

Seanad Special Select Committee on the Withdrawal of the UK from the EU

Engagement on Citizenship Rights

Opening statement by Professor Colin Harvey, School of Law, Queen's University Belfast

8th May 2019

Introduction

1. Thank you Chair and Committee members for the invitation to address this meeting. The aim of the discussion is to reflect on the citizenship rights of 'all the people of N. Ireland following the withdrawal of the UK from the EU'. The aim in this presentation is to link this to the wider conversation about the promotion and protection of human rights and to suggest possible solutions.
2. In this opening statement the intention is to consider three themes: citizenship rights in context; Brexit, human rights and equality; and strengthening the protection and promotion of human rights and equality on the island.
3. I also include, as an *Annex* to this document, a proposed amendment to the Political Declaration that was circulated in March 2019 with explanatory material. This amendment was proposed earlier this year as one way to ensure that this issue is addressed and monitored as part of the negotiations on the future relationship between the EU and the UK (with a view to effective and enforceable domestic implementation).
4. The argument here is this need not be an 'either/or' conversation. One of the strengths of the Belfast/Good Friday Agreement is that it invites a 'both/and' approach to the relationship between the rights of British and Irish citizens and human rights in general. Citizenship rights should be conceived as a significant core element of the Agreement's overall 'vision' for the future of rights and equality.
5. Part of the reason for the current political crisis is an ongoing failure by both governments, in particular, to grasp the centrality of parity of esteem and mutual respect to the broader rights and equality culture that must emerge in N. Ireland and on this island. Brexit has highlighted, and brought to the foreground, a problem that was already there. There remains a sustained and systematic failure, evident to anyone with a basic knowledge of the peace process, to acknowledge the full implications of parity of esteem, mutual respect and equal treatment for Irish citizens in N. Ireland, in particular. This is one part only of a wider crisis of rights and equality that must be urgently addressed.

Citizenship Rights in Context

6. One of the issues at the heart of the current conversation about the future is the continuing failure to fully implement and respect key aspects of the Belfast/Good Friday Agreement. The Agreement contains the following provision, which acknowledges:

(vi) ... the birthright of all the people of Northern Ireland **to identify themselves and be accepted as Irish or British, or both, as they may so choose**, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland. (Emphasis added)

7. Note that this is a birth right protection that applies to 'all the people of Northern Ireland' and that the British and Irish Governments have agreed a Declaration on how they jointly understand this term ('all persons born in Northern Ireland and having, at the time of their birth,

at least one parent who is a British citizen, an Irish citizen or is otherwise entitled to reside in Northern Ireland without any restriction on their period of residence’ – Annex 2, British-Irish Agreement).

8. For reasons that will be explored in depth today, there is evidence that its implications are poorly understood, and that it is not effectively implemented in domestic law, policy and practice in the UK. As this guarantee has continuing and widespread implications, including in the event of Irish unity, it is vital that it is respected in the current constitutional arrangements.

9. This situation must also be viewed in the light of the paragraph 52 commitment given as part of the EU-UK negotiations (Joint Report, December 2017).

52. Both Parties acknowledge that the 1998 Agreement recognises the birth right of all the people of Northern Ireland to choose to be Irish or British or both and be accepted as such. **The people of Northern Ireland who are Irish citizens will continue to enjoy rights as EU citizens, including where they reside in Northern Ireland. Both Parties therefore agree that the Withdrawal Agreement should respect and be without prejudice to the rights, opportunities and identity that come with European Union citizenship for such people and, in the next phase of negotiations, will examine arrangements required to give effect to the ongoing exercise of, and access to, their EU rights, opportunities and benefits.** (Emphasis added)

10. There is deep concern that this commitment has also been neglected. Despite many assurances during the process that there needed to be ‘flexible and imaginative’ solutions to deal with the unique circumstances of N. Ireland, a surprisingly narrow approach has encouraged a failure of imagination with respect to special arrangements for N. Ireland thus far. If addressing this commitment also leads to enhanced protection for everyone resident in N. Ireland then this is a further reason for taking decisive action, and not a rationale for avoiding necessary changes, including on matters such as voting rights in European Parliamentary Elections. It would be signify a failure of imagination if the ‘lowest common denominator’ approach prevails.

