

DÁIL ÉIREANN

AN COMHCHOISTE UM GHNÓTHAÍ AN AONTAIS EORPAIGH

JOINT COMMITTEE ON EUROPEAN UNION AFFAIRS

Dé Máirt, 4 Aibreán 2017

Tuesday, 4 April 2017

The Joint Committee met at noon.

MEMBERS PRESENT:

Deputy Seán Crowe,	Senator Paul Coghlan,
Deputy Bernard J. Durkan,	Senator Gerard P. Craughwell,
Deputy Seán Haughey,	Senator Terry Leyden
Deputy Mattie McGrath,	Senator Neale Richmond.

In attendance: Deputy Declan Breathnach and Senator Mark Daly.

DEPUTY MICHAEL HEALY-RAE IN THE CHAIR.

UK Withdrawal from the EU: British Ambassador to Ireland

Chairman: On behalf of the joint committee, I sincerely welcome the British ambassador, His Excellency Mr. Robin Barnett, and his team to the meeting today. Ambassador Barnett has served as British ambassador to Ireland since September 2016, and I have already had the pleasure of meeting him just over a month ago when we discussed many aspects of our bilateral relationship, both inside and outside the EU.

All members are acutely aware that we live in very historic and challenging times. Last Wednesday was no exception as the British Prime Minister, Ms Theresa May, formally started the Brexit process. This process now presents many challenges for all of us as the UK and EU enter a new phase in their relationship. As members are all aware, Ireland and the United Kingdom have a strong, mutual and unique relationship. Engagement between both countries will continue to be as important as it has been in the past. As such, I am delighted to further it today. I look forward to a detailed, positive and constructive discussion following the ambassador's opening statement.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against any person outside the Houses or an official either by name or in such a way as to make him or her identifiable. By virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. If they are directed by the committee to cease giving evidence on a particular matter but continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person or entity by name or in such way as to make him, her or it identifiable.

Before the ambassador begins, I would like to tell him something about our members that he will find very interesting. I am very proud of the political track record of the members of this committee. It might be of interest to the ambassador to note that the committee's political experience amounts to 218 years. We are not exactly a very big committee but we have 218 years of political experience. I am not going to name anyone in particular but there are two members on my right who between them have 84 years of political experience. One has 41 years under his belt and the other has 43. I thought the ambassador might be interested in that useless piece of information.

I thank the ambassador and his officials again for coming here today. I invite him to address the committee.

H.E. Mr. Robin Barnett: I thank the Chairman, Deputies and Senators very much for the invitation to address the committee today. I am well aware of the very important contribution that this and other committees here at Leinster House make to the democratic process. Indeed, one of my very first engagements as ambassador to Ireland was to address the Ceann Comhairle's EU symposium at the Mansion House, where I met many Members of the Houses for the first time. I and my team attach great importance to engaging with members of the Oireachtas and will continue to ensure that we regularly spend time at Leinster House. We will always be at the disposal of members of this committee.

The strong ties between Irish and UK parliamentarians are a really important element of

our broader bilateral relationship, as evidenced by the British-Irish Parliamentary Assembly, among other things. It is in this context that I am here today to speak about the UK's withdrawal from the European Union. I propose to say a few words about the letter submitted by the Prime Minister to European Council President, Donald Tusk, and about the next stages in the process, and I intend to say a little about the UK-Ireland dimension. Then I look forward to hearing members' comments and trying to answer any questions they may have.

As members are all aware, the Prime Minister wrote to the President of the European Council, Mr. Donald Tusk, notifying him of the UK's intention to withdraw from the European Union, in accordance with Article 50 of the Treaty on the European Union. Upon receipt of this letter, the two-year period for conducting the exit negotiations has begun.

The European Council will now agree guidelines on the EU's negotiating position, which we expect to be agreed at the European Council meeting on 29 April. Once these guidelines are agreed, the European Commission will present its first draft negotiating mandate for adoption by the remaining EU member states. Once that mandate has been approved, the Commission will formally open negotiations with the UK. For our part, we stand ready to start talks on the substance as soon as possible.

I am sure members have all seen the text of the letter, which brings together what we are proposing to our European partners as the basis for a smooth negotiation process. My Prime Minister has set the UK's guiding principles. The UK's unique relationship with Ireland and the importance of the peace process in Northern Ireland comprise one of those principles. If I may, I will set out some of those principles before returning to discuss Ireland, which is, I am sure, one of our main interests here today.

First, in withdrawing from the EU, our overarching commitment is to ensuring that Europe remains strong and prosperous, capable of projecting its values, leading in the world, and defending itself from threats. Through a new deep and special partnership, we want the UK to play its part in achieving these goals, and I hope that members will agree that such a partnership is in all our interests, including Ireland's.

On trade, we want to work towards securing a comprehensive agreement, taking into account both economic and security co-operation. We propose a bold and ambitious free trade agreement between the United Kingdom and the European Union. Given the scale of bilateral trade, running at over €1 billion per week and employing more than 400,000 people, in addition to the strong trading relationships we enjoy with other EU member states, we believe that such an agreement would be in the best interests of Ireland and of all our EU partners.

Crucially, we also want to work together to minimise disruption and to give as much certainty as possible. In particular, the Prime Minister placed great importance on putting all our citizens first, in the UK and EU, and aiming to strike an early agreement on their rights. We are clear that providing certainty is in the best interest of our citizens, as well as our businesses and investors, in all of our countries. I have heard that message loud and clear right across Ireland.

