



**Tithe an  
Oireachtais  
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***Roghchoiste Speisialta an tSeanad  
um an  
Ríocht Aontaithe do Tharraingt Siar as an Aontas Eorpach***

**Brexit: Na hImpleachtaí agus na Réitigh Ionchasacha**

**Iarscríbhinn 2**

**Na Ráitis Chúlra a soláthraíodh don Choiste**

Meitheamh 2017

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**Seanad Special Select Committee  
Withdrawal of the United Kingdom from the European Union**

**Brexit: Implications and Potential Solutions**

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June 2017



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# Preserving Connectivity Post-Brexit

*A connected, modern economy would be unthinkable without air transport*

## **Overview: The Risk to Aviation Connectivity**

The provision of air transport services is a key economic contributor benefiting most sectors and regions in Europe by providing connectivity, facilitating supply chains and directly contributing to trade and tourism. In Ireland, this is especially true.

Commercial aviation is a fundamental pillar of the Irish economy on many levels: As a small island economy, air travel is an essential part of trade in goods and services, it's key to supporting Irish tourism, and it's vital to migration, with large volumes of Irish and non-Irish workers transiting to and from the country.

The UK, Dublin airport's most popular destination, is also the largest aviation market in the EU, not only providing access to the EU and U.S. directly, but also to its neighbouring island of Ireland.

UK traffic significantly contributes to traffic from Ireland to the U.S.: 60% of transfers through Dublin Airport connect from the UK to North America via Dublin and 40% connect from the rest of Europe to North America via Dublin.

Ireland and the UK are both crucial in integrating airspace between the two continents.

The UK's exit from the EU's Single Aviation Market has the potential to severely disrupt existing market access and services within the EU, as well as over the transatlantic, for both passengers and cargo. Furthermore, the exit of the UK from the EU also means a departure from the EU – U.S. Open Skies agreement, the agreement that facilitates aviation traffic between the United States and the European Union.

Post-Brexit, aviation faces much greater exposure than other industries who can rely upon World Trade Organization frameworks for continuing trade. Aviation is specifically carved out of WTO agreements. As a result, there is no fall-back option for this industry. Without putting in place measures to preserve connectivity, there will be no flights between the UK and the EU and the U.S. and the UK.

As a priority item for the EU-27 and the UK in the upcoming negotiations, aviation must feature prominently. It is imperative that arrangements are made in the short to medium term to secure connectivity between the UK and the EU; in the longer term the EU-U.S. Open Skies agreement should be accompanied by two new agreements – an EU-UK Open Skies agreement and a U.S.-UK Open Skies agreement.

## **Ireland, UK and the U.S.**

Ireland has traditionally had a liberal aviation policy, and this has enabled the U.S. to become one of the country's key aviation partners. Indeed, as of this year, Ireland will now have three airports, Dublin, Shannon and Cork, flying transatlantically.

Moreover, Ireland is one of a handful of countries worldwide that has U.S. pre-clearance facilities. It is also the only European country to do so, and other than Canada, the only country to have not one, but two pre-clearances. This is testament to the deep-rooted and vital relationship between the U.S. and Ireland.

#### Key Facts: Ireland

- Aviation contributes more than €600 billion to European GDP and €4.1bn to Ireland's GDP. In Ireland, it supports 26,000 jobs directly and a further 16,000 in the supply chain. Ireland's tourism industry, which is heavily dependent on aviation, accounts for a further €5.3bn contribution to GDP and 180,000 jobs.
- Dublin Airport is the fifth largest European airport for connectivity to North America in 2016, behind the major hub airports of Heathrow, Paris, Frankfurt and Amsterdam.
- During peak season in summer 2016, Dublin Airport had 48 flights per day to and from 12 cities in the U.S., as well as five Canadian destinations.
- Cork Airport has now commenced flights to the United States and will be in a position to attract feeder traffic from UK airports.
- Transatlantic traffic in 2016 for Dublin Airport was a record 2.9 million passengers, a 16% increase on the previous year.
- The number of passengers transferring at Dublin was a record 1.2 million (up 23%), as the airport continued to build its position as a key gateway between Europe and North America.
- Dublin has developed this connectivity with the U.S. as a transfer point for connecting airports across Europe, in particular the UK: more regional UK airports connect to Dublin airport than to Heathrow.

#### Key Facts: UK

- 14 million passengers fly from the U.S. direct to the UK each year, representing a third of total U.S. to Europe traffic.
- EU travelers rely on connections to and through the UK, especially from smaller airports. For some EU airports, UK traffic is more than 15% of total traffic.
- Half of the passengers using UK airports are flying to or from other Member States. Many are travelling through the UK on the way to the U.S. or other destinations.

## Aviation Pre-Brexit

### The Role of Aviation Agreements

The global aviation network is underpinned by a system of international aviation agreements, without which airlines do not have the legal authority to operate between countries. Aviation agreements have never been part of broader free trade agreements or the WTO and its predecessors, **existing within their own legal framework.**

### EU-U.S. Open Skies Agreement

The monumental importance of the EU-U.S. Open Skies Agreement cannot be underestimated. As the most ambitious air service deal ever negotiated, since its implementation European airlines have been able to fly without restrictions from any point in the EU to any point in the U.S..

This replaced close control of carriers, schedules, and air capacity with deregulated environments that permit U.S. and EU carriers to compete on air service to each other's countries.

### Open Skies and Global Airline Alliances

The Open Skies agreement, alongside the EU's single aviation market, opened the door to antitrust immunities from the U.S. Department of Transport (DOT) and the EU, which enable air travellers to benefit from robust competition across the Atlantic and throughout the EU.

**This is because antitrust approvals permit airlines to coordinate within airline alliances.** The vast majority of passengers in the EU, UK and U.S. fly on one of the three international alliances, which fly from the U.S. to UK and then to Europe and also directly from the U.S. to Europe:

- **Oneworld** (American Airlines, British Airways, airberlin, Finnair, and Iberia),
- **SkyTeam** (Delta Air Lines and KLM/Air France, Air Europa, Alitalia, Czech Airlines, and TAROM)
- **Star** (United Airlines and Lufthansa, Adria, AEGEAN, Austrian, Brussels, Croatia, LOT, SAS, and SWISS).

The carriers within each alliance closely coordinate their operations on transatlantic and EU-UK routes.

### Benefits of an antitrust immunity to airlines and consumers

Airline alliances bring substantial benefits to travellers, notably improving **travel quality**, **lowering costs**, and thereby **increasing competition** among alliances.

The most important aspect of their coordination is that an alliance's carriers jointly set the routes, schedules, and capacity that each will fly. This results in:

- More **frequent flights**, spread throughout the day, with better-timed connections
- Alliance carriers "**codeshare**" by selling seats on each other's flights. A passenger who buys from American a one-stop ticket to fly Dallas to Paris may fly the Dallas-London leg on American, then with a quick connection fly London-Paris on BA. The passenger's journey on this "on line" itinerary within one alliance is streamlined: the passenger buys one ticket, bags are transferred from American to BA, frequent flyer points are shared, both airlines lounges are available.
- The alliance carriers' cooperation on operations and sharing of revenues allows them to cut costs, and studies show this results in **lower ticket prices**.
- Competitive air travel in these markets also has a big effect on consumers and the economies of these countries. Air traffic among these jurisdictions supports hundreds of thousands of jobs and millions in **GDP**.

However, this close cooperation between competitors on operations, marketing, and prices is the precise kind of conduct that could be alleged to violate antitrust laws post-Brexit.

## Aviation Post-Brexit

### No fall-back for aviation

If a deal for aviation is not reached under the Brexit negotiations, in two years flights will not be able to operate between the UK and the EU, and the U.S.-EU Open Skies agreement will no longer will apply to the UK.

**There is absolutely no fall-back for the provision of aviation services.** This separates aviation from other sectors, as WTO rules do not provide for market access in air services.