11. While the Protocol on Ireland/N. Ireland is widely and rightly welcomed as a necessary damage limitation exercise, there is a strong and merited view that paragraph 52 has been neglected, and this must be urgently addressed in the next phase (by, for example, explicit recognition in the Political Declaration with the required follow through in domestic law, policy and practice).

12. As noted, this is one part of a larger rights and equality problem that is an aspect of the formalisation failure that remains with respect to the Agreement. A commitment to the human rights of all is also central to the Belfast/ Good Friday Agreement and this is evident throughout that document; recall the Declaration of Support:

2. The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, **and to the protection and vindication of the human rights of all.** (Emphasis added)

13. The Agreement also includes the concept of ‘rigorous impartiality’, which brings with it a firm obligation on the British Government to exercise power with respect for a full range of human rights, as well as ‘parity of esteem and ... just and equal treatment for the identity, ethos, and aspirations of both communities’:

(v) affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people **in the diversity of their identities and traditions** and shall be founded on the principles of **full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities;** (Emphasis added)

14. The Rights, Equality and Safeguards section of the Agreement has significant implications for: the future of the Human Rights Act 1998 and the European Convention on Human Rights; a Bill of Rights; a Charter of Rights for the island of Ireland; the Joint Committee of the two Commissions (and well as the Commissions themselves); the concept of ‘equivalence’; and human rights protection in the south of Ireland. When considering citizenship rights ‘in context’ it is notable that there is no Bill of Rights, no Charter of Rights, the Human Rights Act 1998 remains under threat from the British Government (its eventual aim is to repeal and replace it with a British Bill of Rights) and the NI Human Rights Commission has experienced severe budget cuts in recent times. Combine this with the fact that N. Ireland is falling behind these islands in its approach to rights and equality issues in general (Irish language rights, equal marriage, women’s rights, dealing with the legacy of the conflict, and the absence of single equality legislation, for example and among others) and the picture is grim.

15. The impact of Brexit must therefore include acknowledgement of the pre-existing and continuing human rights and equality deficit in N. Ireland. There is a palpable sense that the promises of the Belfast/Good Friday Agreement have been dishonoured. The failure to implement proposals from the NI Human Rights Commission on a Bill of Rights stands as only one example, as the region falls further behind other parts of these islands. The power-sharing institutions are no longer functioning, and the rights and equality crisis is often referenced as the major obstacle that is impeding political progress (more on this below).

16. Although there is much work still to be done, advances since 1998 must be noted. The Human Rights Act 1998 remains in place (for now), with a Human Rights Commission and an Equality Commission (among other institutions) still there. There is a patchwork of equality and anti-discrimination provisions, including the s 75 ‘constitutional’ equality guarantee. The region is fortunate to have robust civil society organisations working hard to protect and promote rights and equality (see, for example, the *Manifesto for a Rights Based Return to Power Sharing* that has been produced by the Equality Coalition to inform the current negotiations).

17. The UK remains bound by a significant range of international human rights obligations, and efforts are ongoing to ensure that these are made to matter in practice. In difficult times there is always an imperative to make use of the tools that are available and maximise their potential.

18. There are also examples to draw upon. The Scottish Government, for example, is showing leadership across these islands in supporting rights-based approaches and much might be learned from this experience.

19. The Committee should be in no doubt: the context in N. Ireland is troubling. There is a genuine crisis; there is an urgency about the need for extensive legal and policy change. Avoiding this fact is an exercise in irresponsible ‘short-termism’ that will not serve N. Ireland well.

Brexit, Human Rights and Equality

20. The decision to leave the EU was taken on the basis of a unitary UK-wide vote. In such a scenario, votes in N. Ireland were never likely to be decisive (this statement may also be true of a second referendum, if it is conducted on the same basis). However, it remains relevant to note that the region voted to remain, and that Brexit is therefore an unwelcome imposition.

21. It was possible that the Brexit discussion might have had an excessively narrow focus. That this did not turn out to be the case is the result of concerted efforts by individuals and organisations on this island (that includes civil society organisations, commissions, political parties, academics and many others).

