen.

**Steven Agnew:** We can list all sorts of possible provisions or demands, depending on the language you want to use. We need a Bill published. We need it to go through an Assembly. We need Members to have the opportunity to make amendments and to vote clauses down if they so wish. That is democracy. You said in your opening remarks that there are some things on which we will never agree and that is why we have democracy, so that we can disagree without violence. I would like a functioning Assembly so that I could have this type of debate on the Floor of the Assembly, propose amendments, vote and get decisions made. What we cannot have—and this is unfortunately where we are in this process—is people saying, “No way unless it is my way”. That is not how democracy works.

Q528  **Mr Goodwill:** Steven, could I take you back to something you said earlier about the role of the Assembly, should we unfortunately—I think
everyone agrees that it would be unfortunate—move into a period of direct rule? Do you feel that, for the other parties besides the big two—I will not call you minor parties—there could be an opportunity to potentially push their agenda, the Green agenda for example, with Westminster Ministers who may be doing just the sort of things here in terms of plastics, reform of the common agricultural policy and all those other environmental issues that are very important to the Green Party? Could you, to some extent, see opportunities to promote some of those policies and attract Westminster Ministers to develop them in Northern Ireland?

Steven Agnew: I will work with whatever space I am in to effect the type of change I want to see. After I accepted the reality that the Assembly was not returning imminently, I spent a lot more time meeting civil servants who are currently making decisions and still trying to effect that change. If we went to direct rule, I would meet direct rule Ministers and use the avenues available to me to effect that change.

The problem is that, in the past, the evidence was that direct rule was not as accountable as a devolved Assembly and Executive have been. The access was not as good. Perhaps, as a sitting MLA, I would have a degree of access, but my experience with Secretaries of State does not suggest that I would have that particular privilege. My preference is still for devolution. I still think it is the best solution for the people of Northern Ireland. If direct rule happens, it will not be my choice but I will do the best that I can, for as long as the role of MLA exists, to effect the change that is in my manifesto and that my constituents voted for.

Q529 Mr Goodwill: Do you think, in some ways, that the converse might happen and that Ministers would be instructed to do the least possible just to keep the wheels turning, pending a political agreement? While we are doing all those wonderful green things that Michael Gove is promoting here, the same Ministers in Belfast might say, “We cannot do them, because we need to wait for a political mandate to do those things”?

Steven Agnew: Again, the experience of the past was, as you say, that it was to keep the place ticking over until, arguably, a decision was made that, in order to get the Assembly back up and running, some unpopular decisions were going to be made to give local politicians a bit of a nudge, if we are going to be polite about it. I do not want to see decisions about Northern Ireland being taken in that political way—of course decisions are political; it is democracy and that is how it works—where we are looking not at the best governance for Northern Ireland, but at how to achieve a particular outcome, to get devolution back up and running, and to annoy the local politicians enough that they resent direct rule so much that they get back and work together.

Q530 Mr Goodwill: Some things are bound to happen during that period if it happens. For example, as we leave the European Union, we are going to have a new agricultural regime, which will have a number of objectives, including important green objectives. Are you saying that, because
Ministers will be reluctant to make the decisions in Belfast that they are making in London, you will potentially be left behind?

Steven Agnew: If you are a direct rule Minister and you have five, six, seven or eight parties coming to you, all with different views, you will make the decision that you want to make. That is the danger: because we do not have a collective voice on many of these issues, we will get the decisions we are given rather than the decisions we are asking for. As any politician will know, if any sector is lobbying you, they need to do it with a single voice. Northern Ireland is not currently speaking with a single voice.

Chair: Mr Agnew, thank you very much indeed. We have given you something of a grilling this afternoon, but I think I speak for the whole Committee in saying that you have certainly provided us with some very thoughtful reflections on the current situation and we are very grateful to you for those.

Steven Agnew: Thank you very much, Chair. Thank you, all.

Examination of witness

Witness: Robin Swann MLA.

Q531 Chair: Mr Swann, good afternoon. It is great to see you here and thank you for your patience. We have kept you waiting, for which I apologise. You will have got the sense of what we are trying to achieve in this particular inquiry. I would perhaps start by asking you how we can assist Stormont getting itself out of the mess that it is currently in.

Robin Swann: That is quite a simple question, Dr Murrison, to start with. In all honesty, I believe it is by doing what you are doing. It is by bringing this matter to the heart of Westminster. For the 10-plus years in which we have had a functioning Assembly, this place has been neglectful in some of its obligations and some of its duties to the devolved institutions, especially in Northern Ireland, because we do have a fragile relationship, as we always have. Those have been the outworkings we have seen in the past 14 months, where we have not managed to have an Assembly. It is by doing what you are doing and bringing the MLAs into the heart of Westminster to engage.

I heard what you were saying to Mr Agnew. I think it was Mr Goodwill who asked how we, as MLAs, engage and set the Westminster agenda. It is by doing what I was doing today: coming over and engaging with Her Majesty’s Government and Her Majesty’s Opposition on issues that are currently progressing through the political sphere, should it be Brexit or the Northern Ireland budget that is potentially coming down the line from Westminster rather than the Assembly. It is about taking us out of where
we should be and the fact that we should be in Stormont doing these things, and engaging with the elected representatives who will have the responsibility of bringing forward legislation in Northern Ireland.

Q532 **Chair:** In the event that we do not return to government at Stormont for a while, decisions will have to be made somehow. How do you think those decisions can be better informed? Do you think there might be a role for citizens’ assemblies, as has been suggested by some, or referendums, as has been suggested fairly recently? Our visit to Derry/Londonderry yesterday certainly suggested that that might be quite popular in some quarters. Does either of those suggestions appeal to you?

**Robin Swann:** First, in regard to a referendum, it needs legal impact to bring it about, so a referendum will lead to direct rule. As the leader of a devolutionist party, I do not want to see that. I would rather have a Northern Ireland Assembly and Northern Ireland politicians taking those decisions.

In regards to a citizens’ assembly, again, its decisions would require legislation and, to me, as an elected representative, while I receive input from stakeholders, citizens and constituents regularly, to put the citizens’ assembly over and above my elected mandate is a bit of a challenge as to where we should be. I think I should be there making those decisions and representing my constituents, rather than abdicating that responsibility.

Q533 **Jim Shannon:** Robin, it is nice to see you. Thanks for coming over. We all know we are at this crux where the Assembly is not functioning because of the requirement of Sinn Féin to have the Irish language Act there. No matter what we do, we will always come back to that Irish language Act, so it may be time to come up with something a wee bit more radical. What are your thoughts on what would be another political way forward?

Say the Assembly fails and the option is of direct rule or some hybrid system, whether it be consultative or monitoring, where you do not have a legislative role but you have an observational role and input into how that process works, and perhaps we have a Secretary of State or a Minister of State for Northern Ireland signing off the papers, as the case may be. It is not direct rule, but it might be somewhere in between. What are your feelings on where we are? I know you and I would agree on the Irish language Act so we probably do not need to reiterate that, but we need to see what you think is a way forward, please.

**Robin Swann:** We are going to come very quickly, whether it is this week or next week, to whether this place legislates for a budget. I do not think that is as big a step down the road of direct rule as some are portraying it to be, because James Brokenshire, as Secretary of State, already brought forward a budget, so we have protocol there. My concern is the input into that budget and how we, as elected
representatives, start to make those changes. The budget is fundamental in a democratic process as to how money is spent, where it is targeted and how those needs are driven.

As to how we affect or interact with that decision, my concern would be that, if we have 90 MLAs scrutinising Her Majesty’s Government’s direct rule Ministers, it would be a fantastic life for a politician. To be in permanent opposition to someone else’s decisions without having to take any responsibility at any time would be quite lazy, and it is a place I do not really want to be. I would rather be a democratically accountable politician, accountable for the decisions I make and able to deliver the mandate that I was given.

While those different models may be necessary as we go down the road of some sort of direct rule, I do not think they are the answer, Jim. I sincerely hope that, if that is a model we go down, it is not there for a long time.

Q534 Jim Shannon: What do you see as an alternative?