Prior to the establishment of the European Common Aviation Area, countries relied upon a network of bilateral agreements. These agreements are **no longer fit for purpose** and do not reflect the modern complexities of the international aviation industry. For example, even if the old Ireland-UK aviation agreement that pre-existed the Single European Aviation market is still valid, it limits services between the two islands and therefore constrains trade and tourism that is critical to the Irish economy in a post-Brexit world.

### Challenges to U.S., UK and EU Airline Alliances

Both the U.S. and EU recognize the importance of global airline alliances. The U.S. government can grant immunity from antitrust laws if they find it is in the public interest and benefits consumers.

However, the U.S. DOT has taken the consistent position that it will only consider granting antitrust immunity if all involved parties are from countries that have signed Open Skies agreements with the U.S.. The policy being that markets must be fully open to all competition before granting alliances immunity from antitrust laws that would otherwise be applicable.

**Open Skies is therefore an absolute prerequisite to antitrust immunity—and therefore a prerequisite to the implementation of an alliance with a U.S. carrier.**

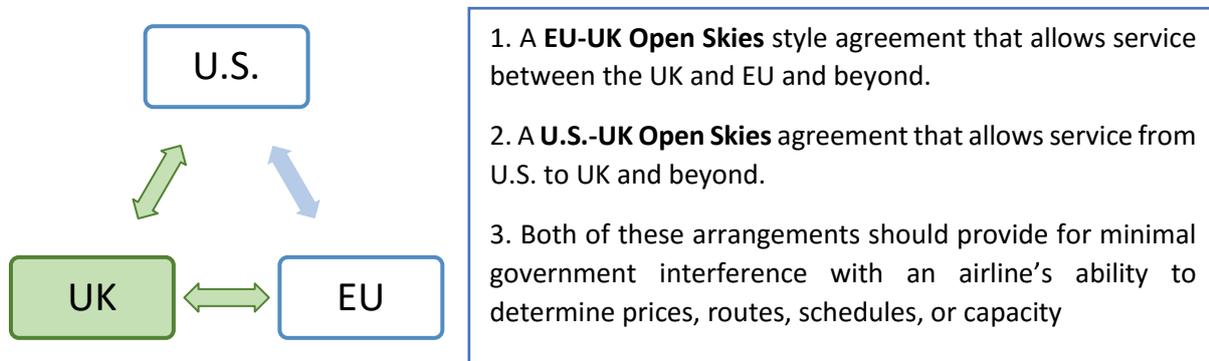
If post-Brexit, airlines are denied open access to transatlantic markets and access to Europe via the UK, this will undercut the existing grants of antitrust immunity that are the legal foundation for these alliances.

Without a replacement agreement that ensures U.S.-UK competition, the U.S. DOT could remove antitrust immunity for alliances in that market. Likewise, without an agreement that maintains EU-UK competition, the U.S. DOT may withdraw its approvals for alliance coordination on those routes.

Furthermore, removing U.S.-UK and EU-UK access undercuts the transatlantic competition that justified the U.S. DOT and European Commission allowing any alliance transatlantic coordination.

## Our Ask: Preserve Connectivity – Open Skies Agreements

To maintain this current level of market access between EU-UK-U.S., we need the following:



### Transitional Arrangements

As part of the Brexit process, a transitional arrangement securing connectivity between the UK and the EU (on the terms at least comparable to the EU-U.S. Open Skies Agreement) must be secured before the UK leaves the EU in March 2019.

This will facilitate the negotiation of an Air Transport Agreement between the UK, as a third country, and the EU during the transition period before the UK finally exits the European Union.

### Agreement Must be Reached Immediately after Brexit

Both EU-UK and U.S.-UK agreements need to be applicable and operational **immediately** following the UK's departure from the EU. This is important not only for the EU's economic interests, but also of strategic importance to the global airline alliances of which European airlines are an integral part.

Moreover, **certainty** is necessary well in advance of the day in which the UK leaves as most airlines sell tickets **at least 300 days in advance of operations**. Airline route network management requires advance assurance and the ability to plan well ahead. Airlines will need to have the confidence that they will be able to carry on operating routes in **March 2018** for the period following March 2019, to be able to avoid a significant impact on passengers and businesses reliant on these services.

**New Open Skies agreements should be agreed as a priority action** to provide this vital certainty for the aviation industry, without which connectivity between the UK and the EU, as well as between the US and the UK is put at huge risk.

## Open Skies vs the Single Aviation Market

Open Skies agreements are very distinct from the EU Single Aviation Market, offering an appropriate level of market access to airlines based on international standards.

An EU - UK Open Skies agreement would ensure that EU and UK airlines can maintain connectivity in an uninterrupted fashion and is also a clear demarcation between membership of the EU's Single Aviation Market and access to the EU as a third country.

### Key Features of an EU - UK Open Skies Agreement:

- Secures connectivity between the EU and the UK to the benefit of consumers (commercial traffic) and businesses (freight traffic)
- Provides appropriate market access, EU to UK and UK to EU, based on international standards
- Open Skies is a model text that is familiar to both the UK and EU
- Can be agreed as a priority providing the aviation industry with certainty and a fall back in the event that the Brexit negotiations collapse without agreement

## About Airlines for America

Airlines for America (A4A) advocates on behalf of its members to shape crucial policies and measures that promote safety, security and a healthy U.S. airline industry. Our members include American Airlines, Alaska Airlines, Southwest Airlines, United Airlines, UPS, Atlas Air Worldwide, FedEx Express, JetBlue, Hawaiian Airlines and Air Canada (associate member). We work collaboratively with airlines, labour, Congress and the Administration and other groups to improve air travel for everyone. Annually, commercial aviation helps drive nearly \$1.5 trillion in U.S. economic activity and more than 11 million U.S. jobs.

TAKING BACK CONTROL: THE LOGIC OF ACCOMPANYING THE UK OUT OF THE EU

If Britain leaves the EU single market and customs union while the Republic stays in the EU, the North-South border within Ireland will become an EU land frontier, with customs controls inevitable and possibly passport controls. EU-based laws and standards, for example in relation to crime and justice, which the EU aims to harmonise, will prevail in the South and British-based ones in the North.

Logically therefore the only way to avoid adding new dimensions to the North-South border post-Brexit is for Brexit to be accompanied by Irexit (Ireland Exit).

This thought may be so novel it will shock many. EU membership has brought the Republic various good things. Most people there have positive attitudes towards the EU. But if the North is leaving the EU along with Britain we should be able to consider dispassionately the advantages of leaving too - and the drawbacks of remaining in the EU without the UK as a fellow member.

Irexit clearly has some benefits. It would save us money for one thing. Since 2014 the Republic has become a net contributor to the EU Budget. This is a big change from the previous forty years when we were major net recipients of EU cash, mainly through the EU's Common Agricultural Policy.

From now on money from Brussels will be Irish taxpayers' money recycled, as is already the case with the UK. Farm payments under the CAP will come from Dublin not the EU.

This removes what hitherto has been the principal basis of Irish europhilia, official and unofficial - namely cash. That has always been more important here than ideological enthusiasm for Eurofederalism or "the EU project".

If the Republic remains in the EU post-Brexit it will have to pay more to the EU Budget as its proportionate contribution to help compensate for the loss of Britain's annual net payment.

On the other hand a bonus of leaving is that we would get our sea-fisheries back. The value of annual fish-catches by foreign boats in Irish waters is a several-times multiple of whatever money we have got from the EU over the years.

As regards trade and investment, the Republic sends 61% by value of its goods exports and 66% of its services exports to countries that are outside the continental EU26, mostly English-speaking. It gets two-thirds of its imports from outside the EU26. The USA is the most important single-country market for the Republic's foreign-owned firms and the UK

for its Irish-owned ones - the latter being especially important for domestic Irish employment.