We recognise that two years is not a long time to reach a comprehensive settlement. We start, however, from a position of close regulatory alignment, trust in each other's institutions and a spirit of co-operation stretching back decades. Therefore, we believe that a comprehensive agreement can be agreed in the time period set out in the treaty. Let me emphasise here that we will approach these negotiations constructively and respectfully. It is in the interests of the UK and the EU that our exit be as smooth and orderly as possible.

The UK Government starts from a clear position of what is at stake for Ireland. As members know, the Prime Minister’s letter sets out – I quote in full:

The Republic of Ireland is the only EU member state with a land border with the United Kingdom. We want to avoid a return to a hard border between our two countries, to be able to maintain the Common Travel Area between us, and to make sure that the UK’s withdrawal from the EU does not harm the Republic of Ireland. We also have an important responsibility to make sure that nothing is done to jeopardise the peace process in Northern Ireland, and to continue to uphold the Belfast Agreement.

When they met here at Government Buildings in January, the British Prime Minister and the Taoiseach confirmed their support for a “seamless, frictionless Border” and the continuation of the common travel area. This is now reflected firmly in our negotiating principles. Both then and last week, the British Prime Minister reaffirmed her personal commitment to strengthening this significant and crucial relationship as the UK leaves the EU. At every level of government, we are committed to ensuring this relationship continues to prosper. Of course, both our Governments remain committed to upholding the Belfast Agreement and its institutions. It is vital that devolved government and all of the institutions under the successive agreements are returned and operate in Northern Ireland as soon as possible. The British Government’s unrelenting focus is on achieving that objective.

The UK and Ireland enjoy a special and unique relationship. It is testament to the importance of the relationship that the Taoiseach was the first foreign leader to visit Prime Minister May in Downing Street. Since then, there has been consistent high-level ministerial engagement. The Secretary of State for Northern Ireland, Secretary of State for Exiting the EU, the Chancellor of the Exchequer and the Prime Minister have all visited Dublin in the past six months. Our existing contacts at official level continue; last September we hosted in London the annual summit of Irish Secretaries General and UK Permanent Secretaries, which is again another unique and important facet of our bilateral co-operation. Of course, there has been regular and close co-operation between parliamentarians. We have received delegations from the House of Lords European Union committee, the House of Commons Select Committee on Exiting the European Union, a delegation from the British-Irish Parliamentary Assembly and the Select Committee on Northern Ireland Affairs. A delegation of UK parliamentarians also came to Dublin for a very successful CHAMP event with a focus on peace and reconciliation. I know that many committee members engaged enthusiastically with these delegations.

I am also aware that many Oireachtas Members are regular visitors to Westminster and I am very keen to encourage and facilitate as much co-operation as possible between our two Parliaments. One of my main priorities since arriving in Ireland just over six months ago has been to speak to and, much more important, to listen to as many people as possible about the challenges and opportunities they see ahead. I have attached particular importance to engaging with communities in the Border counties. I have, for example, spoken to a Brexit forum in Monaghan alongside Ministers, Deputy Heather Humphreys and Deputy Michael Creed. This visit also gave me the opportunity to hear first-hand about the problems, for example, that mushroom suppliers have been experiencing, as well as the forward-looking preparations that local businesses are taking to ensure they remain competitive. Last month I was in Donegal where I had the opportunity to witness the excellent collaboration between the city and county councils of Donegal and Derry-Strabane. The joint report published by these two councils sets out the opportunities and challenges faced by the north-west city region. I am mindful of the many successful regional interdependencies, such as this, which have developed in recent years. On my

travels, I have also seen the excellent collaboration between start-ups such as Dogpatch Labs here in Dublin, which the Chancellor of the Exchequer visited, and Ludgate in Skibbereen and its British counterparts. I have every confidence in the creativity and energy of companies such as these and the private sector more broadly to make the most of every opportunity in the years ahead.

Before I hand over to the Chairman, let me reassure members that the UK is not turning its back on the world. That could not be further from the truth. We want to play our part in making sure Europe remains strong and prosperous, projecting its values and able to lead in the world. On the world stage, the UK is playing and will continue to play a leading role, whether in the area of humanitarian assistance, the fight to end modern slavery and human trafficking or tackling climate change.

I hope I have given the committee a clear sense of the UK's position as it heads into these negotiations, especially as it relates to Ireland. My job and that of my embassy team here is to work hard to promote and support our strong bilateral relationship and ensure that the shared concerns that both the UK and Ireland have for the future are taken into account. As British Prime Minister Theresa May has said, the task ahead of us is momentous but not beyond us. I now look forward to hearing from members. I thank the Chairman.

Chairman: I thank the ambassador.

Senator Neale Richmond: I join in welcoming the ambassador and we appreciate him coming here. He has had a slightly lively first six months in his posting but the engagement we have had with him and his team at the embassy has been very positive up to now. I will touch on three areas alluded to in the statement but which perhaps did not get much detail in the address. I would appreciate it if the ambassador could expand a little on them.

The first relates to future bilateral ties. In the context of Brexit, the Irish Government is limited and will have to negotiate as part of the bloc of the remaining 27 EU member states. That is widely accepted. However, we are fortunate we have excellent alternative bilateral institutions already in place, such as the British-Irish Parliamentary Assembly and council. I said to the ambassador's counterpart in Irish Government circles that there is a major role for these institutions post-Brexit and we could really see the British-Irish Council increase its workload from two summits per year to 12. That would replace the amount of ministerial contact that Ministers have at a European Council level. What are the thoughts of the witness in that respect?

I will probably be the only person to raise the future of the Commonwealth but I will do it anyway. How important is that institution to the UK with respect to possible economic and social ties?