22. EU law is complex and evolving; it brings with it guarantees on rights and equality of significance. The EU Charter of Fundamental Rights is often cited as one example of an innovative instrument (and the British Government's attitude to it in the context of Brexit is well known). EU law provides substantive protections *and* a strong measure of practical enforcement. The supremacy of EU law over domestic law gives this legal order a practical edge: there is nothing quite like it in the British constitutional system and its loss will be felt. Its impact is particularly notable in the rights and freedoms that it offers to EU citizens, and in fields such as equality and anti-discrimination law, and in advancing socio-economic protections in, for example, the context of employment law. With the assistance of the EU Charter and the general principles of EU law, rights have played an increasingly prominent role within the EU, and in the interpretation and implementation of EU law.

23. Common membership of the EU was a core part of the peace-building process, in terms that are now well known and accepted. But it is the freedoms that developed with the EU that assisted in easing tensions on the island. For example, facilitating, enabling and supporting the complex lives that people live in the border areas.

24. The Withdrawal Agreement and the Political Declaration speak to matters of human rights and equality. The rights of EU citizens and British citizens are covered extensively, with an elaborate set of arrangements to be put in place internationally and domestically. The Protocol on Ireland/N. Ireland includes references to rights and equality and this fact is notable in itself. The language reflects an understanding of what might be possible (in the context of a Withdrawal Agreement between the EU and the UK) and the different phases of the process. If this Agreement does form the basis for the UK's withdrawal, and the Protocol is operationalised, then detailed attention will turn to the adopted approach. A number of points are worth highlighting here:

- The 'recital' notes the role of EU law in supporting the rights, safeguards and equality elements of the Belfast/Good Friday Agreement;
- The 'recital' recognises the rights of Irish citizens in N. Ireland as EU citizens;
- Article 4 gives prominence to the rights, safeguards and equality section of the Belfast/Good Friday Agreement;
- There is an obligation on the UK to ensure 'no diminution' resulting from withdrawal from the EU (with respect to the above section of the Belfast/Good Friday Agreement and the debate over the precise meaning of this is ongoing);
- This includes listed areas of equality and anti-discrimination law (Annex 1);

- Implementation of Article 4 is to be through ‘dedicated mechanisms’ (and the discussion on the meaning and impact of this is ongoing);
- The UK must facilitate the work of the relevant human rights and equality bodies (including the Joint Committee);
- Within prescribed constraints, the UK and Ireland may continue to operate the Common Travel Area, and the UK must ensure Ireland is able to do so without affecting Ireland’s EU law obligations;
- The notion of a single customs territory brings with it the idea of a ‘level playing field’ and this includes significant protections on, for example, ‘labour and social standards’;
- There will be a specialised Committee on the Implementation of the Protocol and the relevant human rights and equality bodies can draw matters to its attention;
- It is apparent that aspects of EU law relating to rights will inform the implementation and enforcement of this Agreement (including, where relevant, a role for the CJEU and its case law).

25. The terms of the Withdrawal Agreement, and whatever future relationship that emerges, can never replace the benefits of remaining in the EU; that is a matter of simple fact. The Protocol is an attempt to address the unique circumstances of N. Ireland by guaranteeing no hard border, ensuring continued North-South co-operation, and protecting the Belfast/Good Friday Agreement in all its parts.

26. Rights and equality have found a place in the Protocol (and in the Withdrawal Agreement as a whole), and this fact is welcome. But it must be viewed with the context sketched above fully in mind, including the practical experience of inadequate implementation and enforcement of past promises, and the justifiable suspicion that this continues to generate. In particular, the neglect of the paragraph 52 commitments needs to be remedied quickly.

Strengthening the Protection and Promotion of Human Rights and Equality on the Island

27. Brexit has prompted immediate and pressing questions of crisis management, particularly the prospect of a no-deal outcome. Unsurprisingly, given the nature of the Belfast/Good Friday Agreement, it is encouraging larger constitutional questions. For example, the need for a constitutional conversation about how this island is shared in the future. Whatever configurations emerge (including full restoration of the power-sharing institutions) it is useful to acknowledge the value of a *human* rights framework. This will help to retain a focus on the rights of everyone on the island of Ireland, and this connects directly with a vision for the future that concentrates on *people* and their well-being. It also has the advantage of being couched within overarching international legal standards and institutions, as well as existing constitutional and other guarantees.