The UK and US markets together are comparable in importance to that of the EU26 post-Brexit. Taking other English-speaking markets into account makes trade with the English-speaking world much more important for the Republic than the EU26, with Britain gone.

This is a consideration also for foreign investors coming to Ireland. Economically and psychologically, Ireland is closer to Boston than Berlin, and to Britain than Germany. This puts exaggerated talk of the EU's "giant market of 500 million" in perspective. That shrinks anyway to 435 million with the UK gone. Some 7000 million people live outside the EU.

It is not of course a question of the Republic having to choose between one export market and another if it should decide to leave the EU along with the UK. If common sense prevails in the negotiations, there should be continuing free trade between the Republic, the EU and the UK in the context of any Brexit or Irexit.

Without Britain beside her in the EU Council of Ministers the Republic would be in a weaker position to defend its low rate of company profits tax, important for attracting foreign investment, for which Germany and the Brussels Commission are now gunning. It would be less well able to defend its fishery interests, its trade interests, its distinctive Anglo-Saxon-based traditions in the area of law and justice, which the EU aims to harmonise, and its neutrality.

The main argument for us staying in the EU when the UK leaves is the negative one that we are members of the Eurozone while the UK is not. When the euro was established in 1999 our politicians decided to adopt the currency of an area with which we do just one-third of our trade. They thought at the time that Britain would be bound to adopt the euro-currency too and that by going first they would show how "communautaire" they were.

The Republic now desperately needs to get its own currency back so that it can devalue it along with sterling and the dollar, and not be stuck with an implicitly overvalued euro that is hitting its exports and encouraging competing imports. Failing that the North-bound shopping queues will grow.

The Republic did very well when it had its own currency and it allowed the Irish pound to float vis-a-vis the currencies of its major trading partners between 1994 and 1999, when it adopted the euro. Those were the years of the so-called "Celtic Tiger" economy, when the Republic had an annual average economic growth rate of 8% a year. This was the only period in the ninety-year history of the Irish State that it followed an effectively independent exchange rate policy, which made it highly competitive.

This is why Dublin should aim to leave the Eurozone and re-establish an

Irish currency in a planned concerted manner, negotiating its departure with Germany, Britain and the ECB in private behind the scenes as part of its move to leave the EU along with the UK, rather than be forced to abandon the euro anyhow in some future Eurozone financial crisis.

Britain will presumably revert to its traditional cheap food policy when it leaves the EU. Contrary to some Irish commentary, there is nothing immoral in a country importing its food from wherever in the world it can buy good quality products cheaply. At the same time the British Government will want to support UK farmers for political reasons, presumably by means of direct farm subsidies to replace the price supports they now get from the EU's CAP.

Nearly half the Republic's agricultural output goes to the UK market at present, so such a development will have major implications for us. Will Irish farm producers be displaced in the UK market post-Brexit by New Zealand lamb, Brazilian beef, American chicken etc.?

These are the main reasons why the focus of intelligent Irish policy should now be on negotiating a comprehensive deal with London for this State to leave the EU along with the UK, while maintaining maximum free trade with both EU and UK post-Brexit. Such a deal should guarantee continued free access for Irish food exports to the UK market on the most favourable terms. It should also cover Bank of England support for a restored Irish pound so that it did not have to devalue excessively in the initial weeks following its re-launch.

The security dimension of Brexit is relevant here. The end of the Cold War removed the need for Britain and NATO maintaining military bases in the North. This was the basis of London's statement that it had "no strategic interest" in Ireland and its commitment under the Downing Street Declaration and Good Friday Agreement to facilitate Irish reunification when and if a majority in Northern Ireland should come to favour that.

What the Good Friday Agreement implicitly envisaged as a possibility was a genuinely neutral united Ireland having a friendly and cooperative relation with Britain at some time, however distant, in the future. But if the South stays in the EU while the North leaves the EU along with the rest of the UK, this security calculus significantly changes.

Future Irish reunification in those circumstances would mean that the whole island would become part of an EU security and military bloc dominated by Germany - which is now openly talking about a Brussels military HQ and an EU army - and potentially hostile to British interests in some future international crisis. This would give Britain a new "strategic interest" in staying indefinitely in Northern Ireland and actively discouraging any moves to Irish reunification.

Britain has an interest in preventing these developments, as indeed has the Republic.

The logic of the new situation posed by Brexit points to the desirability of a comprehensive Anglo-Irish deal covering economic and security matters to underpin a Brexit plus Irexit. This should be negotiated using the East-West and North-South strands of the Good Friday Agreement.

PS. Below are the figures for Irish foreign trade in goods and services by area for 2015. They show that our trade with the world outside the EU26, of which the UK and USA are for us the principal markets, is much more important than our trade with the EU, although there is no good reason why we should not continue to trade with both the EU and the rest of the world when Irexit occurs.

In 2015, the most recent year for which Central Statistics Office figures are available, the Republic exported €112 billion worth of goods and imported €70 billion. It exported €122 billion worth of services and imported €151 billion. The tables below show the distribution of this trade by area:

Distribution of Irish foreign trade in goods, 2015

	Imports	Exports
EU26 without the UK	39%	34%
Rest of World including UK	61%	66%
UK	14%	26%
USA and Canada	25%	16%
USA and Canada + the UK	39%	42%

Source: CSO Statbank, External Trade, Tables TSA01 and TSA05

\* \* \*

Distribution of Irish foreign trade in services, 2015

	Imports	Exports
EU26 without the UK	34%	28%
Rest of World including UK	66%	72%
UK	20%	8%
USA and Canada	11%	21%
USA and Canada + the UK	31%	29%

Source: CSO International trade in services 2015, Table 2A

(Anthony Coughlan is Director of the National Platform EU Research and Information Centre and Associate Professor Emeritus of Social Policy, Trinity College Dublin)

**ANNEX 2:**

**WHY BREXIT  
SHOULD BE  
ACCOMPANIED  
BY IREXIT  
(IRELAND EXIT)**

**- Report of a Private Study Group**

**Drafted by Anthony Coughlan and presented to the Seanad Select  
Committee on Brexit, Thursday 1 June 2017**

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*“When the facts change I change my mind. What do you do, Sir?”*  
- JM Keynes

*“There is another country in Europe with an unsustainable business model: Ireland. It offers low corporate tax rates and legal tax avoidance to foreign investors. The ruling by the European Commission to force Apple to pay €13bn to the Irish Government in taxes is a sign that this model may not be sustainable for much longer. Brussels is also pushing towards a harmonisation of the corporate tax base – the rules of what to tax.*

*“Dublin has been resisting such a change, but with the UK out of the EU it will lose an ally in the fight against EU-imposed tax harmonisation. Ireland has done well from its tax haven status. But this model is unsustainable.*

*“Perhaps the confluence of Brexit and the long-term loss of a business model will persuade Ireland to follow the UK out of the EU. This will obviously depend on whether Ireland can find an alternative model inside the EU. It is possible, but not inevitable. An Irish exit will not happen unless and until there is more clarity on the costs of Brexit. It will also depend on whether the eurozone successfully manages the various crises facing it.*

*“If all this develops as I expect – badly – the economic case for an Irish exit would strengthen. Ireland might choose to stay in the EU for political reasons. But those in Ireland in favour of EU membership should give some thought to what could go wrong. They might otherwise end up in the same place as the overconfident Remain supporters in the UK: bitter and without influence.”*

- Wolfgang Munchau, *Financial Times*, 10 October 2016

## 1. INTRODUCTION

Whether one has previously regarded the European Union as a good thing or not is now irrelevant. The reason is that everyone in Ireland, whether in the Republic or Northern Ireland, and regardless of whether they have positive or negative attitudes to the EU, will be profoundly affected if Britain and Northern Ireland withdraw from it during the next couple of years, as now looks inevitable.