A third issue is one about which I am very concerned, and this concern is shared by many people. It has dominated the media in the UK up to the past couple of days, when Gibraltar seems to have taken over for whatever reason. It is the so-called Brexit bill. I have been back and forth to Brussels, as have my colleagues, so many times and we have had really good engagements, as the ambassador mentioned, with counterparts from both the House of Commons and the House of Lords. I am worried there is an obsession about what has been called a Brexit bill or divorce payment. This relates to agreements entered into in good faith that are binding until 2020 and which deliver a return. Is there a chance the British Government might be prepared to park this obsession with a so-called amount on which elements in the Houses of Parliament and more particularly in the media in the UK have focused? That would allow

tangible negotiations on really important matters to take place in the first two years. We should not allow all negotiations to fall apart because of people becoming obsessed with a figure of 60 billion, whether it is in sterling or euro. The numbers are bouncing about and will ultimately be paid but they are not the big issue. What is more important is what happens in the next 50 years.

Deputy Seán Haughey: I welcome the ambassador and thank him for engaging with us. I know he has met many of us in different capacities in his short time here and he is willing to engage with us. He is very accessible and I appreciate he has gone to Monaghan and Donegal. He has done his best to deal with the issue of Brexit, communicate the message of the British Government to us and listen to us and our concerns from an Irish perspective.

Article 50 has been triggered. I think most of us would give a cautious welcome to page 5 of Prime Minister Theresa May's letter where she talks about the unique relationship with the Republic of Ireland and the importance of the peace process in Northern Ireland. She mentions the need to avoid a hard border between our two countries and the need to maintain the common travel area. She states that we should make sure that the UK's withdrawal from the EU does not harm the Republic of Ireland. She also states that nothing should be done to jeopardise the peace process in Northern Ireland and she speaks of the necessity to continue to uphold the Good Friday Agreement. From an Irish perspective, I think we should also give a cautious welcome to the draft guidelines published by the European Council President which refer to the paramount importance of preserving the gains of our peace process and call for flexible and imaginative solutions to avoid the creation of a hard border. There is also a reference, as the ambassador will know, to the existing bilateral agreements and arrangements between the UK and Ireland.

With regard to the negotiations, I presume the ambassador would agree with us here in Ireland that the talks on the separation and the talks on the future relationship should run as close as possible in parallel because this would avoid uncertainty for Irish businesses and Irish citizens. I am of the view that this is a matter on which we could agree.

I want to raise the issue of Gibraltar, which has been very much in the news in recent days. It would seem that Spain in particular has got some sort of a veto in regard to the negotiations and we in Ireland are beginning to wonder why we did not get a similar veto put into the guidelines. I wonder what the ambassador thinks about how this has unfolded in the days following the publication of the guidelines. That the final deal will be decided by qualified majority voting is a concern for us and I would be interested to hear the ambassador's view.

I presume the British Government is working hard on the implications of Brexit for the Good Friday Agreement. For example, one issue is the position regarding the European Convention on Human Rights in view of the fact that there is talk that the UK will introduce a UK bill of rights to supersede that. This would seem to be at odds with the Good Friday Agreement, in which the British Government is committed to complete incorporation into Northern Ireland law of the European Convention on Human Rights, with direct access to the courts. There is worry in that regard, and that is just one issue arising out of the implications of Brexit for the Good Friday Agreement. All of us would obviously want to preserve that Agreement and I wonder what in-depth work is being undertaken to ensure it survives.

Is the ambassador concerned about the breakup of the UK? Obviously, Scotland is now talking about a new independence referendum and the issue of Irish unity does seem to have come back on the agenda here as a result of Brexit and for obvious reasons. I wonder what the British Government feels about that. Is the ambassador of the view that this independence movement

is unstoppable because of the economic and other considerations arising out of Brexit? I would be interested to hear the views of the British Government on that.

Deputy Bernard J. Durkan: I welcome the ambassador and thank him for his interesting address. We all recognise the importance of the time that lies ahead. I think we are all committed to ensuring that we use that time extremely well as we approach the decisions that have to be taken cautiously and with great care to ensure that we do not damage each other's future, the future of the European Union, the UK-Ireland relationship and the Northern Ireland peace process, on which we have already set out our priorities. That is not just an emotional response; it is practical also. The practicality of having a borderless island of Ireland in recent years has been an experience we did not have before and it has worked extremely well. Trade on both parts of the island has progressed immeasurably, business people on both sides of the frontier have gained the benefits of that borderless island to which I refer. There is more to come of much greater potential than has been seen before. Later today, I go to one of our universities to talk on the same subject and, in the next week, we will have people from Northern Ireland addressing a similar debate.

At this stage, we should try to identify the issues in respect of we have something in common, both with the EU and with our colleagues in the UK, and emphasise them rather than emphasising the differences. We know what the differences and difficulties are going to be. We know that in future we will require a relationship between Ireland and the UK and between the UK and the EU, on which we will have a negotiating position from inside the EU. If we identify and set aside the issues that are going to be most contentious and try to address the common areas for a start, we will make progress. Nothing succeeds like success. Progress will be achieved on the easier rather than on the more difficult issues and will allow us to show results.

We need to ensure we are not seen to intimidate any of the people of Northern Ireland or to coerce them into a situation that might seem to our advantage now. It is to their advantage and our advantage to ensure that we progress as we have for the past number of years with that borderless island of Ireland.

I foresee difficulties arising in respect of the customs union and the common travel area. This matter is not beyond resolution, however, and I think it can be done once the negotiators who have an interest in resolving the problems recognise that it is attainable. Of course, people will raise various red flags in the next 12 months, identifying issues which may seem fundamental to many countries throughout the EU. However, nobody in the EU should avail of this process in order to set aside the ideals on which the Union was first founded. It would be a great tragedy if that were to happen and would be an even greater tragedy if it were to become acceptable among any of the EU member states, including Ireland, or in the UK. We would then find ourselves sliding into an abyss of uncertainty, doubt and suspicion. Things have an unfortunate habit of being triggered in such a way as to make life extremely difficult. We do not want to go back to 1930s thinking, whereby nationalism came to the fore across Europe, and we all know what happened.