Robin Swann: At the minute, it is the Secretary of State engaging with the political representatives who are there and engaging with the parties that are there. I have a concern, and I have raised it with the current Secretary of State, that when she was brought into post she said that this talks process was going to be a five-party talks process. Since January, the five parties have been around a table with her for the grand sum of 50 minutes. To me, that is not an inclusive process. If we get to the point where the Secretary of State is making decisions or there are direct rule Ministers, there has to be active engagement with the five parties. Whether that is done by committee structure or by consultative structure will be up to the Secretary of State. I would rather be functioning as an elected representative in the Assembly.

Q535 Mr Campbell: It is good to see you, Mr Swann. I have asked this of other witnesses. You mentioned a couple of times in previous answers the issue of the budget and how you see that. Given, in the eyes of many people, the reluctance of the Government to do much up to this point in terms of unsettling talks or putting noses out of joint on either side—the Government are even reluctant to talk about direct rule; it always seems to be other phrases—did something have to happen to get us to the point that you have alluded to, hopefully later this week, that a budget is set, in order for people to start seeing some progress, in terms of health service, roads and investment, by whatever method it happens? Something had to happen to get us to that point.

Robin Swann: What had to happen was that Her Majesty’s Government had to step into a process that was not working, take ownership of it, take the parties that were stalling it by the scruff of the neck and give them a shake, so that, if we were not going to get an Executive up and running again, we got to a point where they are implementing a budget. We need a budget. Northern Ireland needs a budget for the people who
are sitting on waiting lists back home. As you will know from your constituency, Mr Campbell, the people who are waiting on hip operations are regretting the structure at the minute. On education and school budgets, headmasters need direction. Health trusts need direction and the Department for Infrastructure needs direction, and that can only come with the reassurance of a budget. That is the point the Secretary of State needs to move to pretty soon and I have told her that. We have no problem with this place setting a budget and setting that direction.

Q536 Mr Campbell: The point I was making is that there had to be an initiative taken to get the Government off the fence and get them to say, "We are going to set a budget". That has happened now because the talks have ended.

I will move on to another issue that has been raised both by Members and among members of the public; indeed, it was raised yesterday in Londonderry: the issue of the MLAs’ pay and allowances. How do you feel about the prospect of not alone pay but the MLAs’ representational role in the constituencies possibly being affected?

Robin Swann: In regards to pay, I do not see a problem with it. I am not doing the full elected role I was elected to do. I am not doing legislation. I finished the last mandate as chair of the Public Accounts Committee. I am not doing that part of my job, so therefore I firmly believe I should not be paid for that part of the job. I have seen the recommendations that Trevor Rainey brought forward for the previous Secretary of State and I can fully support all of them. I have told James Brokenshire and Karen Bradley that: move on and do those, because if it is an incentive or a stick that drives the parties down the road, to get them back around the table, so be it. It is what it took back in 2006 and 2007, when Peter Hain started to cut salaries and expenses. It kick-started that part of getting parties back again, so get there.

As an elected representative of my constituency, I have never been busier, because of the issues for which those departments do not have the budgets. Our health services are struggling; schools do not have their budgets to know where they are going. We are getting busier. I am getting busier. Part of the recommendation was to cut some of our office cost allowance, which will affect staff more than anything else, and that is a detrimental part of the decision as well, because I still need the people in my office to do the work they are doing to give the constituency representation that we are being asked to give.

Q537 Mr Campbell: That is the point I was coming to, Mr Swann. The Rainey report alludes to various reductions if the impasse continues. Given that in some constituencies in Northern Ireland there are abstentionist Members of Parliament, what is your view about the constituency service that MLAs will offer and how it might be affected by any decision? Karen Bradley, the Secretary of State, suggested last week that she was quite reluctant to do that because of the impact that would have, but what is your view on that?
**Robin Swann:** If the Secretary of State moves, we have told her we have no opposition to that. In regards to abstentionist MPs, it is a disgrace. They are getting paid to deliver a service that is part time. They are not here. They are effectively doing what MLAs are doing. They are drawing that constituency representation without taking the full effect of the job and the role they should be doing, but that is a change for here. That is a change for Westminster MPs.

Q538 **Mr Campbell:** I know it is not a relevant issue for you, but would the logic not be that, if you are going to address MLAs who do not fulfil their whole role, you would have to also, at the same time, address MPs who do not fulfil theirs?

**Robin Swann:** I would agree with you, yes. The office cost allowance and access to this place should come with the responsibility of the elected role.

Q539 **Mr Campbell:** Finally, on the issue of the future, we hope we get back to full devolved government, but in the interim, on this issue of a consultative role for the Assembly or committees in various departments meeting, would you see that, as an interim step, being totally positive, within the confines of how it would work, or as being possibility counterproductive?

**Robin Swann:** To fill the void, with no political activity, there is part of a solution there. As I said to your colleague Mr Shannon, I would be concerned that it got to be the status quo, where Members became comfortable. Permanent Opposition, sitting around in a permanent scrutiny committee of either a direct rule Minister sitting here or civil servants sitting here, is the easy part of the job, without taking the responsibility of making a hard decision in the Chamber where you have to go through a voting lobby, one way or another, where your constituency can hold you accountable for the decisions you make, rather than just asking the difficult questions in a committee.

Q540 **Kate Hoey:** Welcome, Mr Swann. Your party is in favour of voluntary coalition, is it?

**Robin Swann:** We have raised it as an option to get out of this impasse. Possibly, if we had had the continuation of a devolved Assembly, that could have been the evolution point we got to. It is where Northern Ireland should be getting to 20 years after the Belfast agreement. Voluntary coalition works in other places and, if Northern Ireland is to be normalised in its political outlook, it is the option that eventually we want to get to.

Q541 **Kate Hoey:** You would agree with Mr Agnew and perhaps you heard him say that we want to get back to something that is normal.

**Robin Swann:** Yes, of course we want to get back to something that is normal. That is what I want. I live in Northern Ireland; my children are growing up in Northern Ireland. I want it to be as normal a society as
everywhere else in the United Kingdom, because that is where we should be. I heard Mr Mills’s question on the make-up of that voluntary coalition. I suppose one place where I would differ is that I would like to see a cross-community voluntary coalition. How that would be possible in legislation I am not sure, but for Northern Ireland to progress and for it to work we need both communities working together rather than against each other, polarising ourselves.

Q542 Kate Hoey: You are not a small party, but do you feel left out quite a lot, as the Unionist Party?

Robin Swann: I understand what you are saying about our political representation at the minute. We have been excluded rather than left out. The past 14 months have been a two-party negotiation that the Government have not taken control of or ownership of. From our point looking in, it has been left up to the DUP and Sinn Féin to come up with their solution, to be quite blunt about it, to what is their problem.

Q543 Kate Hoey: Many people in mainland Great Britain probably find it a bit confusing that there are so many different unionist parties. Have you thought perhaps that, in reality, there is not a huge amount of difference between the Unionist Party and the DUP and, indeed, if I might say this, perhaps some other parties that we might be hearing from later? Would it not be more sensible now to be looking to create some kind of party of Democratic Unionists?

Robin Swann: I do not know if Ian put you up to that question or not. Is that the key? No, look, I still see there are large fundamental differences between us and the Democratic Unionists, in our outlook and in our politic. Lady Hermon would recognise that.

Kate Hoey: Lady Hermon is not in any party at the moment.

Robin Swann: She is a unionist, as you referred to earlier on, so she is still part of the unionist family. Are there points where the unionist party and the unionist elected representatives can stand together on the same platform? Yes. We are at that point now where we are recognising the strength of the United Kingdom, because with Brexit and everything else that is going on there is an existential threat to the union, depending on how that works out. As for a merger with the DUP, no, and I know that may disappoint some around this table who would love to join the Ulster Unionist Party.

Q544 Kate Hoey: You can see how, over here, it is a bit confusing.

Robin Swann: I can understand fully how it is confusing. I am sure it is as confusing as people not realising how UKIP is different from some wings of the Conservative Party. That is political life. There is political belief and, when you get a political movement, it is large enough to recognise that unionism in Northern Ireland has its different factions, as has the Presbyterian church, as has the Methodist church, as have a
number of organisations. To see unionism as one homogenous group in any shape or form does not work in Northern Ireland.

