

**Response to the Northern Ireland Affairs Committee inquiry
on the impact of implementing the backstop in Northern Ireland**

The Northern Ireland Local Government Association (NILGA) is the representative body for all councils in Northern Ireland. It is currently the only functioning, constituted, all Party institution developing government policy – albeit local government policy - within Northern Ireland and advocating Northern Ireland’s needs externally.

NILGA welcomes the opportunity to respond to the Northern Ireland Affairs Committee inquiry on the impact of implementing the backstop in Northern Ireland. This is a complex issue and the current political impasse in Northern Ireland is affecting consultation on all Brexit issues, including on the levels of preparedness for Brexit. Regardless of whether the NI Assembly is in place, councils need to be part of the design and delivery of the Brexit policies and resources which are required locally to sustain the 11 local government economies that make up NI. All councils in NI are effectively border councils as no place in NI is more than about 40 minutes from it.

Many of the questions posed by the Committee are outside our sphere of work therefore we will limit our response to the following questions:

Scrutiny of the Withdrawal Agreement mechanisms

- *How should the views of Northern Ireland be represented on the Joint Committee? In the continued absence of devolved Northern Ireland Ministers, should UK politicians or Northern Ireland civil servants represent Northern Ireland?*

As the EU-UK Joint Committee will deal with any issue relating to the functioning of the Withdrawal Agreement and be empowered to make decisions and recommendations by mutual consent, it is essential that the Joint Committee includes political representation from Northern Ireland. In the absence of a devolved assembly in Northern Ireland, senior civil servants could represent Northern Ireland’s interests. However, we would highlight the role of the NI Central – Local Government Forum which has been convened by NILGA to assist policy deliberations in the absence of the statutory instrument in the NI Local Government Act, the Ministerial Partnership Panel. In the absence of the devolved assembly, civil servants could be obliged to consult this body on key issues which require political direction.

- *To what extent can the Joint Committee behave dynamically to develop the backstop during its implementation?*

The Joint Committee must engage with industry, agricultural, energy and environmental sectors to manage the implementation and enforcement of the backstop, monitor its effectiveness and mitigate the impact of any unforeseen consequences. The Joint Committee must take evidence-based decisions on the basis of consensus.

- *How will membership of the Specialised Committee on the Northern Ireland Protocol be constituted? Should consideration be given to cross-community representation?*

Membership of the specialised Committee on the Northern Ireland Protocol must comprise cross-community representation (either directly by the main political parties in Northern Ireland or by their nominees).

NILGA would agree with the proposal made by the Centre for Cross Border Studies that the Specialised Committee should engage with all relevant organisations involved in cross-border cooperation particularly at times when the devolved institutions in Northern Ireland are not functioning. This should take account of all bodies engaging in activities identified in the mapping exercise.

- *How will the Joint Working Group on Northern Ireland be constituted? Should consideration be given to cross-community representation?*

Membership of the Joint Working Group on Northern Ireland should comprise cross-party representation from the main political parties in Northern Ireland. We would highlight the role of the Central – Local Government Partnership Forum in Northern Ireland which is coordinated by NILGA and brings together the main political parties. In the absence of the devolved assembly, this body could be consulted on key issues which require political direction.

We note that the Joint Working Group may create additional subgroups where necessary and would propose that these too should be cross-community and involve civic society, industry and other interest groups as appropriate.

- *If the backstop is triggered, should Northern Ireland maintain some representation on EU bodies in recognition of the fact it would be subject to a greater level of EU supervision and control?*

If the backstop is triggered, NILGA strongly advocates Northern Ireland maintaining representation on EU bodies given the need to influence future EU legislation that will apply to Northern Ireland. One way of achieving this would be by retaining Northern Ireland's two positions on the EU Committee of the Regions. In the continued absence of a devolved assembly in Northern Ireland, the position for regional government should be filled by a local government representative on a cross-party basis.