I hope that in the next number of months we will both be in a position to establish those points that we see as most important, to have them embedded in the detail of what will be agreed from here on and to allow the positive rather than the negative to prevail.

Senator Paul Coughlan: I welcome the ambassador. We all appreciate very much that he and Mr. Welsh would do nothing to harm the unique and special relationship between our two countries, as the Prime Minister put it in her letter. As the UK is going to be outside the Union,

it is very important, as some of my colleagues have said, that we do everything to strengthen and improve the ties between us. We can do that in different ways. The British Irish Parliamentary Assembly, BIPA, is an obvious area that can be strengthened and it can meet more often, as can CHAMP, and there are other organisations. That is important work which we must bear in mind and pay attention to. Obviously, like the UK, we want to do nothing to damage the relationship.

Like others, I appreciate very much what the Prime Minister wrote in her letter to President Tusk. However, is there a contradiction or a little problem in that the Prime Minister has said very definitely that the UK intends to leave the customs union and the Single Market? There will have to be a little give and take in the negotiations because the Prime Minister in her letter states that the UK, like our good selves, does not want a return to a hard border, and we want to maintain the common travel area. In other words, we want Britain to have whatever would be akin to the Single Market. I do not know what one would call it, but that is what we want and what the UK wants. I hope this can be resolved in the give and take of negotiation, as Deputy Durkan said.

I think we all now realise more than previously that the UK's exit from the EU may take somewhat longer than two years. We must therefore envisage the transition period, during which, presumably, the UK will continue to be a full member of the EU and the Single Market. However, this will all have to be maintained during negotiations and into the transition for however long it takes. I would appreciate the ambassador's comments on these matters.

Chairman: I call Senator Terry Leyden, who is our Vice Chairman.

Senator Terry Leyden: I welcome H.E. Mr. Robin Barnett and Mr. Paul Welsh. I have had the opportunity to meet H.E. Mr. Barnett before. I think he was specially selected for his experience as an ambassador working in many other countries, coming at this crucial time for both the United Kingdom and Ireland. He brings a great insight to his job and is a vital contact between us and the United Kingdom, so we are delighted he has attended our committee meeting today.

The unique relationship we have had with the UK since before the 1920s, and the agreement of the common travel area in 1923, was not changed by the agreement in the 1970s providing for the UK's and Ireland's simultaneous accession to the European Communities. There was no change to the common travel area then and there cannot be any change to it arising from the exit of the United Kingdom from the European Union. This is why the Prime Minister's letter is so supportive of our position. I will not repeat what my colleagues have said because we all agree that the relationship between the United Kingdom and Ireland absolutely must remain strong, and Irish people working in the United Kingdom must be reassured of their position.

There has been a major increase in the number of people in Britain applying for Irish passports and, as H.E. Mr. Barnett knows, every citizen of Northern Ireland is entitled to an Irish passport. The Irish population in the UK will certainly increase with all the numbers now applying. In addition, many Irish people can have dual citizenship, as can many people with Irish backgrounds working in the United Kingdom whose parents were born before 1949. Similar provisions apply in respect of those with Irish grandparents. Quite a number of people may avail of Irish passports, which may give them that extra sense of security at this time.

As Deputy Seán Haughey said, most worrying is that many people at the start of these discussions felt the final agreement between the European Union and the United Kingdom would

be reached unanimously by the 27 other countries of the EU but there now seems to be talk of a qualified majority. This is a difficulty for Ireland more than any other country because of our unique position. I am not sure where this discussion came from or why it is happening. Spain could veto an agreement. I always felt secure that if the agreement was not in the best interests of the United Kingdom and Ireland, it could be vetoed. It is very important that there be a very close relationship between the Government of the United Kingdom and the Irish Government and that we ensure our concerns are raised at the negotiations between the Heads of State during their regular meetings.

A 488 km Border is a very long one, and it will not be possible to man a mighty number of roads along the Border. It does not matter how Border controls are operated; some roads will not be covered. The key is that the most convenient way for our exports to mainland Europe is through the United Kingdom, and the Channel Tunnel is vital in this regard, so we must ensure we have seamless transportation through Northern Ireland, into Britain and beyond to the European Union. Otherwise, we will have to strengthen our ports in Wexford for direct exports to France. These are all the issues that will come up. However, the process is still at a very early stage, which is why it is very important that we carry on the dialogue and keep in touch.

A delegation of the British-Irish Parliamentary Assembly, of which I am a member, went to the House of Commons and House of Lords recently. We had tremendous meetings with Members of Parliament and Ministers there, and such dialogue is absolutely vital for us to know the exact nature of each other's concerns. The UK has a friend in Ireland, even though it is part of the remaining 27 countries of the EU, and a country that has the deepest concern about the future of the United Kingdom and Ireland because the UK's interests are our interests as well. We cannot have the whole farming industry in dire straits, which is what will happen if there are significant imports from South America or elsewhere. We have many concerns and many worries, quite frankly. We never really anticipated that this would happen, but it is happening now so we must deal with it constructively. I hope we will come up with a good arrangement which suits the United Kingdom and Ireland.

Deputy Seán Crowe: The ambassador is very welcome. I begin by offering my condolences, those of the committee, those of many of my constituents and those of others I have met to those affected by the attack on innocent civilians on Westminster Bridge. We are all familiar with Portcullis House from going in and out of it. I offer not only my condolences to those whose loved ones died, but also our hopes for speedy recoveries for all those who are recovering from injuries sustained in the attack.