**Q545 Bob Stewart:** What is the great stumbling block between you and the DUP that you cannot swallow?

**Robin Swann:** No offence to the Democratic Unionist members sitting around the table—

**Bob Stewart:** They are ready to take it.

**Robin Swann:** It is in our outlook, how we present things and how we approach even the fundamentals of the social issues that we talk to at the minute. The Ulster Unionist Party, when it comes to the definition of marriage or abortion, sees that as a matter of conscience. It is not something that we say should be dictated or mandated by party policy in a direction where votes can be engendered or engaged. Some simple things came through even in the last Assembly. We were arguing for a manufacturing strategy for Northern Ireland; the DUP voted against it. We were working towards the desegregation of prisoner wings within hospitals in 10 years’ time; the DUP voted against it. There are a number of those differences there.

**Q546 Chair:** We are in danger of going off piste and, Mr Stewart and Mr Swann, you might like to continue that conversation, which sounds jolly interesting, outside this Committee.

**Robin Swann:** Sorry, just to come back to the Historical Investigations Unit in regards to legacy, there are parts of the legacy legislation coming forward that we, as a party, have major problems with.

**Q547 Ian Paisley:** I will not plough the stony ground with you, Mr Swann, but it is good to see you here. If, by some miracle, tomorrow or later this week, the Assembly got itself up and running again, would the Ulster Unionist Party take up its rightful position in a new Executive?

**Robin Swann:** Our position in the Executive is one we are entitled to. One of the things that we would consider at this point in time is what the agreement was to get the Assembly back up and running again. Sinn Féin used the phrase last January that it would not go back to the status quo. I made it very clear to the Secretary of State, to Arlene Foster, as leader of the DUP, and to Michelle O’Neill that neither would we. When there were Ulster Unionist Members and Ministers in the Executive, they were treated as second-class Ministers. There was an executive within the Executive. If the DUP and Sinn Féin had side meetings and came to an agreement for going forward, they would go into the full Executive meeting and the SDLP and the Ulster Unionists were expected to go along.

**Q548 Ian Paisley:** Just to be clear, would you exclude yourself from the Executive or would you take up the position?
Robin Swann: I am not in a position at the minute, because I do not know what the deal is to re-form the Executive. I do not know where the programme for government is going, so you are into a hypothetical. It is something that the party would consider, because it is our right to be there.

Q549 Ian Paisley: I will not pursue it. The Secretary of State has a number of options. One is direct rule, which is where we are but we dare not speak its name. We are at a point of direct rule. She could go to an election. Would you welcome that?

Robin Swann: I do not fear an election.

Q550 Ian Paisley: No, I am not asking that, but would you welcome an election? Do you think it would help?

Robin Swann: I could welcome it, fear it or whatever. Calling an election is the only thing the Secretary of State can legally do within her powers without any change of legislation. If the Secretary of State calls an election, I do not fear it. I do not think it will change the problems. It may change the numbers, but it will not change the fundamental problems. It will buy Her Majesty’s Government extra time to avoid direct rule, but it will not change the underlying problems that your colleague Mr Shannon referred to.

Q551 Ian Paisley: Another option she may have would be to devolve more powers to the 11 new councils in Northern Ireland. Do you see that as an option?

Robin Swann: From our representation and my dealings with NILGA—and you have had NILGA in front of your inquiry—it is the case that one of the problems with devolving more powers is the money that goes with it. Mrs Hoey referred to the confusion between GB and Northern Ireland. Our 11 councils, although now enlarged, are not in comparison in size or responsibility to English, Welsh or even Scottish councils.

Q552 Ian Paisley: If she devolved money and more powers to local government, is that an option?

Robin Swann: It is an option. We have councils looking for responsibility in regard to roads at the minute.

Q553 Ian Paisley: Do you think the councils would continue to act responsibly, like the way they tend to do, or do you think they would turn into mini-assemblies where they would divide on the issues that the Assembly is divided on?

Robin Swann: At this point in time, our local government has been a place of common-sense politics, because they have managed to stay away from the controversial issues. Those controversial issues were always kept within the Assembly, because that was the place where the debates were had. What concerns me is, looking across local government at the minute, that some of the controversial issues that
would have been debated in the Assembly are starting to work their way down into councils. That starts to bring a divisive politic into the local government scenario that has not been there up until now.

Q554 Ian Paisley: It may not be the solution then.

Robin Swann: Give them the responsibility and give them the money, but it is the management of that.

Q555 Ian Paisley: Let us talk about these controversial issues. I think we all know what they are. The Chair alluded to it in one of his earlier questions, but might a multi-question plebiscite or referendum on those controversial issues, instructing an Assembly to legislate in a particular way, in the way the Swiss cantons operate, might help?

Robin Swann: It might help, but our problem is that solely to have a referendum to bring back an answer, without reform over the petition of concern, as an initial point, does not move us on. If the referendum comes back and somebody still wants to sign a petition of concern or bring forward a petition of concern on one of those issues, it blocks it and stops it.

Q556 Ian Paisley: If a petition of concern was presented to you tomorrow for your signature, to make you the necessary 30th man on the issue of abortion and the change to abortion law, would you sign it?

Robin Swann: In regards to abortion, yes.

Q557 Ian Paisley: What about change to gay marriage?

Robin Swann: No.

Q558 Ian Paisley: What about change to the Irish language Act?

Robin Swann: I do not know what the Irish language Act is.

Ian Paisley: Thank you. That has been very helpful.

Q559 Lady Hermon: It is very good of you, Robin, to come and give us evidence this afternoon. I want to take you back to a couple of points, just so that we are absolutely clear. You mentioned that in the recent talks—I think I am right in saying this, and correct me if I am wrong because the microphones do not always pick it up—totalling it all up you had 50 minutes.

Robin Swann: It was approximately 50 minutes.

Q560 Lady Hermon: Was it during those discussions that you mentioned your priorities about the budget or have you separately written to the Secretary of State about your preferences?

Robin Swann: We have met the Secretary of State now. We received a briefing from NIO on Monday, the three parties jointly: the Ulster Unionist Party, the SDLP and the Alliance.
Lady Hermon: This past Monday?

Robin Swann: Yesterday, sorry.

Lady Hermon: Right, yes. Time flies when you are enjoying yourself.

Robin Swann: Time flies when you are having fun, yes. That briefing was giving yesterday and I was not present, but my party members who were said it was very disappointing. It was sold to them that they were going to a briefing on the budget, but when they went it was more a question and answer session. There has been no consultation with the parties as to what may be coming forward in the next week.

Lady Hermon: All right, so Monday was disappointing, but I had understood you to say that you had given your views about the waiting lists, the infrastructure, all the things that we needed. You said that we need a budget.

Robin Swann: Oh, sorry. We have had one-to-one meetings with the Secretary of State, party meetings with the Secretary of State and have put forward our issues at those points as to where we see what needs to be done, so we can bring forward a budget over here.

Lady Hermon: I am sure you are an avid viewer of the Select Committee sessions here. It was made quite clear by the Secretary of State last week in evidence to the Committee that she was intending to make a budget statement this week. In that week, I am not saying that you have to do it, but has your party made a written submission to the Secretary of State saying, “These are what we would like to see in the budget”?

Robin Swann: Not within the past week, but we have previously. We have been engaged. I suppose this is a three or four-month process that we have been putting forward.

Lady Hermon: What are your priorities?

Robin Swann: We want to tackle health waiting lists and the education budgets, because we need to be giving direction to the key services that are there at the minute, services that affect everybody daily.

Lady Hermon: What about mental health services?

Robin Swann: Mental health is something that my predecessor, Mike Nesbitt, championed and brought to the attention of Westminster and the Prime Minister at that point in time. In Northern Ireland, because of our legacy issues, mental health is something that we need to be investing in more, even from an early age. There is a legacy hangover there in regards to direct mental health issues that we should be tackling. Up until now, I do not think mental health has received the same recognition in any budget process.

Lady Hermon: This is an issue that the Ulster Unionist Party has flagged up.
Robin Swann: Yes.

Lady Hermon: Would you and your party colleagues have any objection to the Secretary of State legislating here at Westminster to implement the Hart report in the continued absence of a functioning Assembly? That is a very long pause.

Robin Swann: I am trying to think if there are any issues within the Hart report. No, I do not think we would.

Lady Hermon: Could I come back to the point that you made earlier about having looked at the issue of MLAs’ salaries? Could I just clarify again? You mentioned the Rainey report. You will remember that the Rainey report recommended, before Christmas, in December, that there should be a two-stage cut. Can you confirm that, as a party, you have no objection at all to the two-stage cut?