Since 70% of EU legislation is implemented by local councils, technical support should be put in place for NILGA to be able to represent the views of Northern Ireland's councils in Europe. NILGA currently has an arrangement with the UK Local Government Association's office in Brussels to manage relationships and represent NILGA as appropriate. This arrangement is unlikely to continue post Brexit and some form of representation will be required to ensure that the interests of Northern Ireland's councils are served.

Securing an overall EU-UK relationship which supersedes the Withdrawal Agreement and obviates the need to enter the backstop

- *How can the future UK-EU relationship protect integrated supply chains across the island of Ireland?*

The future UK-EU relationship can protect integrated supply chains across the island by ensuring there are no customs or regulatory barriers either on the island or with the UK.

- *What does the mapping exercise, which identifies protected areas of North-South cooperation, tell us about the future shape of the UK-EU deal in respect of Northern Ireland?*

The interconnectedness and interdependency of our communities, economies and environment, as well as the need for and willingness for cross-border collaboration is extremely evident in the comprehensive mapping exercise. NILGA maintains that any future UK-EU deal should respect this.

- *What does the framework outlined in the Political Declaration for the future UK-EU relationship tell us about how cross-border trade in Northern Ireland will operate?*

NILGA welcomes the ambition of the UK and EU for a broad, deep and flexible future partnership that facilitates the movement of goods across the border. While a comprehensive free trade area can offer certainty, we are conscious that non-tariff barriers would continue to be an obstacle to free trade unless this agreement is combined with regulatory cooperation.

No deal

- *In a no deal scenario, what are the key actions the Government must take in advance of 29 March 2019 to prepare Northern Ireland?*

In the case of a no deal scenario, NILGA calls on the UK Government to put in place a transition support package for local councils. This should include as a minimum:

- A series of seminars of direct relevance to councils in Northern Ireland to define the expected local impact and assist with contingency planning;
- Commissioning research and producing briefings, toolkits and other resource materials;
- Engagement with EU institutions, cross-border bodies and government departments to examine issues of relevance to councils;
- Funding to offset all costs arising from Brexit for councils, in particular for any unintended consequences,

In addition to the establishment of the Shared Prosperity Fund to address regional disparity, NILGA seeks a series of distinct funds for Northern Ireland in the event of a no deal scenario:

1. Funding to specifically address issues around Northern Ireland's geographical fragility, peripherality and the integration of our economy with the Republic of Ireland. This could assist in mitigating supply chain issues, counteracting the expected outflow of people, capital and businesses to the Republic of Ireland in particular and encouraging business investment in Northern Ireland.
2. Funding to facilitate cross-border cooperation and secure existing cross-border cultural, economic, strategic and capital projects
3. Funding to maintain community cohesion. We welcome that the EU has made provision for the continuation of Peace & Interreg funding for Northern Ireland post 2020 and we would strongly encourage the UK government to collaborate with the EU on this initiative by providing match funding which can be delivered through the Special EU Programmes Body
4. Funding to allow continued participation in other relevant EU programmes such as Leader, Horizon 2020 and Erasmus to allow Northern Ireland's institutions and people to continue looking outwards, assist in policy innovation or best practice dissemination.

- *In a no deal scenario, what scope is there for the UK to make a series of mini-deals with Ireland to manage cross-border issues?*

There is a history of cross-border collaboration between Northern Ireland and the Republic of Ireland. While we maintain that this shared willingness to work with our neighbours will continue post Brexit, the legal instruments to secure this must be put in place by the UK and Irish governments as well as the EU.

- *How could the lives of ordinary citizens in Northern Ireland be affected during the first three months of a "managed no deal"? What steps, if any, should Northern Ireland citizens take to prepare?*

In the event of a no deal scenario the border will represent unique and complex challenges for councils. The interconnectedness of economic growth, industrial processes and social cohesion between Northern Ireland and ROI must be recognised and maintained.

Ordinary citizens living in Northern Ireland will be gravely affected in the instance of a no deal scenario. It is paramount that the government issues the technical notice on the implications of a No Deal for Northern Ireland so that citizens, businesses, councils and others can understand the implications and make necessary preparations.

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