I welcome the fact that H.E. Mr. Barnett said he is listening. He referred in particular to some of his trips to the Border communities, and the fact that he is listening is a very important message to send out from here. However, my view of the British Government is that its Brexit plan to date clearly shows that it is not listening but is ignoring the views of the majority in the North of Ireland which voted, as H.E. Mr. Barnett knows, to remain within the EU. He said the UK's Government's intention is to leave the Single Market and the customs union, and again, I think most people's views are that this will have a detrimental impact on the economy not only in the North, but also in the South of Ireland and the people in both areas. We argue that the British Government has no mandate to do this. The people of the North clearly voted in the referendum to remain in the EU but it is almost as if the vote is being disregarded or discarded as not as important as other votes. The people of Scotland would probably have a similar view in this regard. That the UK is treating people in the North as less important - some would say as second-class citizens - is infuriating a huge number of people. In the run-up to the Good

Friday Agreement, much time was spent on consent, the difficulty trying to agree the wording, getting agreement from all the parties and so on. Now we see the consent of the people of the North being disregarded. It is regrettable that the British Government has adopted this position.

The last thing a society coming out of conflict needs is more fear and uncertainty and increased tension. No matter what one's position is, I think everyone accepts that that is where Brexit is leading us. I am conscious that H.E. Mr. Barnett is a diplomat and may not be able to answer some of these questions but perhaps he can give us some insight into some of my comments. Does the ambassador agree that Brexit poses a severe threat? Does he agree it will undermine the institutional, constitutional and legal integrity of the Good Friday Agreement? The agreement is the foundation of the Irish peace process and defines the relationship within and between Ireland and Britain. Does he agree that in order to safeguard the Good Friday Agreement and Irish-British relations that the North should receive special status within the EU? This House adopted the view that a special status would be a positive and workable solution and made the suggestion. I am sure everyone will agree that the North needs a special arrangement. Even the Unionists have talked about having a special arrangement. Has the British Government considered the option? Will it consider the option?

The majority of the MLAs who were recently elected to the Assembly believe that a realistic alternative must be found for the North. Theresa May has talked about having a seamless and frictionless border. It is obvious that a hard economic border will be imposed on the island of Ireland but it is unworkable because we have 277 roads and 500 km of territory. I do not know how the British will impose a border when it leaves the customs union and the Single Market.

Other speakers have raised the issue of Gibraltar. Many people in Ireland have been shocked by remarks made about Gibraltar because there was a sniff of gunpowder about them. Lord Michael Howard stated that the British Government was willing to go to war with Spain over Gibraltar. I ask the ambassador to comment on Lord Howard's remarks. Interestingly, Gibraltar was not mentioned in the draft European Council guidelines but it was mentioned in Prime Minister May's letter last week to the EU to trigger Article 50. Can the ambassador provide an insight into why the Prime Minister did not mention Gibraltar in her letter considering the strong feelings expressed by a former Tory leader? My colleagues and I heard similar worries and concerns when we attended BIPA meetings. We were addressed by people from Gibraltar who expressed their difficulties with the situation. Again, I am conscious that the population of Gibraltar voted by a majority of 96% in favour of remaining in the EU but that democratic vote was ignored.

Prime Minister May has repeatedly ruled out Britain remaining in the Single Market or the customs union primarily due to an irrational fear of free movement within the EU. Can the ambassador give an insight into his Government's plans for a trade agreement with the EU? Will it be an agreement at all costs? People have expressed their concerns about having a default World Trade Organization. We are trying to pick up all of the signals and listen to what people are saying. Phillip Hammond has said that he personally hopes Britain can remain part of mainstream European economic and social thinking and the ambassador said much the same in his speech. If Ireland is forced to do something different then we will do so. Mr. Hammond mentioned options, including cutting corporation tax, to regain competitiveness. Jeremy Corbyn shared his concern when he stated that he feared the British Government was attempting to establish itself as a low tax haven. Many people we talked to in Europe have expressed their concerns that the North of Ireland will be used as a dumping ground for cheap food, goods, etc. Can the ambassador give us an insight into the British Government's plan in terms of this

matter?

The British Government has committed to scrapping the Human Rights Act. I have been told that the plans are on hold to end the jurisdiction of the European Court of Justice and the European Convention on Human Rights. These matters are separate from the Brexit negotiations but run parallel with them. These matters have created a great amount of concern. The Human Rights Act is one of the pillars of the Good Friday Agreement and subsequent agreements. Many of us believe that repealing these matters would be a direct violation of the agreements. We have been told that these matters are under review. Can the ambassador give us an insight into when the British Government plans to repeal the Human Rights Act? We view such a measure as violating the peace agreement.

Last week, the Scottish Government voted in favour of holding a second referendum and the First Minister of Scotland, Ms Nicola Sturgeon, has written to Prime Minister May formally requesting that. Scotland voted overwhelmingly in favour of remaining in the EU yet the country is being dragged out of the EU against its will, according to First Minister Sturgeon, without an influence or input into negotiations as all power is being centralised in London. Considering all of that and the democratic vote by the Scottish Parliament, will the British Government facilitate a second independence referendum in Scotland before it is forced out of the EU by a Government that the Scottish people clearly did not vote for?