Robin Swann: None whatsoever.

Lady Hermon: That is very good.

Robin Swann: Now that there is a date of 1 April as one of the staging posts that was in Mr Rainey’s report, so there is now going to be a change, my only concern is about how that works out. That date needs to change, because I do not know if the Secretary of State has time to bring forward the legislation that that will bring. On the recommendations that are in there, I have no problems with the MLAs’ salary. I have concerns with cutting back office cost expenditure. In the way our office cost is now worked out, it is banded for certain cost centres and one of the biggest areas that will be hit is staff. It is unfair that my staff and other MLAs’ staff will lose jobs, pay and salary because of the inability of other parties to bring forward a functioning Assembly.

Lady Hermon: Have you made those points to the Secretary of State?

Robin Swann: Yes. James Brokenshire was also well aware that we have no problems with the Rainey report.

Lady Hermon: The third issue is in response to a direct question about another Assembly election. You said that you have no fear of another Assembly election. You might have no fear of another Assembly election and I take it that, in fact, the Ulster Unionist Party should not be afraid of another Assembly election. However, would it be helpful?

Robin Swann: No.

Lady Hermon: Why?

Robin Swann: It may change numbers here and there, but it will not change the problems.

Lady Hermon: In relation to the draft agreement, which we have not heard mentioned all afternoon, that was very usefully put into the public domain by Eamonn Mallie for the rest of us who were not in the talks
between Sinn Féin and the DUP, what did you and your colleagues make of it and the detail contained therein?

Robin Swann: The detail is concerning for us in regards to how far the Irish language legislation had progressed in that draft agreement. There were other issues that we had concerns about, in regards to putting the Justice Minister back into D’Hondt in the next election, where we do not have a functioning Executive or an Assembly. To take that step with justice and policing while you were in a void for possibly three to four years was a concern that we had as well.

In regards to the document, its nature, its content, who says it is there, who says it is real, what Eamonn Mallie has produced and the way it has been carried, it is plausible. It is there and it is a draft agreement that has been worked out between two parties over a period of 14 months. What standing it has in their heads now is between them. I am pretty sure in my head that it was an agreement, a draft agreement, or whatever anybody wants to call it, between two parties.

Q574 Lady Hermon: Finally, are you disappointed that the Secretary of State, as she made quite clear to us, as a Committee, last week, has not facilitated resumption of the talks, particularly between the two main parties, but between all the parties? She has taken a break from facilitating those meetings. Is that the wrong call?

Robin Swann: It is the wrong call at the minute. We have a number of issues that are facing the UK and Northern Ireland in regards to Brexit. We should be in there; we should be talking; we should be seeing where the commonality is rather than always looking to where the difference is. That is where part of the problem is in Northern Ireland politics. In the past 14 months, we have been continually looking at each other’s differences and what divides us rather than our similarities and where we can work together. I would like to be back around the table as an active negotiator, not as someone who is brought in every four or five months to be given an update.

Q575 Lady Hermon: In other words, all-party talks.

Robin Swann: All-party talks.

Q576 John Grogan: Good afternoon. I have one question following directly on from that. You think all-party talks would be a good thing. Some people have said that might require an external, neutral chair. Is that something you would consider?

Robin Swann: As a participant in the Haass talks, I am not sure what an international chair can bring. When Haass was questioned about the benefit of an international facilitator or chair, he said in an interview that they only brought the last 5%. Maybe that is where the DUP and Sinn Féin were at this point. To bring an independent chair or facilitator in at this point in time, if it is what it takes, is an option that can be looked at. I did not think it was necessary prior to Christmas, because I thought our
Secretary of State had the responsibility and the ability to bring that forward. I am not sure Her Majesty’s Government have fully grasped or still have ownership of the talks process.

**Q577 John Grogan:** What about the Prime Minister and the Taoiseach? The Prime Minister came under some criticism when she did come, but on the other hand there was criticism that she was not hands on enough. If it is not going to be an international chair, should it be the two leaders who roll up their sleeves?

**Robin Swann:** There is input from both Governments that has always been there in the crucial times. Maybe they did not interact early enough, but to change that is not something you can do retrospectively. The Prime Minister and the Taoiseach appeared on whatever Monday that was in February. I think they believed they were being brought to a final deal, that the work had been done over the weekend and that they were coming to sign off and shake hands. I met the Prime Minister that afternoon and I think she was pretty despondent as to what was being said.

**Q578 Nigel Mills:** Mr Swann, you said earlier that you would support a voluntary coalition with some cross-community requirement. Clearly, one way of achieving that would be for you to enter into a coalition with Sinn Féin and the other smaller parties. Is that something you could see yourself doing?

**Robin Swann:** At this minute, no, because the legislation is not there to allow it. The politics is not there to allow it and, in Northern Ireland, we are not in a place at the minute that will allow that progression of politics.

**Q579 Nigel Mills:** If you are advocating a voluntary coalition, which would require some legislative change to allow it, presumably there are only two realistic alternatives to the current attempted coalition. One would be for the DUP, you, the SDLP and the other smaller parties to do a deal. Another would be for Sinn Féin, you and the other smaller parties to do a deal. Are you saying that that is impossible, so the only possible voluntary coalition would be the DUP, you, SDLP, Alliance?

**Robin Swann:** In regards to any voluntary coalition after any election, it is those negotiations that take place between the parties to form the programme for government that that mandate is going forward on. At the minute, I do not see a lot of commonality between my party’s manifesto and Sinn Féin’s manifesto, so I cannot see us going into a voluntary coalition any time soon, if that is the answer you are looking for, Mr Mills.

**Q580 Nigel Mills:** You would not be tempted, if there was an election, to go and say, “It is the DUP being wholly unreasonable. We want good government. We will be more pragmatic. We are the party that can get the show back on the road”. You will be saying, “Look at this awful deal the DUP offered Sinn Féin. It is rolling over. Vote for us”. Is that how you see the election?
Robin Swann: If I can use you in a party election broadcast saying those things, I would be more than happy to. There are lines that we have to go forward with in an election. That is the counter that the DUP used to the Belfast agreement in 2003 and 2007, the nasty things we did, and then it claimed to correct all those at St Andrews, but it want back again, saying that this agreement was going to correct what St Andrews had got wrong. The normalisation of politics, where we get into the position, if we can ever get there, of sitting around any sort of table in Northern Ireland, is something that I want to work to, rather than what you are talking about, which is a long way down the line yet, Mr Mills.

Chair: Mr Swann, thank you very much indeed. You have been very frank with us and direct in your answers. When people said to me you were very honest, I was worried, but you have been straightforward with us. Thank you very much indeed. Your remarks will help us very much as we come to prepare our report on this important subject. It was good to see you.

Robin Swann: Chair, thank you very much for the time and the courtesy of your Committee Members. I was not as grilled, in fact, as I was expecting.

Examined of witness

Witness: Jim Allister QC MLA.

Q581 Chair: Mr Allister, welcome. It is good to see you here. Thank you for coming to better inform our debate today and, indeed, to influence the report when we come to write it all up. Your contribution, I am sure, will be most welcome.

Can I start by, somewhat provocatively and rhetorically, suggesting that the Good Friday agreement has run its course, and ask you to say whether you would agree with that proposition and, if so, how you would fix it?

Jim Allister: I am almost tempted to think that must be a trick question, because it is one I agree with very readily. We are in the present situation of failure in government in Northern Ireland because the construction of government contained the seeds of its own destruction. The problem is that mandatory coalition is now working out in a manner that always had that perverse seed within it. It is built on the idea that you must have two big parties, as of right, in Government. Immediately, the moment you form that structure, you create the potential for the politics of ransom whereby one of those parties, if so exercised, can decide, since there cannot be a Government without them, there will be no Government unless the other party pays the price demanded. That is exactly what we have seen.
When you put into that mix the fact that one of those parties, namely Sinn Féin, in the first place never has existed and never will exist to make Northern Ireland work, the propensity for it to take that option of ransom politics is very powerful. That is exactly what has happened. Therefore, to think that we can simply get enough sticking plaster to put it all back together again and it will all work fine is an illusion. This system of government will never work. If the last 14 months serve any purpose, they serve the purpose of demonstrating that beyond dispute.

