

Lord Empey (UUP)

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The noble Lord, Lord O'Donnell, is not in his place right now but, before I begin my remarks, I wanted to mention the problem of spads, because it is not only here that they have caused problems. I personally believe that a lot of the problems in Northern Ireland are the result of spads out of control and their Ministers creating a culture where they can function, interrupting the normal flow of business in the department. That is something that, as a country, we need to examine, because it has a serious impact on our structure of government.

During the debate, a number of Members, some of whom have considerable experience, have been kind enough to refer to the problems in Northern Ireland. We know that that has been at the core of the blockage to progress for quite some time—though it is not confined to that, because there are quite a number of Members in the other place who see a range of other problems with the withdrawal agreement and would wish to replace that and have an entirely new negotiation.

I think it is true to say that the negotiation has been wrong from the very beginning. Someone said that we should have tried to get more of a cross-party consensus before we started the negotiations and, I have to say to noble Lords opposite, their leader was first out of the trap to call for triggering Article 50 immediately after the referendum, which seems to have been forgotten in discussions. He was out there wanting that done before we had even agreed a negotiating position.

The danger with the Bill—it is most unfortunate—is that it puts us into a further period of purgatory where we do not get an agreement. My sense is that what we should concentrate on in Parliament is finding alternatives. We need solutions. We do not need to rehearse the arguments of the referendum debate again and again. I just point out that, in 2015, when the referendum Bill became law, 554 Members of the House of Commons voted for it, and we were no better. Having let Pandora out of the box, we are now confronted because, for political and party reasons, we let a particular process emerge that was different to our normal parliamentary process—and then we complain about the problems created by it. It has been done by our own hand. We all, on all sides of this House, live in glass houses and that is something we need to reflect on as we move forward.

I believe there are alternatives, and I have been trying with colleagues for some months now to influence government and to speak to other people to look at what they might be. The noble Lord, Lord Howell of Guildford, referred to the alternative arrangements working group. I understand that its work—I have seen some of it, but I have not read every detail—is terribly technically focused. Many of the problems we have in all parts of Ireland are not technical. They go to the heart of what people feel is their identity. Some feel that they have been short-changed. They supported the 1998 agreement and feel that this process upsets that. Others are exploiting the situation for cynical reasons. Sinn Féin is the most anti-European party in Ireland. It has opposed every treaty. It has opposed everything from the 1970s, and its support for it now is purely from the teeth out.

Leaving that aside, let us focus on what possible alternatives there could be. Instead of being a problem for the Belfast/Good Friday agreement, why do we not use the agreement and some of its institutions and precedents as part of the solution? I have mentioned this to noble Lords before. With some modest devolution from here to Stormont, perhaps based on trade issues and others, I believe that we could address the democratic deficit created by the backstop where Northern Ireland would be receiving regulations from Brussels but would have no representation there. It would be a rule taker and effectively a European colony, and over time a gradual difference would emerge between Northern Ireland and the rest of the United Kingdom in terms of rules and regulations.

It seems to me that it would be appropriate for a number of measures to be taken. We need to send a signal to our European colleagues that we take their single market seriously. We need to make it clear that, if anybody uses United Kingdom territory to export goods to the European single market that are not compliant, that is an offence. We should create a new north/south body under the 1999-2000 treaty specifically to deal with cross-border trade issues.

I was Trade Minister for some years in Northern Ireland and set up two of the six cross-border bodies—InterTradeIreland and Tourism Ireland. They have worked for 20 years. The six bodies have staff working on both sides of the border. There is no problem. There are no complaints. They get on with their business and it is totally acceptable. I see no reason why that body should not have at least two functions. We both start with the same rulebook and the same regulations on education. Any new regulations coming from either side could be notified to that body. It could then ensure that the totality of the people who export into the Republic are advised of the regulations and the same would apply the other way round.

You could further ask them to ensure that, if they see any sign of inappropriate movement of goods or processes when visiting depots and companies, it is reported to the relevant authorities. Do you realise that if the backstop were implemented as it stands to date, goods coming from Great Britain to Northern Ireland would have to be treated as coming from a third country? There was mention of that in other speeches but not in that context. It creates a huge problem for us because it is the beginning of a separation process. I think that that is unnecessary and extremely difficult.

The cry from Dublin and Brussels is that we need an insurance policy. I get that. I think this insurance policy should be that the United Kingdom should indemnify the European Union by treaty. If our territory were used to export goods not covered by European rules to the Republic, we would have to indemnify them. If we found that goods slipped through, it would be our responsibility to them. People can always smuggle, whatever agreement you have, but it would mean that the insurance policy would come from us, by treaty. With the cross-border treaty, you could join the EU to that treaty, so that the body which would operate and be democratically answerable both to Stormont and Dublin could have EU observers, or they could be linked into the treaty. There would be no secrets; it would all be above board. The North/South Ministerial Council to which that body would report is an existing, widely accepted institution. We also have the east-west dimension, with the British-Irish Council, which could also have a role. Instead of the agreement sitting there as a threat, it should be used as part of the solution.

There are these technical schemes, such as trusted trader status. I get all that. The big problem we have in Ireland is not simply technical. It is people feeling that they have been short changed and that they are in a situation not of their own making and which is out of their control. We could give them this control back.

My party does not have the technical back-up and support necessary to work out the detail. At least the Taoiseach said, when we released it the other day, that he was prepared to look at it. It is easy to say that; it does not mean anything. Instead of having the referendum argument all over again, we need to spend our time concentrating on solutions. Only solutions are going to avoid the difficulties of leaving the European Union in a disorderly manner which does not suit anybody in Ireland—north, south, east or west. I certainly do not want to see it.

There is another thing that people forget. There is a land border of 300-odd miles—we know all about that. The vast majority of material moving between Ireland and Great Britain does not come across the border. It goes from Dublin to

Holyhead and Fishguard to Rosslare. Some 80%-90% of Irish goods travel on the British land bridge. They either go to the UK market or to the European or world markets. The north-south trade flows represent one-10th of 1% of EU trade flows. Of total imports to the Irish Republic from the whole of the world, only 1.6% comes from Northern Ireland. The vast majority of this is agri-food and animals. It may be 1.6% of imports to the Irish Republic, but it is a bigger percentage of our exports, so a lot of our small businesses depend heavily on it. It is a bigger deal for us in many respects than it is for them. Their problem is the exports to Great Britain, where for instance 55% of their beef comes to the UK. This is a huge quantity which is not going to be replaced by other markets in five minutes, particularly if you get 45% tariffs applied.

Let us redouble our efforts and stiffen every sinew to find solutions. There is no point in arguing over who said what in 2016 at the referendum. Everybody is to blame either through sins of omission or through sins of commission. We all put our hands up for the legislation. Let us look for solutions. I accept what the noble Lord, Lord Howell, said. Those technical issues are part of it, but we need—