28. At present, there are several things that could be done to strengthen the existing position. In N. Ireland there is a need to revisit the work on a Bill of Rights. The Northern Ireland Human Rights Commission submitted its advice to the British Government on 10 December 2008 (I was a commissioner at the time). That process is now badly stalled, and over 10 years later there is still no Bill of Rights. Such an enhanced and inclusive ‘constitutional’ measure is still required. Advances in relation to single equality legislation, equal marriage, women’s rights, and language rights, among other things, would all make a major difference. It is also apparent, as noted above, that aspects of the 1998 Agreement around citizenship and identity are not well understood, and are not fully reflected in domestic law, policy and practice. Where this is the case, for example in relation to those who wish to exercise their right to identify *and be accepted* as Irish, then changes must be made. That is equally the case with the Common Travel

Area, where again there is a need for effective ‘formalisation’ (in the British *and* Irish contexts). Remember also that the British Government is still talking about repealing the Human Rights Act 1998 and replacing it with a British Bill of Rights (once Brexit is out of the way).

29. It is equally vital that existing statutory institutions are encouraged and supported to be as robust as possible. A further concern for the future is the erosion of critical voices from civil society; N. Ireland has benefited from a vigilant and engaged community and voluntary sector and that work must continue. Attention must turn to the pressing matter of resources and capacity building.

30. On an all-island basis it should be recalled that the Joint Committee submitted advice on a Charter of Rights for the island in 2011. In the context of Brexit, and more generally, it would be wise to return to that work and to that project. There is a real risk that the principle of ‘equivalence’ will be further damaged, and a Charter is one way to address that. One welcome development in recent years is the renewal of the Joint Committee. This should be encouraged, and serious thought should be given to further expansion. There are many areas where the Joint Committee could make a significant contribution, and more attention might also be paid to how to ensure more extensive civil society participation and engagement in its efforts.

31. If there is a more intensive all-island conversation about the future constitutional status of N. Ireland (and recall that people on this island have a right to determine the constitutional future of the region) then human rights and equality must feature centrally in that. As this discussion gains momentum, it is to be hoped that the planning and preparation will include reference to the sort of new Ireland that people want. It is also worth underlining again that the birth right guarantee is intended to continue into this new constitutional scenario.

32. In Ireland at present, there are many things that could be considered: enhanced constitutional and other protections for social and economic rights; improvements in the effectiveness of the European Convention on Human Rights Act 2003 (as amended); more respect for, and compliance with, existing international human rights obligations; extending rights, including voting rights, to Irish citizens (and others) in N. Ireland; ensuring that the potential of existing measures is maximised and more fully reflecting and respecting the Belfast/Good Friday Agreement in Irish domestic law, policy and practice.

The Way Forward: Time to Confront and Address the Rights and Equality Crisis in N. Ireland

33. The birth right provisions of the Belfast/Good Friday Agreement are being contested and undermined. This is evident in the response of the Home Office to Emma and Jake DeSouza and this should be of concern to everyone on this island. At its core this is about testing those who often recite the words of the Agreement to deliver on their meaning in a practically meaningful way. This, in microcosm, is the challenge that confronts both governments and all political parties at this key moment in the life of the peace process.

34. The Agreement’s guarantees must be fully implemented and respected in domestic law, policy and practice in the UK, and the required changes made if the citizenship components are to be honoured. This inevitably invites wider reflection on the state of rights and equality in N. Ireland, and the argument here is that there is indeed a crisis generated by a formalisation failure and an implementation gap. Pretending this is not there, or downplaying its significance, does a grave disservice to the people of N. Ireland, and all those who want to see the Agreement implemented in all its parts, and its institutions return on a secure long-term and sustainable basis.

35. The current crisis is generating considerable anxiety and fear about the future. People are right to be worried about the consequences for citizenship rights, human rights and equality. There is an ongoing and commendably impressive mobilisation on this island and beyond in response to the threat that Brexit poses. The point of this opening statement is to suggest that there are solutions, many of which have been around for some time. The problem remains one of comprehensive implementation rather than the absence of credible proposals and suggestions.