Therefore, even if the DUP were foolish enough to pay the price demanded, it would not be the last time they would be required to pay it, because the politics of ransom would have worked. Therefore, unless and until you alter the structure and means in the Government, you are never going to construct a system capable of surviving. That is the essence, of course, of what the Belfast agreement had to say about the institutions. The seed of the destruction lies within the structures constructed out of the Belfast agreement.

**Chair:** Thank you. We will go on in our questioning to explore how you feel the system might be changed to make the institutions more robust.

**Q582 Ian Paisley:** After I question you, I have to go and visit the DWP Secretary of State, so I am not walking out as a protest of you being here, Jim. I am delighted that you are here and hope that you are able to give us some clarity on your own submission. You say in your submission that devolution is doomed and you have elaborated the reason why mandatory coalition is doomed.

**Jim Allister:** This form of devolution.

**Ian Paisley:** Yes, and that only coalition of the willing really stands a chance. Probably that is doomed as well, in that there will people who will try to prevent that from happening.

**Jim Allister:** Yes.

**Ian Paisley:** You pointed then at Westminster as really the only alternative option. I am not accusing you of hedging your bets here, but can we have clarity? Do you think the Assembly should be brought to an end now, P45s given to all of its Members and its staff, and the shutters brought down? Is that what you really advocate?

**Jim Allister:** We have to get government. We either get it from Stormont, which we patently are not going to get, or we get it from Westminster, so let us get on with it and get it from the only place we can. Do we, in consequence, close down Stormont? Well, if it becomes abundantly clear—and with each day it is becoming clearer—that there is little prospect of an appetite to change the structures that will enable Stormont to work, yes, the answer is to turn the key. Are you going to say, "We can only have a form of devolution that will never work"? Think of it. If someone said, in this place, "Theresa May can only be Prime Minister if she has Jeremy Corbyn as Deputy Prime Minister. She cannot..."
sign a letter without him. She cannot do anything without him, it is a joint office", you would think it was preposterous. Yet that is the system we have.

Q583 Ian Paisley: Just to be clear, you are saying bring the Assembly down immediately, hand out P45s to you, your 89 colleagues and all the staff, and close it down. Is that what you are saying?

Jim Allister: I am saying, if we cannot fix it, close it. I do not see much sign of it being fixed.

Q584 Ian Paisley: How much time do you give to try to fix it?

Jim Allister: I do not know if you can be specific about that. It is not so much about time; it is about will. If you cannot discern a will to fix it, what is the point in talking about time? The key question is: is there a will?

Q585 Ian Paisley: In the last 420 days, there does not appear to have been the ability to fix it.

Jim Allister: That is right.

Q586 Ian Paisley: Do we give it another 420 days or do we close it?

Jim Allister: No. If I was left with a piece of paper to draft a system of devolution, it would be very simple. It would be that we have an election; mandatory coalition is over; who is elected is elected. We are going to form an Executive by those who can agree to form the Executive. Out of deference to our divided past, we will say, to get the budget through, to get the programme for government through, you must command 60% support on the floor of the Assembly. The parties that can put together such a coalition govern. Those that cannot do so form the Opposition. If such an elementary democratic proposition does not lend itself to implementation, what is the point in having Stormont? It is never going to work unless we can get there.

Q587 Ian Paisley: If that model led to deadlock, you would bring that down as well.

Jim Allister: Yes. Not to complicate it, but even a voluntary coalition is very difficult to put together. Therefore, you probably need a default position if you want to save Stormont in some way, because you could spend some months trying to put together a voluntary coalition, and you need government in the meantime. You could have it fall apart. Is that the end of everything? The default position I would anticipate is, when you look at Stormont, to ask yourself this question. Of its three components, which have failed? The scrutiny role has worked reasonably well. The legislative role has worked reasonably well. The failure department is that of the Executive. If you cannot put together an Executive, do you throw everything out or, as a default position, do you have the Secretary of State, with direct rule Ministers, bringing their
legislation to the Assembly and being subject to the scrutiny of the Assembly?

Then, if and when the Assembly can put together a voluntary coalition Government, it forms that Government and replaces the Secretary of State and her Ministers. If it collapses again, you do not lose everything; you go back to the default position. That would need some fine-tuning, but that is the essence. The essence of having a default position makes sense if you want to save some element of devolution.

I must say, having observed devolution at closer range than I had previously, I am probably less impressed by what I see. Anyone who has paid any attention to the RHI inquiry would be distinctly unimpressed with the system and level of government and the control within it. I am not sure that it is the great panacea that people think, but I recognise there is probably an appetite for a form of devolution, provided it works. There is very little appetite now for this system of devolution, and most people outside the political bubble would choose direct rule tomorrow over this ongoing shambles at Stormont.

Q588  **Lady Hermon:** You have some very strong views, Jim, if you do not mind me referring to you by your first name.

  **Jim Allister:** I do not think they are any the worse for that.

  **Lady Hermon:** Absolutely not. Do you mind if I ask this? Are you in correspondence with the Prime Minister about your views? Do you set out on paper to No. 10 how this could be solved, how angry you are about it and your options?

  **Jim Allister:** I would not say angry, but nor do I inflate my view that the Prime Minister would be too interested in what I have to say. We have a Secretary of State, whom I have yet to meet. We had the previous Secretary of State, whom I never met. He was in office 20 months and he met every other party in the Assembly except Traditional Unionist Voice, I suspect because he knew he would not like the message he would get. There has been no great encouragement from officialdom to engage.

Q589  **Lady Hermon:** Could I come back to the question, as you would expect me to? Have you been in correspondence with the Prime Minister?

  **Jim Allister:** No, not about this issue, other than to send a document that we published some time ago suggesting a way forward.

Q590  **Lady Hermon:** When would that have been sent to the Prime Minister or to the Northern Ireland Office?

  **Jim Allister:** It was sent to the Secretary of State and, I believe, to the Prime Minister’s office.

Q591  **Lady Hermon:** Right, and you have not had a meeting with the Secretary of State, either the previous one or the current Secretary of
State.

**Jim Allister:** That is correct. I have asked.

Q592 **Lady Hermon:** I am quite sure you have. That is very disappointing. You are the leader, you were democratically elected and you have a party.

**Jim Allister:** Well, maybe, as the Northern Ireland Committee, you should take that up with the Northern Ireland Minister.

Q593 **Lady Hermon:** I am sure the Northern Ireland Minister and Secretary of State will have heard the evidence given this afternoon. If you have not written to the Prime Minister and you have such clear views about what should happen at the present time, do you think the Prime Minister is trying to avoid direct rule?

**Jim Allister:** I think the British Government do not wish to embrace direct rule, because they see it as an acknowledgement of defeat in terms of the structures of the Belfast agreement. Therefore, they are trying to put off the evil day. They are also trying not to overly offend Sinn Féin. Therefore, the idea of British rule is something that they run away from.

Q594 **Lady Hermon:** You do not think it has something to do with the fact that 10 DUP Members in this House, with a minority Government, are keeping Theresa May in office.

**Jim Allister:** Surely that should work as an incentive to move towards British rule rather than a disadvantage.

Q595 **Lady Hermon:** I would not have thought so. With 28 DUP Members elected to the Assembly, including the DUP leader, Arlene Foster, surely that is not an incentive to move to direct rule.

**Jim Allister:** I understand the point you are making and I fear very often that, in politics, the personal interest supersedes the national interest.

Q596 **Lady Hermon:** Whose personal interest are you referring to?

**Jim Allister:** MLAs, I suppose, as a genre of individuals, would prefer to keep an Assembly, even though it is a hopeless, useless Assembly, because it means they have salaries, pensions and all that goes with it. That is a natural human instinct. The more compelling question might be whether it is in the national interest, to use that phrase, to have such a useless, failing Assembly?

Q597 **Lady Hermon:** Did you say “useless, failing Assembly”?

**Jim Allister:** Yes.

Q598 **Lady Hermon:** Of which you are a Member.

**Jim Allister:** Yes.

Q599 **Lady Hermon:** You would accept that it has not been functioning for the
last 13 going on 14 months. In fairness to the other witnesses, have you written to the Secretary of State and said, “Please implement the Rainey proposals and cut my salary”?

