

Witness Name:

Statement No.:

Exhibits:

Dated:

## **UK COVID-19 INQUIRY**

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### **WITNESS STATEMENT OF RIGHT HONOURABLE BARONESS ARLENE FOSTER OF AGHADRUMSEE DBE**

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I, Arlene Foster, otherwise Baroness Foster of Aghadrumsee, will say as follows: -

This statement is made in response to the Inquiry's request for additional information and comment in response to statements made by senior members of the United Kingdom Government with respect to the relationship between the Northern Ireland Executive and UK Government during the Covid-19 pandemic.

#### **Responses to Question 1:**

- a. I agree with Boris Johnson's assessment that divergences in the approach of the four nations was a "presentational problem" during the Covid-19 pandemic. I have referred at paragraph 173 of my witness statement to the "realpolitik" whereby political considerations were brought to bear in decision-making and the timing of announcements, whereby, for example, Nicola Sturgeon would brief the media ahead of an upcoming announcement by the Prime Minister. I imagine this led to UK Government being perhaps less open about its decision-making than it otherwise might have been, in a bid to stay in control of messaging. The "presentational problem" to which Boris Johnson refers is therefore one in which UK Government's authority was at risk of being undermined. However, as I have outlined in my witness statement, the fact that different devolved administrations had different approaches also caused presentational problems of a different kind in that the public at times were unclear about the jurisdictional application of restrictions announced. Hence the leaders of each devolved administration began conducting their own briefings to their constituents. See further paragraph 137 of my witness statement.
- b. The primary causes of the differences in response to the pandemic of the four nations and the UK Government were both political and practical. In terms of the political causes, I consider that, particularly at the outset of the pandemic, there was a degree of political posturing whereby the devolved administrations, most notably Scotland, wished to assert their authority and resist being dictated to by UK Government. As time went on and the devolved administrations were able to make more of their own decisions, the factors leading to divergence were more practical. These would include, for example, the fact that the virus progressed at different rates across the four nations with case numbers varying at different times; differing ICU capacity; and differing health and social care and education arrangements. However, the approaches across

the four nations were not vastly different, largely in my view, because funding came from UK Government, and therefore funding for any radically different approach was unlikely to be forthcoming.

- c. I can see the attraction for UK Government if it had been able, particularly in the early stages of the pandemic when the situation was changing rapidly, to take decisions that would have UK-wide application without the need to consult or collaborate with the devolved administrations. However, as outlined at paragraph 179 of my witness statement, I believe that as the pandemic progressed, it was necessary for the devolved administrations to have power to make their own decisions to respond at regional level to the virus taking account of each administrations' social and political landscape – see paragraph 180 of my witness statement.
- d. I do not believe that consistency was desirable in all respects – as set out in my statement and above – responding to the virus at regional level meant that restrictions could be tailored to take account of each administration's differing needs. However, there was scope for more consistency and alignment in terms of messaging to ensure that public confidence was maintained and compliance was not undermined by variations in approach. However, the political reality within the devolved administrations was such that on occasion when UK Government was striving to achieve uniformity, this was not possible. In the Northern Ireland context, I was very frustrated when UK Government introduced messaging to be rolled out UK-wide in the lead up to Christmas 2020 but the deputy First Minister did not sign it off for Northern Ireland. As we were in a joint office, this meant that the messaging was not adopted in Northern Ireland. While the precise reason for this was never explained to me, I can only surmise that her refusal was a political decision in order to be seen to be resisting UK Government's input, regardless of the merits of the policy.

#### Response to Question 2

- a. I agree with Mr Johnson in that the devolved administrations and the UK Government are not equal. The devolved administrations derive all their powers from Westminster which is sovereign. The Prime Minister is the head of a Sovereign State and therefore sits above the leaders of the devolved administrations. Overall, I consider that the level of input from the Prime Minister was appropriate. It was good that he touched base with us from time to time but I was content that the routine engagement was delegated to Michael Gove. In general, whether increased contact with the Prime Minister would have assisted or hindered is something that I think is likely to depend on the relationships and personalities involved. During the Covid-19 pandemic, it may be that more regular contact would have hindered four nation decision-making.

#### Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed PD

Dated 18/9/23