I have major concerns about the impact Brexit will have on the island of Ireland. I hope the ambassador can answer my questions. The view is that Brexit was triggered without an understanding or concern about the impact it would have on Ireland, particularly the peace process. I am disappointed that the peace process and situation in the North did not feature in the campaign to leave the EU. There is a large proportion of people on this island who feel that Brexit will be disastrous for Ireland. The negative impact did not feature in the referendum campaign. We hope that the relationship between Ireland and Britain continues. Current negotiations will have an impact on the future relationship between both countries.

Deputy Declan Breathnach: I thank the committee for the opportunity to attend today. As a member and Vice Chairman of the Committee on the Implementation of the Good Friday Agreement, it was good to hear the ambassador's and the Chairman's opinions on trying to assimilate views on the issue.

I appreciate the ambassador's bona fides and appreciate his accessibility in terms of discussing this issue. Today is not the first time that we have met and engaged in a discussion. Other members have made a similar comment.

From the point of view of the Twenty-six Counties, all of the sectors have prepared a paper on the impact of Brexit. The ambassador mentioned in his presentation that he attended the Ceann Comhairle's Brexit meeting in the Mansion House and I attended the same meeting. Many of us attended the two civil dialogue or break-out meetings on the various sectors. I have no doubt that we in Ireland have identified an awful lot of the problems but I am not sure that the UK has fully realised the problems with Brexit. I ask the ambassador to comment on the matter in his concluding remarks.

I understand diplomacy and talking a great deal but now it is time to find solutions. The process to date is like a poker game. People have kept their cards close to their chests in an effort to get the best outcome for England and Ireland. Indeed, everyone wants a slice of the cake and to get the best outcome for their country. The only clear message that I have gathered from

the toing and froing is that the EU has said it has asked the UK and Irish Governments to come up with what the EU has described as unique and imaginative solutions that are acceptable to the remaining EU members. I have already said that where a vacuum is created, space is provided for those who want to fill that vacuum for their own gains. I am deeply concerned about that as someone who has lived along the Border and been involved in politics for 25 years. Can the ambassador give me examples of where there is common ground in terms of unique and imaginative solutions? I will speak briefly about one area to which Deputy Crowe and others have already referred, namely, the importance of the agricultural industry. Regardless of the outcome, the protection of our green image in agricultural terms in two different jurisdictions would require a magic wand. It is my view that there must be a special solution on a 32 county basis for that issue alone, not to mention the other sectors. I ask the ambassador to give his honest opinion on a solution because I have heard absolutely no solution from the British side on any issue.

Chairman: I thank Deputy Breathnach. Before I call the next speaker, I wish to inform the ambassador and members that I have to be excused. The Vice Chairman, Senator Terry Leyden, will take the Chair.

Senator Terry Leyden took the Chair.

Vice Chairman: I now call Senator Craughwell.

Senator Gerard P. Craughwell: I welcome the ambassador here this morning. The British Supreme Court's ruling on Article 50 found that Westminster is in charge and that there is no requirement for engagement with any of the devolved governments with respect to its triggering. The Good Friday Agreement is of particular concern because, apart from the fact that it is an international agreement underpinned by the British and Irish Governments and the European Union, it has been suggested that legislation will be required in the UK to solidify that agreement under the new arrangements. Has anything been done about that?

I sometimes get a little worried when I meet MPs from Westminster or members of the House of Lords who argue that Britain is leaving the club but is not exactly leaving the playing pitch. One is either in the club or out of it. In my view, the UK has left the club and has left all of the benefits and some of the costs of membership of that club behind. The ambassador spoke about putting citizens first but some British politicians, who have now jumped ship since the referendum, certainly did not put the citizens first in pushing the country towards Brexit. I am particularly concerned about Northern Ireland, where there is no Assembly in place at the moment. We now have civil servants running the North of Ireland on reduced budgets, I might add. Given the likelihood of a failure to put an Assembly in place by Easter, it strikes me that the civil servants will be playing a role for a considerable period of time to come, at least until another election is held and negotiations take place. Who is going to take political responsibility for Northern Ireland, to ensure that it suffers no more and no less than any other part of the United Kingdom?

A question has been asked of me - and I would have to declare some interest in it myself - regarding entitlements to pensions from the UK and to other services for people who served or worked in the UK. How does the ambassador see that working? Such entitlements are very integrated under the European Union but outside of that, will that continue on? It has been part of the Irish, British relationship for generations.

On the issue of the Border, I cannot see any way that a third country outside of the European

Union cannot have a border with Ireland. I know that the Prime Minister, Ms May and our own Taoiseach have expressed the desire that we have a border-less relationship but I cannot see a way. The ambassador has been in the diplomatic corps for a long time but I cannot see how one country can sit alongside another and not have a border in place. I see the problem of the free movement of people as one that can be dealt with relatively easily but not so for the movement of goods. Everyone accepts that we need to have a border-less relationship with Northern Ireland but nobody has come up with a solution or an idea as to how that can be achieved. I do not expect the ambassador to outline an idea today but I am wondering if there is somebody in Westminster, Northern Ireland or somewhere in the UK trying to find a solution that will be acceptable to the UK, the citizens of Northern Ireland who wish to be regarded as UK citizens only and the European Union. Whatever the idea, it cannot create a precedent for other countries to try to dovetail into for their own specific reasons. I am thinking here of places like Gibraltar, Cyprus and Catalonia, for example. That is an issue of concern.

There was another issue that I wished to raise but I am afraid I have lost my train of thought. I will leave it at that for the moment but if it comes back to me, I will revert to the ambassador.

Vice Chairman: I now call Senator Mark Daly who is a member of Joint Committee on the Implementation of the Good Friday Agreement, as are Senators Breathnach and Craughwell. That committee has a very close working relationship with this one.