If the Republic seeks to remain in the EU when the UK leaves, it is the EU acting collectively on the basis of qualified majority voting under Article 50 of the Treaty on European Union that will decide the divorce terms between the EU and Britain and Northern Ireland, and not the Republic's Government acting independently. Any future economic agreement between the post-Brexit EU and the UK is also likely to be decided by majority voting, if not in all areas at least in some. In these situations it is inconceivable that the interests of the Irish State and people will have priority or be taken adequately into account by the 26 other EU Member States. If the eventual EU-UK agreement does not suit the Republic and if the Irish Government has cast its vote against it, it will still have to abide by it if it remains an EU member.

On the other hand, the many problems that would arise for the Republic if it should seek to remain in the EU when Britain and Northern Ireland leave, and which have been highlighted in the Irish media since the 23 June 2016 Brexit referendum, would largely disappear if Brexit were to be accompanied by "Irexit" (Ireland Exit).

Some "Remain" people in Britain, Ireland and elsewhere in the EU still hope to overturn the result of the Brexit referendum even though that was the democratic choice of the citizens of the UK, who were asked to vote on the course they wished the UK State as a whole to follow, and not Scotland or Northern Ireland separately. Showing a deeply undemocratic mind-set, these "Remainers" seek to reverse that result as was done in the case of the Irish referendums on the 2001 Nice and 2008 Lisbon Treaties and the French and Dutch referendums on the EU Constitution in 2005. As Mr Peter Sutherland wrote immediately after the UK Brexit vote: "*Somehow this result needs to be overturned*" (*Irish Times*, 27 June 2016).

US President Barack Obama, encouraged by British Prime Minister Cameron, told UK voters during the referendum that if they voted to leave the EU they would "*at the back of the queue*" when it came to American support for any post-Brexit trade deal. Supporters of the EU were hoping that if Democratic Party candidate Hillary Clinton succeeded President Obama there would be concerted American, German and Brussels pressure on UK Prime Minister Theresa May to go for the "softest" possible Brexit, and possibly abandon the idea altogether. Republican Donald Trump's election victory put paid to that hope. Mr Trump said during the presidential election campaign: "*I'm not going to say front of the queue, but it wouldn't make any difference to me whether they were in the EU or not. You would certainly not be back of the queue, that I can tell you*" (*Financial Times*, 10-11-2016).

Prime Minister Theresa May has made clear that Brexit means Brexit and that one way or another the UK intends to leave the EU, including the single market and customs union, abandon supranationalism and resume the capacity to make all its own laws and decide its State policies, domestic and external, in its own Parliament at Westminster, like any normal independent modern democracy.

The implications of this development are enormous - for Britain, for Ireland and for the EU as a whole. The Irish State is quite unprepared for them, as are the Irish

media and public opinion, for most Irish people expected the "Remain" side to win the UK referendum and some still think and hope that at the end of the day Brexit will not happen.

All fundamental debates in British politics take place inside the Conservative Party, with everyone else having bit parts. This was true for example of the policy debates on the Corn Laws and imperial preference in the 19<sup>th</sup> century, on the appeasement of Nazi Germany in the 1930s and on Britain's relations with the EU from the 1960s to the present.

The Brexit referendum was a major defeat for the Cameron-led UK Government's policy, supported as it was by the Brussels institutions, by all other EU Governments, by the Democrat-led US Government, the City of London, Messrs Goldman Sachs and related financial interests and international big corporate capital generally - all of which favoured "Remain". In British economic terms the referendum result was a defeat for the UK's financial interest, represented iconically by the City of London, and a victory for those manufacturing and business interests that still aspire, despite decades of deindustrialisation, to keep Britain as one of the world's great centres of manufacturing and scientific innovation. These were supported in turn by the industrial working class in the old centres of British industry who regard themselves as victims of that deindustrialization, one of whose agencies they see as the European Union.

In the UK referendum on EEC membership in 1975, the first ever referendum to be held in the UK, 67% of voters voted to stay in the European Community, as against 32% who did not, on a turnout of 64% of the electorate. In 2016, following forty-three years' experience of European integration, they voted 52% to 48% to leave the EU on a voter turnout of 72%, with 33.5 million people voting and 17.4 million voting to leave. Clearly the experience of EU membership had disillusioned millions.

The "Leave"-side result represented a victory for those who sought to revert to the position where all laws for the United Kingdom would be made once again at Westminster by people who are democratically elected to make them, rather than great numbers of those laws being made by the EU institutions supranationally. Mrs Theresa May's Government seems to have genuinely committed itself to implementing this decision of UK voters in the period ahead.

In this new situation hard-headed realism rather than wishful thinking is called for from Irish policy-makers. People should not allow themselves be led by the momentum of past policy positions. They need to look with fresh eyes at Ireland's relations with the EU on the one hand and with the UK on the other. We seem now to be moving into quite a new phase of European and perhaps world history when the legacy of World War 2, a legacy of which the EU is part, is being left behind. This situation calls for radical reappraisal of existing conventional wisdom, not least on the EU.

It is the conclusion of this Private Study Group, consisting of a number of Irish economists and lawyers, that there are no good arguments for Ireland remaining in the European Union if the United Kingdom leaves it. Rather it is in the political and economic interest of both the Irish State and the country as a whole that we should leave the European Union at or around the same time as the UK for the reasons set out in this paper.

## 2. IRELAND NOWADAYS A LOSER, NOT A GAINER, FROM EU MEMBERSHIP

The Irish State is now a net contributor to the EU Budget. In 2014 it became a net contributor for the first time, paying in €1.69 billion and receiving €1.52 billion. This means that in future any EU moneys that come to the Republic under the Common Agricultural Policy (CAP), EU cohesion funds, Erasmus programmes, research grants and the like, will be Irish taxpayers' money recycled through Brussels, as is also the case for the UK.

There is no reason in principle therefore why these funding programmes should not be continued by the Irish Government, at the same or even more generous levels than at present, or be better adapted to Irish requirements if that is thought desirable. Henceforth the EU will no longer be the "*cash cow*" that it has widely been regarded as for decades, and which is the basis of most Irish europhilia, official and unofficial.

If the Republic should remain in the EU when the UK leaves it will be required to contribute an extra couple of hundred million euros to the EU budget on top of its current contribution as its proportionate share of the extra sum that would be needed to replace Britain's €10 billion or so annual net payment to the EU. Escaping this further imposition would be another gain for Ireland of leaving.

Outside the EU Ireland can take back control of its extensive sea-fishing waters, whose value if they had been exploited in the Irish interest over the years would have been a many-times multiple of the net receipts the Republic obtained from the EU since 1973 (cf. Eurostat estimate of the value of fish catches by non-Irish boats in Irish waters over that time).

Without Britain, her sister island, beside her the Republic would be in a weaker position to defend her fishery interests in the EU. Irish fishermen would face a host of new problems if the Irish State attempts to stay in the EU when the UK leaves. How would the fishing waters of the two adjacent islands be divided in these circumstances? Presumably the fishing fleets of the other EU States would continue to fish in the Republic's waters, but not in the UK's. The Republic's fishing boats would presumably no longer be able to fish off Northern Ireland or to land their catches there or in Britain, as many now do.

If the Republic were to remain in the EU when the UK leaves any oil or gas finds in its territorial waters would be governed by the EU's energy policy. As in the case of fisheries, without the UK beside her Ireland would be in a weaker position to defend her interests as regards these natural resources. At present the Republic buys most of its energy from the UK. Would these energy imports have the EU external tariff imposed on them if Ireland were to stay in the EU when the UK leaves, with consequent higher prices for Irish consumers?

If the Republic leaves the EU along with Britain and the North it could, like the UK, get rid of various unsuitable EU rules and regulations that inhibit its economic growth and weigh particularly heavily on the small and medium-sized enterprises, mostly indigenous, which are especially important to its economy.