36. Is the political appetite and desire there to face the rights and equality crisis in N. Ireland? Are both governments and the political parties willing to confront this challenge in a meaningful way through the necessary legal and policy reforms? The answers to these questions will determine the fate of this island for decades to come. In my view, the way forward is to confront and address the rights and equality crisis so that the values and institutions of the Belfast/Good Friday Agreement can be given renewed life.

Note

This is a revised version of the *Opening Statement to the Oireachtas Joint Committee on Justice and Equality on a related theme in January 2019*.

Further Reading:

1. See the work undertaken by the *BrexitLawNI* team, in particular the six policy reports available at and the Briefing Paper on Paragraph 52: <https://brexitlawni.org/>
2. For further on this theme see the materials available on the publications section of my QUB webpage: <http://go.qub.ac.uk/charvey>
3. Equality Coalition, ‘Manifesto for a Rights Based Return to Power Sharing’ <https://caj.org.uk/2019/04/30/manifesto-for-a-rights-based-return-to-power-sharing/> accessed 7 May 2019
4. Colin Harvey, ‘A New Conversation about a United Ireland could be a win for all’ <<https://www.rte.ie/brainstorm/2019/0327/1038871-a-new-conversation-about-a-united-ireland-could-be-a-win-for-all/>> accessed 7 May 2019
5. Colin Harvey, ‘Towards a United Ireland within the EU’ <<http://www.theirishworld.com/towards-a-united-ireland-within-the-eu/>> accessed 7 May 2019
6. Colin Harvey and Mark Bassett, ‘The Future of our Shared Island: A Paper on the Logistical and Legal Questions Surrounding Referendums on Irish Unity’ <<https://brexitlawni.org/library/resources/the-future-of-our-shared-island/>> accessed 7 May 2019
7. Colin Harvey, ‘Hiding in Plain Sight? Unifying and Reconciling a Destabilised Island’ <http://qpol.qub.ac.uk/hiding-in-plain-sight-unifying-and-reconciling-a-destabilised-island/> accessed 7 May 2019
8. Colin Harvey, ‘A united Ireland: a hard border fix that dare not speak its name’ <<https://www.rte.ie/brainstorm/2019/0124/1025317-a-united-ireland-a-hard-border-fix-that-dare-not-speak-its-name/>> accessed 7 May 2019
9. Colin Harvey, ‘Brexit, Borders and Human Rights’ <<http://qpol.qub.ac.uk/brexit-borders-human-rights/>> accessed 7 May 2019
10. Colin Harvey and Anne Smith, ‘The Return of the Bill of Rights for Northern Ireland?’ <<http://qpol.qub.ac.uk/return-bill-rights-ni/>> accessed 7 May 2019
11. Anne Smith and Colin Harvey, *Where Next for a Bill of Rights for Northern Ireland?* (2018) <<http://qpol.qub.ac.uk/where-next-for-a-bill-of-rights-for-northern-ireland/>> accessed 7 May 2019

12. Colin Harvey, 'From civil rights to human rights?' <<http://ukandeu.ac.uk/from-civil-rights-to-human-rights/>> accessed 7 May 2019
13. Colin Harvey, 'Safeguarding Rights and Equality in Northern Ireland' <<http://qpol.qub.ac.uk/safeguarding-rights-equality-northern-ireland/>> accessed 7 May 2019
14. Colin Harvey, 'Brexit and Human Rights in Northern Ireland' <<https://brexitlawni.org/blog/brexit-and-human-rights-in-northern-ireland/>> accessed 7 May 2019
15. Colin Harvey, 'What Price Human Rights and Equality in Northern Ireland?' <<http://ohrh.law.ox.ac.uk/what-price-human-rights-and-equality-in-northern-ireland/>> accessed 7 May 2019
16. Colin Harvey, 'Sharing the Island: Brexit, Constitutional Imagination and the Right of Self-Determination' <<http://qpol.qub.ac.uk/brexit-constitutional-imagination-self-determination/>> accessed 7 May 2019
17. Colin Harvey, 'Northern Ireland and a Bill of Rights for the UK' (2016, British Academy) <https://www.thebritishacademy.ac.uk/sites/default/files/NI%20BOR%20178_0.pdf> accessed 7 May 2019