**Jim Allister:** If the Secretary of State ever deigns to meet me, that is one of the points I will make to her, but I have taken some action myself. I anticipated that the Rainey proposals would have been implemented in January. That was, I thought, meant to be the understanding. It came and went, so when January came and went I gave instructions to the finance office in Stormont to no longer pay me a portion of my salary.

**Q600 Lady Hermon:** How has that impacted on your staff?

**Jim Allister:** It has not impacted on my staff. It is my personal allowances, my travel and my salary. I think Rainey was right in everything but that point. If they are to sustain an Assembly, it is utterly wrong to punish the staff eventually, because they are the people who, whether or not there is an Assembly, still have the same job to do in the constituency offices.

**Q601 Lady Hermon:** Yes, that is right. You have shown leadership in that in January. Has your salary, therefore, been cut? They have followed the instructions that you have given them.

**Jim Allister:** The only way I could do it, according to advisers, was to instruct them not to pay me the travel element of my salary, which is of the order of about £500 a month, so I have given instructions not to be paid the travel element of my allowance. That should be neither here nor there. The principle is that this matter should have been addressed.

**Q602 Lady Hermon:** It is very important because, as you know, the general public are absolutely furious. It is one of the issues that make them extremely angry, and that is that Assembly Members are still receiving their full salary. As I said, you have shown leadership, you have contacted the necessary officials at Stormont to ask them and your travel allowance has been cut. I repeat the question: have you written to the Secretary of State saying that the Rainey recommendations should be implemented right across the board for all MLAs, since you said that the Assembly was useless, or whatever it was that you said? Have you followed you that through?

**Jim Allister:** No. I have said to you when she deigns to meet me I will drive home that point.

**Q603 Lady Hermon:** With the greatest respect, you do not have to meet the Secretary of State in order to make that point.

**Jim Allister:** Do you think a letter from me is going to make the difference?

**Q604 Lady Hermon:** I have to say it would be very helpful that, in fact, we had some leadership from a leader of a political party in Northern Ireland.
Jim Allister: Yes, one whom the Secretary of State does not wish to meet.

Lady Hermon: Putting that in writing would help. That is the point I am making.

I will move on to a number of other points. As you know, given the deep and special relationship that this particular Government have with the President of America, the Trump Administration, there has been speculation recently that the Trump Administration is considering appointing a special envoy to Northern Ireland. Do you think that would be useful in the present circumstances?

Jim Allister: No. I do not think past experience shows any usefulness in that and I would not expect any future experience to be any better.

Lady Hermon: But the situation has completely changed. We are heading into Brexit.

Jim Allister: Good.

Lady Hermon: Moving on swiftly from that word, the Prime Minister has indicated that one of the main trading partners that she wishes to establish post Brexit is, of course, America, so the situation has changed because of Brexit. In those circumstances, where America is interested in appointing a special envoy, why would that not have a positive impact?

Jim Allister: I do not think the appointment has been mooted in the context of Brexit and reaching out to Northern Ireland.

Lady Hermon: You do not think so.

Jim Allister: It has been mooted in the context of someone to politically meddle in Northern Ireland.

Lady Hermon: Meddle?

Jim Allister: Yes. That was the previous role of George Mitchell and others, and I do not think it was to the good. He constructed the very system that has now floundered. I read the speculation about appointing an envoy to be the appointment of a political meddler, not somebody who is going to be a trade envoy to Northern Ireland. If it is a trade envoy, well and good, bring it on.

Chair: That point is well made. I am going to interrupt, because we are running out of time.

Kate Hoey: Welcome, and thank you for the work you have done across party with Nigel Dodds and me on trying to get young sportspeople in Northern Ireland to be able to compete for Northern Ireland, and not have to compete under an Irish flag when they, supposedly, have the right to be Irish or British.

You obviously would like to see huge changes to the 1998 Act. Can it be unilaterally amended by the UK Parliament? Does it have to have the
consent of the Irish Government and a cross-party majority of unionists and nationalists?

**Jim Allister:** No. Our governmental structures are laid out in the Northern Ireland Act 1998, which is an Act of this sovereign Parliament. Therefore, this sovereign Parliament can amend, as it can any Act, the 1998 Act. Indeed, it could amend it to take out mandatory coalition and to put in a system of structured voluntary coalition. It is in the gift of Parliament.

Q609 **Kate Hoey:** It would not have to have the Irish Government’s agreement. I am not sure what their view would be on it.

**Jim Allister:** We have this ironic situation that an Irish Government that would not, for one minute, contemplate Sinn Féin in their own Government are insistent that in Northern Ireland you cannot have a Government without Sinn Féin. That is so outrageous that the Dublin Government need to be faced down on that issue. The sovereignty of the United Kingdom on the internal governmental arrangements of Northern Ireland needs to be firmly re-established. We cannot go on as we are. Going on as we are is just more of the same, and more of the same is failure.

Q610 **Kate Hoey:** You said something that a lot of people think but do not like to say. You were quite clear that the interest of one party in Northern Ireland, Sinn Féin, is to have a united Ireland. It is not in its interest for Northern Ireland to be successful, to trade, to do all sorts of brilliant things, because that helps to downgrade its message. Is that something that you think is shared by all the pro-union people in Northern Ireland but they just do not like to say it?

**Jim Allister:** A lot of people believe that, when you analyse the position of those in Sinn Féin, they have never existed to make a success of Northern Ireland. Indeed, how could they? You cannot make a success of Northern Ireland within the United Kingdom and then say, “But we need a united Ireland”. It is an absolute nonsense. Far from wanting Northern Ireland to succeed, they want it to be a failed political entity, so that they can argue from that base that there is only one answer.

If you make Northern Ireland a happy, successful part of the United Kingdom, the argument for constitutional change is gone. They know that and that is why they have been the fifth column in Government, trying to get that position. Frankly, given their stance, it seems to me that they want everything to be a grievance. Austerity is a grievance; Brexit is a grievance; direct rule would be a grievance. Everything has to be a grievance, for they are the masters of the factory of grievances, so that they can, from that base, argue, “You cannot fix this place. Therefore, we have to have a united Ireland”. That is their strategy, and anyone who plays along with them and gives them the status to argue that from within Government is being very foolish.

Q611 **Kate Hoey:** Finally, do you think the Secretary of State should call an
Jim Allister: I do not think an election would solve anything. If she calls an election, it is because she does not want to face the next inevitable step of direct rule. It would just be for buying time, but I do not think it will solve anything unless the parties that succeed in that election trash their own manifestos.

Q612 Mr Campbell: You are very welcome, Mr Allister, to the Committee. You talked in some of your answers about how you feel people’s perceptions have been coloured by what has happened. In the run-up to recent weeks, a number of us have had a lot in our postbag and people saying that, whatever the controversial issues, they want to see the Assembly dealing with the health service, the potholes in the roads, the education system. Is that reflective of what you have got or at variance with it?

Jim Allister: My office spends a lot of time on potholes and all those issues, but there is a growing frustration, not just that government is not working, but, with that, a realisation that it is because of the failure of Stormont that we have got to this point. Now, look, direct rule is not a panacea. Austerity is still there. There are, of course, going to be difficulties and it will be someone else to blame, but at least we have to get government, because we are going through this perpetual situation where we are told, “Decisions cannot be made about that; decisions cannot be made about this, because we do not have Ministers”. Well, let us get Ministers.

Q613 Mr Campbell: That is the point I wanted to bring you to. I think you were present when I asked this of a previous witness. Given the propensity for the Government not to take decisions, and you outlined their apparent reluctance, as it appears to most people, to do something that will offend Sinn Féin too much, were they likely to take a decision to announce a budget in the midst of the talks process, given what they think about Sinn Féin and Sinn Féin’s likely reaction?

Jim Allister: I think they delayed that as long as they could, but there comes a point where you cannot delay it any longer and they have pushed it to the edge on this.

Q614 Mr Campbell: Given that the head of the Civil Service told this Committee that the edge was 8 February, which is a month ago, obviously the Government were prepared to allow it to go even past the edge.

Jim Allister: As they did last year.

Q615 Mr Campbell: Yes, but the point I am getting at is, had we still been in talks—

Jim Allister: If we had still been in talks, we would have had the scenario of last year, where we moved into 95% expenditure of the outgoing budget until a point, subsequently, when they retrospectively dealt with that.
Mr Campbell: But you do not think a budget would have been declared by now had we still be in talks.