These small and medium-sized Irish enterprises are also hugely important for the Republic's employment. In so far as they export goods or services tariff-free access to the UK economy is crucial for them, which calls for continuing free trade with a Britain and Northern Ireland that are now outside the EU. Badly drafted EU

Directives, as so many now tend to be because the EU has become so large and diverse, can prevent Member States from taking reasonable actions to support business firms that they would otherwise take if they could put their own national interests first.

Outside the EU Ireland can agree trade and other economic arrangements with the UK and other countries, opening itself to the wide world, having regained the power to sign international commercial treaties, which is currently an exclusive EU competence.

Leaving the EU would mean that the Irish State would not be bound by such collective trade agreements as the Transatlantic Trade and Investment Partnership (TTIP), which the European Commission is currently negotiating with the USA, with its provisions for common regulatory zones and anti-democratic disputes procedures.

In 2016 EUR-LEX estimated that there were over 123,000 EU rules, international agreements and legal acts binding on or affecting citizens across the EU, including Ireland. These included 1,683 EU Directives; 12,915 Regulations; 15,561 Decisions; 5,337 international agreements, 16,592 EU Court verdicts and 71,077 international standards from such bodies as CEN, CENELEC, ETSI and the Codex Alimentarius, which the EU has signed up to and which are therefore binding on all EU Member States and their citizens.

Most people in Ireland do not realise how undemocratic interference by the EU now affects most aspects of their lives. The EU is the "elephant in the room" in several of the Republic's recent political controversies: Water charges - an EU requirement; Bin charges - an EU requirement; Social housing - restricted by EU requirements on State aid; Mass governmental surveillance of e-mails, internet usage and social media - an EU requirement; Dáil private members' Bills with financial implications having to be submitted first to the European Central Bank (ECB) for vetting - an EU requirement; Irish taxpayers having to pay significant extra sums to the EU Budget on top of existing payments because of misleading national output statistics - an EU requirement. . . And the list goes on.

This situation is clearly far from "*the unfettered control of Irish destinies*" which the men and women of the 1916 Easter Rising aspired to for the independent Irish Republic they fought and died to establish. It raises serious and disturbing questions about the compatibility of EU membership with genuine national democracy.

### 3. ADDING NEW DIMENSIONS TO THE NORTH-SOUTH IRISH BORDER

If the Republic remains a member of the EU when the United Kingdom leaves, the North-South border within Ireland must inevitably have a wide range of EU-related dimensions added to it, affecting trade, travel and diverse laws and legal standards on either side. For example, without the UK as an EU Member State beside it the Republic would be in a much weaker position to withstand pressure to adopt continental norms in EU crime and justice policy, which differ significantly from the jurisprudence of the Anglo-Saxon world in such areas as trial by jury, the presumption of innocence and *habeas corpus*. Such divergence would adversely affect good relations within Ireland as a whole and while it would not destroy the Peace Process, it would not help it either. At present the Republic has legal opt-outs from most of the crime and justice provisions of the Lisbon Treaty along with the UK. Could it realistically sustain such opt-outs on its own over years and possibly decades to come if it were to remain in the EU when the UK leaves?

Maintaining the long-established Anglo-Irish common travel area, which has existed since the Irish State was established in 1922, and minimizing North-South border controls were key determining factors in the Republic's original application to join the then EEC simultaneously with the UK in 1961, and the two States actually joining the EEC together in 1973. The same considerations remain relevant today.

It seems unrealistic of the Republic's policy-makers to think that the Irish State can retain the common travel area with Britain and Northern Ireland when the latter leave the EU, however willing the UK Government might be to facilitate that. There are some seven times more non-Irish migrants in the UK than there are Irish ones. Would a post-Brexit EU countenance a special deal for Irish migrants going to a non-EU State? Would such continuing EU members as Poland, Latvia, Romania and the rest be happy for Irish EU citizens to be especially accommodated in the UK while their own nationals, who are EU citizens also, would have lost the legal right to move and settle there? A visa-free travel area is not the same as a common labour market.

Ireland without the UK beside her would be under greater EU pressure to join the EU's Schengen passport-free travel area from which UK and Irish citizens in Northern Ireland would be excluded. If the Republic continues as an EU member it is the EU as a whole that will decide such matters. It might take the Irish Government's wishes into account, but then again it might not. After all Ireland under the EU Treaties (Article 1 of the Treaty on European Union) would still be committed to "*an ever closer union*" of the EU's peoples and all the treaty obligations, explicit and implicit, that derive from that, which have the force of constitutional law in the Republic.

If the UK Government were to decide that it was in its best interest that the Republic should also leave the EU, it is in a position to use the continuance of the common travel area between the two States as a major bargaining chip to that end. For successive Irish Governments and generations of Irish politicians the existence of the common travel area between the Republic and the UK has been a social "safety-valve". It has made it possible for the negative consequences of the Irish State's failure to provide enough jobs at home for its own people to be avoided by its exporting much of its labour force to Britain because of the ease with which Irish emigrants can travel, settle and vote there. Pressures for relevant economic and political reform within Ireland have thereby been reduced. Irish policy-makers can be

expected to do whatever they can to prevent this situation changing. For this reason amongst others they will be most anxious to ensure the continuance of the Anglo-Irish common travel area. While the authors of this paper favour the continuance of Britain and Ireland as a common labour market, they acknowledge that its termination could bring about much needed political reform in the Irish State.

When Brexit occurs and if the Republic remains in the EU it would mean that for Irish reunification to come about at some future date, however distant, the people of Northern Ireland, if a majority of them were to favour such an eventuality, would have to rejoin the EU once Britain had left it, adopt the euro-currency, take on board a share of the €64 billion of private bank debt that the European Central Bank insisted that Irish taxpayers finance during the 2008-2010 currency crisis, and implement the further integration measures that are likely to be needed in the coming years if the Eurozone is to be held together. It would give 26 EU Governments in addition to the UK and the Republic a veto on eventual Irish reunification. Such developments should be unacceptable to all Irish people.

Suggestions that the UK's departure from the EU would adversely affect the 1998 Good Friday Agreement are nonsensical. The passing references to the EU in the Agreement's text allow of no such interpretation. The EU was not a party to the Good Friday Agreement. EU funding for various cross-Border projects is UK taxpayers' money coming back. Some Irish nationalist circles have advanced these suggestions because they do not want to accept the result of the clearly democratic UK Brexit referendum. It puts them in the same company as those party politicians in the Republic who twice rejected solemn decisions of Irish voters in referendums.

In the past these so-called "Republican" critics claimed to stand for Irish independence and democracy vis-a-vis the EU, yet they now condemn the majority of UK citizens for acting similarly, while they themselves join the ranks of Ireland's upholders of supranationalism. Having sought to coerce the Northern Unionist population into a United Ireland by means of a quarter-century-long military campaign against British rule - something that may well have postponed any prospect of Irish reunification for generations - these quondam EU-critics now proclaim that "*Ulster must not be coerced*" into leaving the EU, while the rest of Ireland must bow to continuing rule from Brussels! And the Republic's principal political parties echo them in a congruence of rhetoric verging on the tragicomic.

Relations between Britain and Ireland that touch on Northern Ireland should be settled bilaterally as they always have been. But this will be difficult if not impossible to ensure if the Republic remains an EU member when the UK leaves. As regards voting figures for Northern Ireland in the Brexit referendum, of the 1.9 million people living there some 1.3 million were on the electoral register. The referendum turnout was 62.7% in the North as against 72.2% in the UK as a whole. This was a figure of 789,879, of which 55.8% voted "remain" (440,437) and 44.2% (349,442) voted "leave", while 471,109 did not vote at all.

Opinion polls in Scotland and Northern Ireland that have been taken since the Brexit referendum show that a significant majority of those polled would prefer to remain in a United Kingdom that was outside the EU rather than live in either an independent Scotland or a Northern Ireland that was united with the Republic.