ANNEX

Amendment to the draft Political Declaration to guarantee respect for the implementation of commitments made in the EU-UK Joint Report December 2017

Irish Citizens, N. Ireland and EU Citizens' Rights

Explanatory Note:

Irish Citizenship and N. Ireland

1. Almost all persons born in NI are, or are entitled to be, Irish and therefore EU citizens.
2. Brexit will leave NI as a jurisdiction/region outside the EU, but where almost everybody will be entitled to be an EU citizen.
3. The 1998 Good Friday Agreement recognises the birth right of 'the people of Northern Ireland' to choose to be accepted as Irish or British. There is also a birth right to identify as both. The relevant provision states that both governments:
 - (vi) recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.
4. The UK Home Office has however not respected the birth right provisions of the 1998 Agreement. It insists on treating persons in NI who identify solely as Irish (and only have an Irish passport), as British, in order to prevent the exercise of certain EU rights. The Irish Government, which amended its own citizenship laws after the Agreement, contests this interpretation by the UK, which is yet to bring the British Nationality Act 1981 in line with the 1998 Agreement.

Implications for EU Citizens' Rights under Part II of the Withdrawal Agreement

5. Part II (Citizens' Rights) of the draft UK-EU Withdrawal Agreement provides for the retention of a range of EU rights for EU citizens.
6. The UK has however stated that no NI-born Irish citizen may apply to retain the Part II EU 'Citizens' rights' under the UK's EU Settlement Scheme, on grounds that such persons should be treated as British. This would mean Irish citizens currently in NI would be among the only EU citizens in the UK not able to retain EU citizens' rights under Part II.
7. There is presently no basis (other than the provisions of EU free movement rights) on which an Irish citizen can enter and reside in the UK from any journey outside the UK-Ireland Common Travel Area (CTA). Legislation has been introduced to the UK Parliament to provide for Irish citizens to enter and reside in the UK after Brexit.
8. The UK has stated that Irish citizens do not need to apply to the EU Settlement Scheme, because they will be afforded 'reciprocal rights' within the CTA. However, there is presently no proper international and domestic legal underpinning for the CTA provisions.

Paragraph 52 commitments to ongoing exercise and access to EU rights for NI Irish citizens

9. Paragraph 52 of the December 2017 Joint Report (the UK-EU agreement at the end of Phase 1 of Brexit negotiations) made broad commitments to continued 'access to' and 'exercise of' EU 'rights, opportunities and benefits' of Irish citizens 'where residing in Northern Ireland'. Paragraph 52 reads:

52. Both Parties acknowledge that the 1998 Agreement recognises the birth right of all the people of Northern Ireland to choose to be Irish or British or both and be accepted as such. The people of Northern Ireland who are Irish citizens will continue to enjoy rights as EU citizens, including where they reside in Northern Ireland. Both Parties therefore agree that the Withdrawal Agreement should respect and be without prejudice to the rights, opportunities and identity that come with European Union citizenship for such people and, in the next phase of negotiations, will examine arrangements required to give effect to the ongoing exercise of, and access to, their EU rights, opportunities and benefits.
10. This provision however has not been taken forward in the draft Withdrawal Agreement, beyond a reference in the 'recital'. Whilst it may be considered a matter for the future UK-EU relationship, the present Political Declaration currently makes no reference to the provision. There is a significant risk that this commitment could be overlooked or neglected in the future relationship discussion.
11. The following amendment – a modified and adapted version of para 52 - is suggested as a possible addition to the draft Political Declaration:

Amendment 1

Paragraph 139

Text proposed in the Draft Political Amendment Declaration

139. Both Parties affirm that the achievements, benefits and commitments of the peace process in Northern Ireland will remain of paramount importance to peace, stability and reconciliation. They agree that the Good Friday or Belfast Agreement reached on 10 April 1998 by the United Kingdom Government, the Government of Ireland and the other participants in the multi-party negotiations (the “1998 Agreement”) must be protected in all its parts, and that this extends to the practical application of the 1998 Agreement on the island of Ireland and to the totality of the relationships set out in the 1998 Agreement

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