Jim Allister: I am not sure. I would have thought it would be part of the stick and carrot that, if you get a deal, you get to set a budget, rather than someone else setting it for you, even though the practical realities are that there is a pre-call on most expenditure within a budget. There is not a lot of scope within it to make any changes.

Mr Campbell: But you do not think a budget, as we hope to get in the next two days, would have been declared had talks been ongoing. Just to tease out what you said about the changes that are required, many people look at a synopsis of the problem and may well agree with it, but want to try to find solutions. Given where a Labour Government, 20 years ago in the Belfast agreement, then a Conservative/Liberal Democrat coalition and now a Conservative Administration have been, in terms of how change might come, and given that, broadly speaking, there has not been much change in the attitude of those different Governments in 20 years about what is required to bring about change, would you, first, agree that that is the case?

Jim Allister: It is more difficult now for any Government to deny the need for change, because what is staring them in the face is the self-destruct failure of mandatory coalition. Therefore, the argument I am making is on more fertile ground than it was before. My big disappointment of the past year, Mr Campbell, is that your party does not seem to have taken the opportunity of the patient failure of mandatory coalition to say with vigour to the Government, “Now you must change it. We have tried it; it has failed; it is never going to work. Now you must change it”. The attitude instead has been: how can we mollify it; how can we get enough sticking plaster to put it back together again? That has been a disappointment to me.

Mr Campbell: Of course, that disappointment would be based on a false reading. That assumes that we have not when, in fact, we have.

Jim Allister: I look for evidence.

Mr Campbell: Well, sometimes when people get evidence they do not believe it, but whatever.

Jim Allister: Indeed. Some people say, when drafts are produced, there is no draft.

Mr Campbell: I will happily come to that and we will deal with that possibly in the report that we talk about.

In the aftermath of the talks, you said, “I welcome the fact the DUP has faced some measure of reality”. Many people might say that some of us faced reality when you walked away from politics for 18 years, Mr Allister. That is not really a question.
Jim Allister: I am not sure what attempt at a low dig you are making there.

Q621 Mr Campbell: That is just a statement of fact. What I want to get to is the sequence of Governments, whether Labour, Conservative/Lib Dem or Conservative, as yet, whatever problems we face in Northern Ireland, have not given an indication that they are prepared to look at a change that does not require agreement in Northern Ireland. That is the point. Do you accept that, up to now, that has been the case?

Jim Allister: We have had Labour, the Conservatives/Lib Dems, and we now, in a manner, have the Conservatives/DUP, and I have been looking for the product of that in terms of the abandonment of the failed structures. I have been looking in vain. Yes, the people of Northern Ireland do not ideologically approach this and say, “Mandatory coalition good, mandatory coalition bad”. They look at it and say, “Where is the Government? We want government. Give us a system that works”. The logic of a system that is built on a voluntary coalition, with safeguards to ensure a cross-community dimension, is something that people, in the context of the failure of what has gone before, would endorse. But it requires the politicians to give a lead on that.

Q622 Mr Campbell: Possibly you are missing the point, Mr Allister. I do not know why. Successive Governments have not, as yet, given an indication that they are prepared to contemplate change that cannot be agreed in Northern Ireland among the parties. I have seen no evidence of any Government, of any colour, saying that they are prepared to contemplate it. Now, I would hope that they do. I would recommend that they do. But do you accept that, to date, they have not done that in 20 years?

Jim Allister: I accept that giving a veto to a party that does not even want the country to exist is never going to induce change. I equally expect that a party that very much wants the country to exist and to succeed would use every opportunity to nudge the Government, particularly when they depend on it, towards a realisation that if we are to have devolution it must be a devolution that works, not simply putting back again that which will never work. That is where the big onus is on the DUP to bring the Government to that point, encouraged by the debris by they see around them of the failure of the present arrangements.

Q623 Mr Campbell: Finally, whatever the final analysis might be, do the current Government, in your mind and possibly in the minds of many people in Northern Ireland, need to move to a point where they would abandon a succession of Governments’ approach in Northern Ireland to reach the end that you would like to see?

Jim Allister: They have to abandon the system that has failed, and that is mandatory coalition. I remind you, in 2005, you were elected to this House on a manifesto that said mandatory coalition is out of the question. When you and your party abandoned that, some of us abandoned the DUP, but unless and until we get to that point we are
never going to get a system that works, because this system is incapable of working.

Q624 Mr Campbell: I will resist the opportunity to point out to Mr Allister that our party increased our vote by over 100,000 in the last election. The point that you are still not addressing is that, whatever the process, whatever the persuasion, whatever coaxing is done, a Government of whatever description will need to take a decision to say, “No longer will agreement be required in Northern Ireland to change”. Do you accept that that is what has to happen in order to get the change?

Jim Allister: I accept there has to be an abandonment of mandatory coalition and I accept that no party has ever been in a stronger position with the British Government to deliver change than your party is.

Mr Campbell: I rest my case, Chair.

Q625 Nigel Mills: Going back to the idea of a voluntary coalition, Mr Allister, I think you are advocating a simple majority, but with a 60% requirement to pass the budget and the plan for government.

Jim Allister: Yes, which it needs to establish it, because without a programme for government and without a budget you do not have a Government.

Q626 Nigel Mills: So you can have a simple majority for everything other than those two things.

Jim Allister: Yes, once you have your Government established.

Q627 Nigel Mills: Do you accept that the two main nationalist parties have more MLAs than the two main unionist parties, so that voluntary coalition may effectively be Sinn Féin, SDLP, the Alliance, as long as the Ulster Unionists—

Jim Allister: That would not reach 60%.

Nigel Mills: With the Ulster Unionists it would.

Jim Allister: With the Ulster Unionists, yes. A 60% formula could only be attained by a component part of it being either nationalist or unionist. If it was mostly unionist, you would have to have nationalists; if it was mostly nationalist, you would have to have unionists. You could not, on the present arithmetic, arrive at 60% otherwise.

Q628 Nigel Mills: As a principle, would you be happy if that was how the Executive was formed?

Jim Allister: It would be such an advance on where we are, holding the potential to give government that works, that I would be prepared, at least in an interim period. You could have a sequence where, over a period of years, the 60% reduces election after election, because we want to get to normalised politics, but the great mystery of the Belfast agreement is that it has produced the very opposite. It has produced
polarised politics. I can explain why that is. It is pretty obvious to me why it is, but that is the reality.

Instead of producing a normalisation of politics, it has induced, of necessity, by reason of the system, two large blocs and the stand-off that you presently have. You have to break that. If you can break that through a 60% approval of a budget and a programme for government, and that therefore engenders a cross-community element to government, those who can get to that point get to it and those who do not do not, provided they accept that their role is in Opposition. If they simply say, “Well, we do not accept that; we are going to wreck it; we are not going to allow it; we are not going to participate”, you are reaching the state of ungovernableness. Maybe that is what some people want.

Q629 **Nigel Mills:** In principle, you would accept a Government where unionists made up one-seventh or one-sixth of the majority, or something around that.

**Jim Allister:** We have to put in place a system whereby we can get government. If we are to have devolution, it has to be one that works. A system that is built upon a qualified majority is workable.

Q630 **Nigel Mills:** You do not need to give the speech again. It is a simple question: would you accept an Executive with a very small unionist support?

**Jim Allister:** I cannot imagine a unionist party that would put itself in that position.

Q631 **Nigel Mills:** That is the problem, because that means that we do not go anywhere.

**Jim Allister:** Are we going very far at the moment?

Q632 **Nigel Mills:** As long as we have a voluntary coalition of all the parties involved it is fine, just as long as it is not mandatory.

**Jim Allister:** Would you have it here?

Q633 **Nigel Mills:** I am exploring what you are suggesting to us.

**Jim Allister:** You would not have the system that you have put upon us in Northern Ireland.

Q634 **Nigel Mills:** I am trying to find what the witnesses have as alternatives to it. You have basically just suggested a voluntary coalition, but you could not see any unionist party being part of it unless it had half of it.

**Jim Allister:** No, you distort what I said. I said that a voluntary coalition would be the product of negotiations after an election, and, to give an assurance of cross-community complexion to it, you would put a 60% requirement on the budget and the programme for government. I am not prescribing who then forms that 60%. That is the product of
negotiation. If no one can agree that, you go to my default position or you turn the key altogether, whichever you like.