As regards long-term Scottish, Welsh and Northern Irish attitudes to the EU, it is worth noting that in the key Westminster votes on joining the then EEC in 1972 a majority of Scottish, Welsh and Northern Ireland MPs voted against joining, so that it was the votes of English MPs that took the United Kingdom into the EEC at that time.

#### 4. FOREIGN INVESTMENT GEARED TO ENGLISH-SPEAKING MARKETS

The business case for the Republic staying in the EU diminishes significantly if Britain and Northern Ireland leave. The principal attraction for foreign investors in Ireland is its low corporation tax rate of 12.5%. The Irish State's ability to use a low tax rate to attract foreign investment is already under attack in the EU, as evidenced by the European Commission's power-grab over taxation in the 2016 Apple case. Britain has been Ireland's main ally in resisting such attacks. If Ireland remains in the EU when the UK leaves these attacks will assuredly increase, while Ireland will be in a weaker position to defend the current arrangement.

Most foreign investment in the Republic is in any case geared to exporting to English-speaking markets, primarily the USA and UK, rather than to continental EU ones. Once the UK leaves the EU nearly two-thirds of Irish exports will be going to countries that are outside the EU, mostly English-speaking, as they are today going to countries that are outside the Eurozone. From the point of view of most foreign investors in Ireland it is access to English-language markets rather than continental EU ones that is most important. From that perspective the desirability of continued Irish membership of the EU becomes far less relevant if the UK leaves.

Outside the EU and Eurozone, with an Irish currency restored, with the competitive exchange rate that would make possible, with a corporation tax rate maintained at low levels and a bank credit policy that encouraged investment for productive purposes rather than stoked asset bubbles, the Republic should become significantly more attractive for foreign investment than if it were to remain in the EU following the UK's departure. This would be because its competitiveness would increase as a result of its following an independent exchange rate policy.

This situation would be analogous to that which prevailed during the Republic's so-called "Celtic Tiger" period of 1993-2000 when the highly competitive exchange rate policy of those years helped give it an annual average growth rate of 8%, while simultaneously boosting domestic demand. Outside the EU the Irish State could take full advantage of its strategic geographic location as a hub for trade and communications between Europe and North America and further afield, in addition to restoring Duty Free facilities for international flights, which EU membership abolished. The Republic would also benefit from the greater UK prosperity that is expected in time once Britain is freed from EU constraints.

Ever since the Telesis Report of 1982 on the Republic's industrialization policy it has been recognized that that policy should put less emphasis on the foreign capital sector and more on encouraging indigenous industry with wider domestic linkages oriented towards exporting. The policy instruments available for doing this, most obviously an independent exchange rate and national control of credit policy, would only become available if the Irish State frees itself from the stranglehold of the euro-currency and the European Central Bank.

Leaving the EU at or around the same time as the UK would provide an opportunity for a thorough reassessment of the Republic's current industrialisation model, as *Financial Times* commentator Wolfgang Munchau has pointed out (see page 1 above), something that is desirable in any case.

## 5. THE DRAWBACKS OF IRISH EUROZONE MEMBERSHIP

Ireland's relations with the UK and the EU in the Brexit context are complicated by its membership of the Eurozone. Irish policy-makers abolished the national currency and joined the Eurozone in 1999 on the assumption that the UK would do so also and that by going first they would show how *communautaire* they were.

There was a belief in the relevant policy circles at the time that after eighty years of, at times, recklessly imprudent independent government, abolishing the currency would make life easier for those who had to deal with the consequences of such recklessness. The opposite of course happened: if the Republic was going to surrender one of the two key economic levers of an independent State, viz. monetary policy, which decides the supply of money and credit, or fiscal policy, which decides government tax and spending, it chose the wrong one.

The economic history of the Irish State has essentially been one of reckless fiscal policy accompanied by a conservative monetary policy. After 1999 no effort was made to restrict unwise political decisions in relation to fiscal policy because it was believed that Irish policy-makers would never have to worry about monetary policy again as they would now be using the euro.

The Republic sends nearly two-thirds of its exports outside the Eurozone and buys three-quarters of its imports from outside – some 63% of exports and 72% of imports. It does only one-third of its foreign trade - namely imports and exports together - with the Eurozone, another third with Britain and Northern Ireland and the remaining third with the USA and the rest of the world.

Joining the Eurozone when the Republic does most of its foreign trade outside it was reckless even by the low standards exhibited by those responsible for running the Irish State in the previous eighty years and was almost criminally irresponsible. Although the competition is stiff, the decision to join the Eurozone without the UK remains the worst decision made to date by the Irish State. Attempting to remain in the EU while the UK leaves would assuredly trump that error.

As the pound sterling falls vis-a-vis the euro as the UK disengages from the EU, Ireland desperately needs an Irish pound that can fall along with it, thus maintaining its competitiveness in its principal export markets – the UK and the US. That is why the Irish State urgently needs to get its own currency back.

The UK on its own is the biggest single market for Irish exporters. Some 40% of all exports by Irish-owned companies go to the UK market. In July 2016 the Irish Business and Employers Confederation (IBEC) called for Government subsidies to compensate exporting firms that were hit by the fall in sterling following the Brexit referendum the month before. It called for “*a drive to secure exemptions to EU State aid restrictions to allow the Government to match grants available to UK based manufacturers*”. Otherwise thousands of jobs in Ireland's food and drinks industry would be at risk. This was scarcely a realistic call, for such aid would violate EU rules, but it surely presages many similar calls over the coming years if the Government should opt to remain in the EU.

Economist Chris Johns noted in the *Irish Times* on 20 August 2016 that if the Irish pound existed on that date it would be worth roughly 10 percent more than the pound sterling. This was the level it reached in January 1994 when Irish industry and agriculture were in crisis because of the overvalued exchange rate – explicitly then,

implicitly today. That in turn precipitated the major devaluation that inaugurated the Republic's "Celtic Tiger" years. It is essential for the welfare of Irish citizens that the State regain the freedom to determine its own exchange rate.

The purpose of leaving the Eurozone and adopting a competitive exchange rate for a restored Irish currency would be to maximize Ireland's long-term economic growth rate and employment. Many of the country's foreign debts would be in euros post-Brexit, but it is not the absolute level of foreign debt that matters, but the ability of a national economy to service it. A high economic growth rate facilitated by a competitive exchange rate and related measures would help the country earn the foreign currency to run down its debts and rapidly reduce its debt-to-GDP ratio.

There is no legal way for a State that uses the euro to re-establish its currency other than by leaving the EU altogether, for membership of the Eurozone is supposed to be for ever. The EU Treaties do not provide for any country to revert to its national currency while still retaining its EU membership.

Membership of the Eurozone has caused and is still causing major problems for Ireland. Amongst other things the unsuitable interest-rate regime it imposed was largely responsible for the Republic's 2001-2008 financial boom/bust, which in turn led to the ECB imposing €64 billion of private bank debt on Irish taxpayers.

If Ireland remains in the EU following the UK's departure from the EU, it is likely to be subjected to ever further integration measures as Brussels and Frankfurt seek to hold the Eurozone together, essentially for political reasons. Such measures, entailing an EU banking union, detailed budgetary surveillance, the establishment of a Common Consolidated Corporate Tax Base for taxing business firms, pressure to harmonize corporation tax rates and commitments to collective EU trade agreements that cover investment issues as well as trade could be expected to damage the Republic economically in the years ahead, while adding further dimensions to the North-South border within Ireland.

UK support for Ireland's leaving the Eurozone is highly desirable and should be readily obtainable if Irish policy-makers make clear that Brexit will be accompanied by Irexit.

The Eurozone is unlikely to last in any case, at least not for its current nineteen members. It is clearly more sensible for Ireland to leave it sooner rather than later and to do so deliberately in a planned, constructive fashion, concerting such a course behind the scenes with Germany and its principal Eurozone partners well beforehand, rather than in the midst of the next international financial crisis.