Senator Mark Daly: I thank the ambassador for coming before the committee. As the Chairman has mentioned, I am a member of the Joint Committee on the Implementation of the Good Friday Agreement. I am also a member of the Joint Committee on Foreign Affairs and Trade, and Defence. I was listening to the ambassador's contribution in my office and noted that he mentioned his visit, on the invitation of the Ceann Comhairle, to the Mansion House. I asked him a question there which he did not answer so I will put it to him again here. Our Taoiseach has said that the EU needs to prepare for a united Ireland. I ask the ambassador if the UK will allow for a united Ireland to be included in the final agreement between the UK and the EU. Will wording to that effect be allowed for in the final document? I presume the UK will not have any objection to that.

Vice Chairman: The ambassador said that he is here to listen and that he will respond, as far as he can, to what is said. I respect that, given his delicate position as ambassador for the United Kingdom. I invite the ambassador to respond now.

Senator Gerard P. Craughwell: Could I cut in for one moment please? I have just remembered the other issue I wished to raise. There are 100,000 UK citizens in Northern Ireland who have become naturalised by virtue of the fact that they moved there to take up employment. They include university academic staff, medical staff and so forth from various parts of the world who have been naturalised in Northern Ireland. They are not covered by the Good Friday Agreement in terms of seeking dual citizenship. Would the UK be prepared to assist that group of people with that in the context of Brexit?

Vice Chairman: I thank Senator Craughwell and invite the ambassador to reply.

H.E. Mr. Robin Barnett: Thank you Chairman. I thank the members for a very comprehensive range of questions. I will do my best to answer as many as I can but members will appreciate that some of the more technical questions will, inevitably, be outside my immediate range of expertise. I am very confident of one thing, namely, that we will be continuing this dialogue in the future.

Let me do my best to respond to some of the issues which have been raised. I will begin by reminding members of what the Prime Minister wrote. We are looking for “a deep and special partnership” that takes in both security and economic co-operation, with a “bold and ambitious” free trade agreement, greater in scope than any such agreement before. We want to work towards a comprehensive agreement with “a fair settlement of the UK’s rights and obligations as a departing EU member state,” and to “agree the terms of our future partnership alongside those of our withdrawal from the EU.” In respect of implementation periods, as we move to the new relationship we want to minimise disruption from any suggestion of a “cliff-edge.” It is very much in that context that I would like to try to answer some of the specific points that have been put.

In different ways, the issue of bilateral institutions has been raised. I stress that we in the UK attach great importance to continuing to strengthen bilateral institutions and contacts. We are in complete agreement about the importance of parliamentary contacts at all levels. I have spoken about this on a number of occasions. I agree that we need to look at all the existing institutions and make sure that they meet the needs of our future relationships. A priority for me, too, is to continue to ensure that there is good engagement between parliamentary committees here and in the UK on issues of general interest, in other words, the broad range of parliamentary business in which the Houses of the Oireachtas and both Houses of the UK Parliament engage. That will be an area of great importance in the future.

As I already stated, the annual meeting of Secretaries General and permanent undersecretaries is an incredibly important institution. We will want to make sure that we maintain a strong level of contact between officials. The flow of ministerial visits since I arrived here is an indication of the political importance we attach to the bilateral relationship, and I can confirm that there will be plenty more such visits in the pipeline in both directions. I can definitely confirm our interest in making sure that we have strong and effective engagement going forward.

Senator Richmond mentioned the importance of the Commonwealth for the UK. I can absolutely confirm that. We will continue to see the Commonwealth as a very important institution. It has done a lot of good work since its foundation in every conceivable area, from economics through education and culture, as well as work in the field of human rights.

In response to the questions that several honourable members put regarding how the talks should be conducted, this is, of course, the opening of a negotiation. Such matters will need to be agreed between the European Union and the United Kingdom. As my Prime Minister pointed out in the Article 50 letter, our strong view is that the talks on leaving the European Union should be conducted alongside the negotiations on a new deep and special partnership. We think that this is firmly in the best interests of the EU, the UK and Ireland for all the reasons that many members have adduced, namely, the importance of clarity and of certainty for the future.

Let me turn to questions around the Border. It is clear that the common travel area, which predates our and Ireland’s membership of the European Union, is the way forward in terms of ensuring free movement of people. In terms of free movement of goods and related issues, while there are challenges, we firmly believe that the basis for an effective way forward is a bold and ambitious free trade agreement between the UK and the EU. To those who say that this may be hard to achieve within a timescale, I would respectfully observe that this is not about how to identify convergence or common standards; we are already starting from a shared place. Many of the complications that people adduce about concluding a free trade agreement are not appropriate when we are starting from a position of equivalence.

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A number of questions have been posed around the implications for the Northern Ireland peace process. We are committed to implementing the Belfast Agreement and its successors. Human rights protection for all in Northern Ireland is part of that and will continue to be. In terms of the representation of the people of Northern Ireland, the United Kingdom Government will be negotiating on behalf of the whole of the United Kingdom. As the members will know, there are mechanisms in place to ensure that the views of the devolved administrations are taken into account into that process. That is why a priority for our Government and for the Government of Ireland is to reinstate the Northern Ireland Executive as quickly as possible. As the members will know, discussions on that process are continuing on an ongoing basis.

In terms of the issues around the rights of citizens, I think my Prime Minister has been crystal clear. This is an absolute top priority for my government. We will continue to make it a top priority and we very much hope that we will be able to provide the certainty that is required as soon as possible. I must, however, remind the committee that this will very much be a negotiation.

In terms of references to Gibraltar, our focus in the forthcoming negotiations on Brexit is to ensure that we get the best possible deal in trade and other matters, and co-operation for the future for the UK and for Gibraltar. We will be working closely with the Gibraltar Government as we have been over recent months. We will continue to do that to ensure that we get a result that is in the interests of the United Kingdom, in the interests of Gibraltar and of the 27 member states of the European Union.