Q635 Jim Shannon: Jim, it is nice to see you. We are where we are in relation to the process. Sinn Féin has orchestrated a number of things that would happen: its issue with Brexit, its issue with the Irish language Act and other red-line issues that it brought in, not in December 2016, but suddenly in February 2017. In your opinion, was it a deliberate ploy by Sinn Féin to introduce the Irish language Act into a process, knowing that we and the unionist people would never accept such a thing?

Jim Allister: Yes. It comes back to my thesis that Sinn Féin has never been there to make Northern Ireland work and wants to engender instability. Your point ties back to the sanctity that we keep being told about of the Belfast agreement. Some people, when it suits them, tell us, “You cannot change the Belfast agreement; it is sacrosanct; it is written in stone”. Well, if that is right, the Irish language Act issue was settled, because in the Belfast agreement it provided for the Irish language through a north-south body with executive powers. There was no talk of an Irish language Act. Those who say, “We demand an Irish language Act”, out of one side of their mouth, say out of the other side of their mouth, “But you cannot change the Belfast agreement”. In the very doing of that they are changing the Belfast agreement.

Then, after St Andrews, when the Northern Ireland Act 1998 was amended, it was further changed to give more provision to Irish by requiring the provision of a statutory strategy for the Irish language. Again, within the aegis of the Belfast agreement and St Andrews, it set in stone what was provided for for Irish.

For Sinn Féin, it never was a settlement, and that is a point people lose sight of. The Belfast agreement was never a settlement for republicans; it was a stepping stone, and this point was always coming. When Sinn Féin had extracted as much as it could from the present arrangements, it would up the ante. That is what it has done, and the Irish language Act was the tool.

If you want to understand the politics of that, go and get yourself a copy—I think it is September 2005—of An Phoblacht, and read the strategy set out by Sinn Féin and the IRA as to how they would use the Irish language as a political tool. That is exactly what they have been doing ever since.

Q636 Jim Shannon: Is it your opinion that we are always going to come back to the Irish language Act in any process that moves forward?

Jim Allister: The Irish language Act has been made the next test by Sinn Féin to involve itself in the Government of a country it does not even want to exist. To Sinn Féin, it is a tool, and it knows, of course, that it is a tool that unionists cannot accede to.

Q637 Jim Shannon: Others have alluded to the budget issues, and I apologise
for not being here when you were responding to some of those things. There is going to be a written budget statement on Thursday in the House here, as you are probably aware. Is it your opinion that we should go back to direct rule or do you feel that there may be a hybrid system somewhere that will enable MLAs, on a reduced salary, reduced office cost allowance, et cetera, to have a say in the process, not legislatively but consultatively? Is that something that might work?

**Jim Allister:** I do not know if you were here when I explained this. I said that, if we were going to move away from mandatory coalition to a form of voluntary coalition, we needed a default mechanism where, if you could not put together the Executive, you still did not lose everything. I suggested you had legislative devolution and scrutiny powers. Could you do that now? Yes, with change to the 1998 Act you could, and it would be an improvement on where we are, because it would help bring direct rule closer to the people, but it would require a number of inventive details to deal with budgetary issues. You could not just create an Assembly that could demand money, money, money with a begging bowl all the time. You would have it within parameters of budgetary control. There could be a role for that, but it has to be worth having. It is not just about creating jobs for people.

Q638  **Jim Shannon:** Do you feel that the UK Government are up for radical change in relation to this?

**Jim Allister:** You tell me. You are closer to them than I am. They need to be brought to the point of being up for radical change, because where we are does not and will not work.

Q639  **Mr Goodwill:** From what you have been saying, Mr Allister, it seems nothing short of a miracle that the system has ever worked. Would you agree that it was only because we had a very close business working relationship between the leader of the DUP and Sinn Féin that the processes ever worked in the past? Would you agree that, unless we can return to the era of the Chuckle Brothers, or maybe the Chuckle Sisters in this case, there is no hope for getting an agreement in place?

**Jim Allister:** There is exaggeration of how well the system ever worked. It was a stumble from crisis to crisis. We went through phases where we had Ministers in office today resigning tomorrow. We have had various crises over policing, justice and all sorts of things. It has not been a straightforward flow of government, far from it, over the 10 years when we did have devolution.

Q640  **Mr Goodwill:** It is possibly more stable than Italy, or some other countries I could mention.

**Jim Allister:** Yes, and that is Italy struggling to get a voluntary coalition. I would hate to think what they would be like, there or anywhere, if they had to have a mandatory coalition, and yet that is the system, uniquely across the democratic world, that is put upon us. It is a surprise it worked at all. But there always was a stratagem with Sinn
Féin to extract what it could by working the system. The endpoint was always coming and it decided strategically, particularly with Brexit, it would rather be on the outside complaining about everything than be part of a Government that had to implement aspects of Brexit, for example.

Brexit was a great cultural and political shock to Sinn Féin. There was no more anti-EU party than Sinn Féin and then, suddenly, it saw that it could piggyback on the harmonisation concept of the EU and became, for political purposes, enthusiasts for the EU. When Brexit came along and threatened the delivery of all that, Sinn Féin was horrified, and I think that is the point when it decided, “We would rather be outside, with everything a grievance, than inside”. I do not think RHI was the real reason Sinn Féin pulled it down, and the fact that it was prepared to go back without resolution of RHI proves that.

The point was coming when Sinn Féin was going to show its muscle and put the gun to the DUP’s head, and that is what it has been doing for the last 13 or 14 months. It was able to do it, as I said at the beginning, because the system allows the politics of ransom.

Q641 **Chair:** I take it your prognosis for the reformation of the Executive is pretty dire.

**Jim Allister:** I hope there is no prospect of a reformation of this type of Executive, because, if there were, it would be a deceit that it is a system that will ever work. We need to use the opportunity of the demonstrable failure of this system to get something better and to say, if we want devolution, it has to be a system that works. Simply getting enough sticking plaster to put it back together again serves no one’s interests.

Q642 **Chair:** That is your hope and I have noted that. What is your prognosis? Do you think it is likely? I am, rather rhetorically, suggesting, from your remarks earlier on, that you think the chances of the Executive being reconstructed and reconstituted is pretty remote.

**Jim Allister:** It is remote, but I do not discount the ability of those with the vested interest, who like the limos, the ministerial kudos and all that went with it, to try to get themselves back in that position, even though they know that it is a system that is incapable and unworthy of working.

Q643 **Lady Hermon:** I am asking you to put your legal hat on at this stage, Jim. Following on from what the Chair has just said, we do not have direct rule at the moment and we do not have a functioning Assembly. Is there a greater likelihood of Permanent Secretaries, who have been given this enormously difficult task of keeping government going in Northern Ireland, in the absence of the Stormont Executive and Assembly, and in the absence of direct rule, being judicially reviewed? Is this an issue that you have looked at?

**Jim Allister:** Clarity needs to be brought to the regulations that govern all that. Westminster maybe needs to tidy that up to underscore the powers of the Permanent Secretary, because there is a bit of a grey area there.
Q644 Lady Hermon: Absolutely. Is this an area that you have looked at in some detail?

Jim Allister: Yes, I have looked at it, although not recently, and I remember thinking to myself that it would need to be tightened. Either we have Ministers to do those jobs or we need to tighten the powers of Permanent Secretaries to put them beyond the prospect of judicial review. If we are facing into a period of direct rule, we need to do it right and get on with it. The best way to do it is to appoint Ministers from here.

Q645 Lady Hermon: I do not think there is any appetite at all in Downing Street for direct rule. In the absence of that, it might be helpful to this Committee, if you have such a thing as spare time, if you could send in a paper to the Committee looking at the role of the Permanent Secretaries and where there might be a problem. My concern is that, increasingly, they will be judicially reviewed in the absence of direct rule.

Jim Allister: I do not want to generate problems for them either.

Q646 Lady Hermon: No, no. We need to be better informed before we commit to our report. It would be very helpful to us, if you have the inclination and the time. Was that a yes?

Jim Allister: I will think about it.

Lady Hermon: Thank you. That is fine.

Chair: Mr Allister, thank you very much indeed for coming this afternoon. You have been very robust in the views you have expressed and we are greatly appreciative of that. It will certainly help us to construct our report on this important subject.

Jim Allister: Thank you.