The alternative course is to wait until the savings of the "PIIGS" countries start moving to Germany in the expectation of the Deutschemark coming back, when there will be fewer euros under potential Irish Government control and banks start being bled of their deposits – an eventuality this Study Group believes is inevitable in time unless Irish policy-makers act early to escape it.

Restoring the national currency will presumably occur over a long weekend when the State's banks are closed and a new Irish pound is issued, initially at par with the euro, or as existing euros over-stamped as Irish pounds. Support from the Bank of England to prevent that currency depreciating excessively in the initial days and weeks while it is being introduced would be desirable in this event and it should be in the interest of both the Irish and UK Governments that it be provided.

The ECB and other Eurozone and non-Eurozone national Central Banks should have an interest also in minimising disruption to the euro and pound sterling and in ensuring that the new Irish currency is launched in as constructive a manner as possible in the context of Brexit.

Because of the closeness of Anglo-Irish relations and the fact that the Republic, unlike all other Eurozone members, does most of its trade outside the Eurozone rather than inside it, Ireland is probably the only one of the Eurozone's 19 Member States whose departure should not cause a general crisis for the euro-currency as a whole.

The value of having its own currency for a State that treasures its independence was shown for the Republic in its "Celtic Tiger" years 1993-2000, before it adopted the euro. Those years were the only ones in the ninety-year history of the Irish State that it followed an independent exchange rate policy. In those years the Irish State's management of an effectively floating exchange rate enabled it to give priority to the real economy of maximising output and employment rather than maintaining a fixed exchange rate.

Currency exchange rates are always fixed for political reasons and there are few things more political than a monetary union such as the Eurozone. The Eurozone is essentially a project to advance a political union in the EU, using economic means that are quite unsuitable for that purpose. It has already proved to be an economic disaster for the Mediterranean countries and Ireland and the sooner these countries leave it the better for the economic welfare of their peoples.

Maintaining a fixed exchange rate with the UK's pound sterling had been Irish policy from 1923 until 1979 and maintaining a fixed rate with the Deutschemark and related currencies in the European Monetary System (EMS) was its policy from 1979 to 1993, in preparation for eventual EMU (European Monetary Union). Breaking with the EMS in January 1994, three months after the UK's break with that entity, and devaluing the Irish pound (púnt), was the principal factor responsible for the Republic's radically increased competitiveness and its extraordinarily high economic growth rates in the years that followed, as the Table below shows.

Between 1993 and 1999 the Irish pound devalued from 110 pence sterling to a nominal 90 pence. It had a similar devaluation against the currency of its other main trading partner, the US dollar. What economists term its real effective exchange rate was devalued even more, taking account of the Republic's relative costs vis-a-vis its main trading partners. In its first years of euro-currency membership the Republic's competitiveness increased because of the decline of the euro vis-a-vis sterling, but when that changed, its competitiveness and growth rate started to decline.

**Average annual % change in the Republic's real GDP**

	%
1970-1986	+3.4
1987-1993 (start of social partnership)	+3.9
1994-2000 (floating punt / "Celtic Tiger")	+8.6
2001-2007 (euro-currency, early years)	+5.0
2008-2013 (euro-currency, later years)	-1.2

Source: CSO: *National Income and Expenditure*

## 6. NEED FOR AN ANGLO-IRISH FREE TRADE AGREEMENT OUTSIDE THE EU

This would be required if both States left the EU, as well as a bilateral treaty governing other relevant issues. Such agreements would in various respects be a return to the pre-1973 arrangements between the two States.

A negotiation between Ireland and the EU under the Article 50 TEU procedure should be held in parallel with the UK's negotiations.

There is no good reason why such positive aspects of EU membership as the Erasmus scheme for student exchanges, participation in cross-national research projects, access to cross-national health care entitlements and travel rights, coordination of environmental protection measures and internal market measures such as SOLVIT, should not be agreed in such negotiations so as to apply to former EU Members, as they already apply to some non-EU countries. This should be mutually beneficial to the States remaining in the EU as well as to those leaving it.

It has been argued by some Irish commentators, for example Professor John FitzGerald, that Ireland needs to be part of a multinational bloc in order to deal equitably with Britain and that if the Republic leaves the EU it must become a UK client or dependency. This shows a sad lack of national self-confidence, arising perhaps from decades of EU involvement following centuries of colonization. It may also be a cover for those whose reputations and career interests are bound up with the EU project and who want least change from the current situation.

There are 170 or so States in the world outside the EU, most of them small or middle-sized and all of which make all of their own laws and do not depend on a supranational law-maker to defend or advance their interests. Geography and history have placed an Ireland of 6.5 million people beside a Britain of 62 million. They have placed Denmark beside Germany, Finland beside Russia, Canada beside the USA, Korea beside Japan, Vietnam beside China, without the smaller countries in these and various other similar pairings thinking that they have to merge themselves in some larger entity to defend their interests. Small size has the great advantage of flexibility – as long as one retains the legal right to be flexible, which EU membership manifestly limits.

Ireland is part of the English-speaking world. It is psychologically closer to Boston than Berlin - and to Britain than Germany. The proportion of both Irish and British trade with the Eurozone has been declining in recent years as exporters move into the more dynamic expanding markets of America and Asia.

Leaving the EU, getting its own currency back and with it control over interest rates or the exchange rate, and regaining the ability to negotiate commercial treaties with other States, would put Ireland, like the UK, in a better position to develop trade and other economic links with the world outside the low-growth EU/Eurozone, with its dysfunctional currency, its bureaucratic zeal for ever more centralization for political reasons and its ageing population.

## 7. THE SECURITY AND DEFENCE DIMENSION

During the years of the Cold War Northern Ireland's membership of the United Kingdom ensured that Britain and NATO had military bases in Ireland, enabling command of the North-Atlantic approaches to Europe. The end of the Cold War removed the need of these. This was the basis of the UK Government's statement that it had "*no strategic interest*" in Ireland and was presumably a factor in Britain's commitment under the 1993 Downing Street Declaration and the 1998 Good Friday Agreement to facilitate Irish reunification at some future date if a majority in Northern Ireland should come to favour that. However, if Ireland remains in the EU while the UK leaves, this security calculus is significantly changed.

While the Private Study Group would not presume to tell the UK what was and was not in its security and defence interests, its members strongly suspect that the UK would have reservations about the Republic continuing to participate in EU security and defence policy and implementing ever closer political and economic integration with an EU/Eurozone that is likely to come under greater Franco-German hegemony following Brexit. British policy-makers may well fear that in such circumstances a continental power or coalition of powers potentially hostile to British interests could secure a military foothold in Ireland at some time in the future, in circumstances unforeseeable today.

This possibility could give Britain a significant new interest in opposing any moves towards Irish reunification at a future date, as such a development in a situation where the Republic remained an EU member would remove Britain's ability to have military bases in Ireland, as it has them in Northern Ireland today. Future Irish reunification, if Ireland remained in the EU, would make the whole island of Ireland part of a continental defence and security bloc dominated by Germany, which could have military bases in Ireland instead.

If the Republic ceased to be an EU Member State, however, and resumed its traditional policy of neutrality and military non-alignment in friendship with Britain, such objections would disappear. If both Britain and Ireland were outside the EU it would presumably be in Britain's interest to have good relations with an Ireland that was militarily non-aligned – something that is fundamentally incompatible with participation in the EU security policy and defence system envisaged by the EU's Lisbon Treaty.

Military matters are likely to be particular EU preoccupations post-Brexit. The UK has always given priority to NATO as against EU defence and security policy. There is now talk in EU circles of moving towards an EU army. This would give Germany a finger on a collective EU nuclear trigger. The UK leaving the EU, most of whose members are in NATO, while the UK remains in NATO, will presumably require readjustments by both the EU and NATO.

If the Republic stays in the EU when the UK leaves it will also come under further heavy pressure from the remaining EU Member States to increase its military spending. It is not in its interest, especially with its tradition of neutrality, to continue with EU security and defence commitments in these circumstances, not to mind take on NATO ones.