I was asked whether people are focused on the specific problems of our bilateral relationship. I give the committee a categorical assurance that they are. The range of engagement between our two governments is a partial demonstration of that but I can assure the committee that as we prepare for the forthcoming negotiations there is a great deal of focus on the specific challenges, not least the issues that many Members of the Oireachtas have raised here today with respect to delivering a border that is as seamless and frictionless as possible.

There was a suggestion that we might need legislation to solidify the Good Friday Agreement. This is an international agreement to which we remain 100% committed. The committee may have seen a statement to that effect very recently by the Secretary of State for Northern Ireland, James Brokenshire. In terms of the possibility of an eventual border poll the arrangements on that are spelled out extremely clearly in the Belfast Agreement.

There were several quite technical and detailed questions including around issues such as pensions. Rather than attempt to give answers we will come back to the members, if we may, after we have had a chance to consult on some of these technical issues.

Finally, I firmly believe that we will be able to achieve the deep and strong and special partnership with the EU that my Prime Minister has set out in the Article 50 letter. In this process we are very mindful of the importance of our bilateral relationship with Ireland. We are actively engaged in looking at creative solutions to problems and challenges, although some of those creative solutions will not just come from governments but from the talent that exists in our private sectors in Ireland and in the United Kingdom. I would also like to stress that we are not just focused on the Article 50 negotiations. As many members of the committee have indicated, there is a very strong economic partnership between our two countries. That continues today. We are actively looking for opportunities to strengthen that partnership in a range of areas, one good example being medtech but there are many more. Our focus at the British Embassy in Dublin is not only on the work we need to do in respect of the Article 50 letter but also to

identify ways, as many members have indicated, of strengthening our partnership for the future.

Senator Mark Daly: The question I asked about allowing for a united Ireland to be in the final agreement between the UK and the EU has nothing to do with the provisions of the Good Friday Agreement. Could the ambassador address that issue please?

H.E. Mr. Robin Barnett: We are at the start of a period of negotiation between the UK and the EU 27, therefore, it is not appropriate at this time to get into specific provisions of the negotiations but I have taken careful note of the Senator's point.

Senator Mark Daly: Having done it in a previous international agreement, the Good Friday Agreement, allowing for it in another international agreement would be appropriate.

Vice Chairman: I think the ambassador has answered very comprehensively as far as he can go today.

Senator Gerard P. Craughwell: On the issue of academic co-operation, many young students go from here to the UK for third level study or postgraduate qualifications. I do not believe the ambassador will be able to answer my question but he might include the answer in his follow-up correspondence. I am concerned that those students who will start an academic career over the next two years will spend their first year under the existing agreements and then have to face substantial fees as foreigners in the UK for the subsequent years.

The UK and Irish universities have co-operated well together in research. I understand that some of the funding is beginning to drain away as Brexit draws closer but in the new reality I wonder will the UK be anxious to maintain those links and that co-operation on research and development.

H.E. Mr. Robin Barnett: I note the point the Senator makes on fees and will get back to him on that in due course if I may. More generally, on innovation, research and development my Prime Minister has made it quite clear that we are interested in finding ways of maintaining this which we believe would be in all our interests.

Deputy Seán Crowe: I have raised privately and publicly with the ambassador the fact that in the past nine years the Dáil has unanimously passed three motions on the Dublin and Monaghan bombings, in June 2008, in 2011 and in 2016. Wednesday, 17 May marks the 43rd anniversary of the bombings. The motions urge that the British Government would allow access by an independent international judicial figure to all original documents held by the British Government and, again, this was to happen. The last time I talked to the ambassador, he said he did not want to meet with the families unless there was something significant to announce. Is there any consideration by the British Government in regard to progressing this issue and assisting the 34 families seeking justice? While it is outside the scope of the meeting, I think it would be remiss of us if we did not raise the issue with the ambassador. As he knows, it is an issue of huge concern among all parties and groups in the Oireachtas.

H.E. Mr. Robin Barnett: I thank Deputy Crowe. If I may, I will come back to the Deputy separately on that. I am well aware that he recently sent me a further invitation to appear before the cross-party group on victims of the conflict.

Vice Chairman: Thank you. I thank colleagues for their contributions and their attendance. I also thank our colleagues from the Good Friday Agreement committee who came along and added to the event. I thank the ambassador and Mr. Welsh for attending.

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We are at the beginning of a process. One point I must emphasise is that while we will be on separate sides of the table in this process, solutions are less likely to work if we do not work together. I thank H.E. Mr. Barnett for taking the time to appear before the committee and for answering our questions comprehensively. I am sure we will be seeing a lot more of him and his colleagues in the British Embassy as the negotiating process proceeds. I wish him the best success as UK ambassador to Ireland. We are delighted he is here and, on behalf of the committee, I am very grateful to him for coming today with his colleague. He was very open and, as he said in his statement, he is also here to listen, which is very important. We can develop the questions that have been put by members today. Follow-up is very important and we look forward to further meetings with the ambassador as the process proceeds and negotiations start. He is a very close conduit for us. Again, it is very important that Members of the British Parliament, both from the House of Commons and the House of Lords, come here just as we will be going on a very regular basis to Britain. The upcoming meeting of the British-Irish Parliamentary Assembly is another very important event which will allow for dialogue to continue with our parliamentary colleagues from the United Kingdom and from the regional parliaments. I again thank the ambassador for his time and his courtesy.

The joint committee adjourned at 1.25 p.m. until 2 p.m. on Wednesday, 12 April 2017.