## **8. POSSIBLE GERMAN SUPPORT FOR “IREXIT”**

Germany, like the other 27 EU Member States, will seek to prevent Brexit if it can, but if it is unable to thwart it, it will accept it, as will the others.

This and other considerations may possibly encourage the German Government to support “Irexit” alongside Brexit. Germany could more easily aspire to greater hegemony over the continental EU Member States if Ireland as well as Britain were not EU members.

Germany may not in any case wish to challenge the UK for influence in Ireland. The French Government by contrast may have other views and may want to develop closer links with Ireland in opposition to UK interests.

It is to be hoped that Irish policy-makers will not need to be reminded that one Battle of the Boyne was quite enough! Rivalry between foreign powers regarding Irish territory should not be facilitated.

## 9. THE EU'S MYTH OF ORIGIN

The "myth of origin" of the EU is that it is essentially a peace project to prevent a recurrence of Europe's wars, and particularly wars between France and Germany. Most people are unaware of its true historical origin: that supranational integration in Europe was originally pushed by the USA in the years following World War 2 to provide an economic underpinning for the NATO military alliance in Europe.

The Frenchman Jean Monnet, often referred to as "the father of the EU", was America's man in this affair. America's Central Intelligence Agency (CIA) helped finance the cross-national European Movement for decades as it pushed the integration project in the different EU countries.

The first step to supranational integration, the 1951 European Coal and Steel Community, was taken at America's behest to reconcile France to German rearmament at the start of the Cold War. So the EU's actual origin was in war preparations. The Schuman Declaration which launched the European Coal and Steel Community styled that entity "*the first step in the federation of Europe*".

A federation is of course a State. The date of this Declaration, 9 May, is still commemorated as "Europe Day" by the EU. The second key step towards today's EU, the 1986 single market with its common regulatory zone and widespread use of majority voting, was followed by the third, the establishment of the euro-currency. The latter step was taken in the 1990s to reconcile France to German reunification following the collapse of East European communism. The Franco-German relation is the basis of the EU. One recalls French President Charles de Gaulle's remark: "*Europe is France and Germany. The rest is just the trimmings.*"

For those who subscribe to the myth-of-origin story that the EU exists essentially to prevent war and who would regret Ireland leaving it for that reason, it is worth recalling that most wars are civil wars, that EU involvement in former Yugoslavia in the early 1990s and in Ukraine in 2014 contributed significantly to those countries' civil wars, and that international tension between EU Member States, for example between northern and southern European ones, has risen markedly in recent years because of the euro-currency and migration crises. As Former British Prime Minister Tony Blair told the *Irish Times* (1 May 2017): "*It is not about peace today, it's about power.*"

It is worth recalling also that no two democracies have ever gone to war with one another and that the key to permanent peace in Europe is not the creation by political and economic elites of a supranational quasi-federation which is not desired by the peoples of Europe, but the fostering of a strong democratic culture in every European State.

This requires that these States should make all their own laws independently in parliaments elected by their own peoples. Only this can be the basis of a Europe of cooperating independent national democracies, including Ireland and the UK – an ideal that alone accords with the values of classical democracy and true internationalism. Good fences make good neighbours.

## 10. CONCLUSION

Although Ireland has a written Constitution that was adopted by popular referendum of the people in 1937 and can only be altered by referendum, it does not require a constitutional referendum to leave the EU/eurozone. This can be done by the Irish Government on behalf of the State without a referendum.

Article 29.4 of the Irish Constitution lays down that the State “*may ratify*” the Treaties establishing the European Union and Euratom and take on the associated obligations of the Treaties, without providing that it “*shall*” or “*must*” do this. The Constitution provides that EU law necessitated by the obligations of EU membership has primacy over any contrary provision of the Constitution – implicitly for as long as Ireland is an EU member.

The Irish State is therefore a member of the EU by decision of its Government under a permissive power of its Constitution, a license given to it by the Irish People, not a mandatory or obligatory one. Using this permissive power the Irish Government may also withdraw from the EU if that should become its policy and it has the assent of the Oireachtas that elects it, in which case the other articles in the Constitution that refer to the EU become redundant and fall out of use, as is already the case with some constitutional articles.

This is in any case the only practical way for Ireland to leave the Eurozone, for if the Government had to give several months notice that it intended to hold a referendum in the hope of getting a majority of citizens to vote in favour of leaving the EU, abandoning the euro-currency and re-establishing the Irish pound, it would immediately have a currency crisis on its hands because of speculators.

Opposition to Ireland leaving the EU is to be expected from Irish MEPs, Commissioners, EU Court judges, EU media correspondents and the large number of public servants, academics, translators, lobbyists, researchers etc. who are paid by or receive pensions or funding/support in some other form or other from the EU's institutions. Such resistance is natural, but there is no reason why the legitimate career, monetary and pension concerns of such Irish personnel should not be met and their anxieties assuaged, as with their UK counterparts. They should not, however, be allowed to override the democratic interests of the people of Ireland, now and for future generations.

Ireland and Britain share the English language, which is an inherent attraction for foreign investors in modern conditions, although the first official language of the State is Irish. If Ireland leaves the EU along with Britain there would be no English-language-speaking country remaining in the EU, apart from Malta, one of whose two official languages is English. For foreign investors this should add to the attraction of the two island countries if they are both together outside the EU.

Ireland and the UK face similar economic challenges if they are to take advantage of the opportunities arising from the restored political independence and sovereignty that leaving the EU provides. These have implications for, *inter alia*, exchange rate policy, interest rate policy, taxation policy and investment policy.

Economic growth depends primarily on credit flowing into productive investments, particularly long-term ones. For Ireland, this implies less reliance on foreign investment attracted by low rates of corporation tax as the principal engine of growth, more Governmental support for indigenous investors in manufacturing, agriculture,

fisheries and services, and the fostering of closer synergies between foreign and domestic investment.

For the UK, it means taking steps to counter the significant deindustrialization of Britain that has occurred in recent decades and placing less policy emphasis on encouraging financial services and the associated strong currency that serves the interest of those concerned with investing abroad rather than at home. The more prosperous, confident and dynamic Britain that is possible outside the EU would bring significant positive benefits to Ireland.

It is probable that those running the Irish State will not take a final definitive course of action in response to Brexit until the lineaments of the UK's future trade and other arrangements with the EU become clearer during the period following the triggering of Article 50 TEU. It is obviously desirable that there be the closest possible coordination between the two Governments from the beginning of the process, behind the scenes if necessary. Irish public opinion will expect no less.

Moreover, Irish public opinion and business opinion are likely to be well in advance of the Republic's politicians in supporting a policy of leaving the EU along with the UK. On 31 October 2016 the *Irish Daily Mail* published the result of a poll which showed that almost four in ten Irish people would choose open borders and free trade with the UK over the EU. This result was remarkable because the poll was taken before the adverse effects of Brexit had yet begun to be felt on the Irish economy and relations with Northern Ireland if the Republic should seek to stay in the EU when the UK leaves. As the paper commented, *"The fact that before Brexit hits home here, almost four in every ten Irish people would prefer to ally with Britain than the EU will give their views more weight in future debates."*

For the reasons set out in this paper it is the conclusion of this Private Study Group of Irish economists and lawyers that the overwhelming balance of the Irish State and country's interests in the new situation arising from the UK Government's decision to opt for Brexit is that the Republic should leave the EU at or around the same time as the UK. It can thereby restore its lost State sovereignty and take back control of its full law-making capacity and its currency so that these can be used in the Irish people's interests. The Irish Government should concert its policy with the UK Government to that end in the period ahead.

The authors of this report invite the proponents of continued EU membership for Ireland to set out what benefits such membership can bring that would outweigh the benefits that would arise from the Irish State taking advantage of Brexit to bring about Brexit, as outlined in this report.

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