

DÁIL ÉIREANN

AN COMHCHOISTE UM GHNÓTHAÍ AN AONTAIS EORPAIGH

JOINT COMMITTEE ON EUROPEAN UNION AFFAIRS

Dé Céadaoin, 12 Bealtaine 2021

Wednesday, 12 May 2021

Tháinig an Comhchoiste le chéile ag 9.30 a.m.

The Joint Committee met at 9.30 a.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
John Brady,	Regina Doherty,
Dara Calleary,	Sharon Keogan,
Brendan Howlin,	Vincent P. Martin.
Ruairí Ó Murchú,	
Neale Richmond.	

Teachta / Deputy Joe McHugh sa Chathaoir / in the Chair.

Interparliamentary Relations after Brexit: Northern Ireland Assembly Committee for the Executive Office

Chairman: Ar son an choiste, ba mhaith liom fáilte a chur roimh na daoine uile ón Northern Ireland Assembly Committee for the Executive Office, Mr. Colin McGrath, Ms Martina Anderson and Mr. Trevor Clarke. Ms Emma Sheerin may be joining us later.

Witnesses are reminded of the long-standing parliamentary practice that they should not criticise or make charges against any person or entity by name or in such a way as to make him, her or it identifiable, or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity. Therefore, if their statements are potentially defamatory regarding an identifiable person or entity, they will be directed to discontinue their remarks. It is imperative that they comply with any such direction. For witnesses attending remotely outside the Leinster House campus, there are some limitations to parliamentary privilege and, as such, they may not benefit from the same level of immunity from legal proceedings as witnesses physically present do. Witnesses participating in this session from a jurisdiction outside the State are advised that they should also be mindful of their domestic law and how it may apply to evidence they give.

Members are reminded of long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official either by name or in such a way as to make him or her identifiable. I remind members of the constitutional requirements that members must be physically present within the confines of the place in which Parliament has chosen to sit, namely, Leinster House or the Convention Centre Dublin, in order to participate in public meetings. I will not permit a member to participate where they are not adhering to this constitutional requirement. Therefore, any member who attempts to participate from outside the precincts will be asked to leave the meeting. In this regard, I ask any members who are participating via Teams to confirm, prior to making their contributions, that they are on the grounds of the Leinster House campus.

I invite Mr. McGrath to make his opening statement.

Mr. Colin McGrath: The Committee for the Executive Office is always keen to engage on matters of common interest. The UK's withdrawal from the European Union has presented challenges for both of our jurisdictions and we welcome the opportunity to work through those challenges. Members will be aware that there are a range of views on the Committee for the Executive Office regarding the UK withdrawal and the associated Ireland-Northern Ireland protocol but we are united on the need to make the best of the circumstances in which we find ourselves.

The Committee for the Executive Office takes a strategic view of EU affairs in general and on the implications of the withdrawal in particular. While the detail of the transition and adjustment lies with other statutory committees of the assembly, our committee scrutinises how the Department and the Executive engage with the issues at hand. We have regular updates on EU matters from the junior Ministers of the Executive Office, we hear from the dedicated mechanism tasked with overseeing equality and human rights standards post-Brexit and we hear from officials on matters such as the EU funding programmes.

Intergovernmental relations are an important aspect of our scrutiny work. How we engage, North and South, east and west and beyond, is more important than ever. To that end, we have

urged the Executive to be represented where decisions are being made and where negotiations are taking place, particularly on the various bodies associated with the withdrawal agreement and the EU-UK Trade and Cooperation Agreement. The committee has also been making representation for the assembly to be represented on the parliamentary partnership assembly in order to be better connected with EU-related developments. The changes that have come about have added considerable complexity to our work and it is only through partnership and interaction that we can negotiate a path through the challenges we face. I look forward to the conversation today and I remind members of our committee that we are acting in our capacity as committee members.

Deputy Brendan Howlin: I thank the members of the Committee for the Executive Office for making themselves available. This committee, no more than the Committee for the Executive Office, has been looking in some great detail at the outworking of the withdrawal agreement and, more particularly in recent times, the EU-UK Trade and Cooperation Agreement. An array of logistical and practical issues need to be outlined, sorted and addressed and there are structures within the agreement to do that. I am optimistic that those structures can resolve most of the issues in question.

One of the things this committee has been most interested in is the interpersonal relations post Brexit and how we do not allow structures that existed in the past to diminish. Northern Ireland institutions must maintain a presence in and link with European Union institutions, specifically because decisions made in the European institutions will continue to have an impact in Northern Ireland. Is it envisaged that some of the suggestions made by Barry Andrews, MEP, would be implemented? For example, he has suggested that there would be an enduring presence for a number of Northern Ireland institutions within the structures of the European Union. Is the Committee for the Executive Office working on that, has it opened discussions on it and how does it see matters panning out?

There will be a requirement for a close North-South working relationship too. The primary role up to now has been through the British-Irish Parliamentary Assembly, BIPA, both east-west and North-South. Does the Committee for the Executive Office see BIPA continuing to be the main vehicle for that sort of interpersonal relationship and can we improve on it?

Mr. Colin McGrath: There is so much in what the Deputy has said that we could probably take up all of the meeting in addressing it. I will flesh out a few of the key issues. One of the first things that jumped to mind is that we have explored the concept of the democratic deficit that is the result of the withdrawal agreement. We will still have decisions taken that will impact us in the North but we have no way of having any democratic input into how those decisions are taken. They will be taken at state level between the UK and the EU and therefore we will not have a say on how decisions that impact us are taken. We are keen to make sure it is always front and centre that in the future there could be some form of democratic input from the North to be able to have some views on the decisions that will be taken that will impact us. That is fairly basic in terms of democracy. If people are taking decisions about one's daily life, one should be able, in a representative manner, to be included and be part of those decisions. I know Ms Anderson would have articulated views on how that could have happened so I will let her mention those views when I pass to her.

Deputy Howlin also mentioned the logistical structures there are for the EU-UK Trade and Cooperation Agreement. I was struck that our EU officer in the assembly, in trying to explain the outworkings of that for me, presented me with a spider diagram that was exceptionally complicated. It had about 25 or 30 offshoots for various committees. The Brexiteers used to bang

the table and say there was far too much administration from Brussels and that things were too complicated. Yet, what they have signed up to as a replacement is an exceptionally complex and complicated process. From our perspective as an assembly, we need to be able to be fully aware of each of those various elements of the EU-UK Trade and Cooperation Agreement and exactly where we, as elected officials, can fit into that in order to be able to contribute. As already stated, we are requesting that we would have some presence from our Executive and assembly on the structures that are being put in place.

The Deputy mentioned BIPA. I am a member of BIPA and have been for a number of years. I find that it is a worthwhile and appropriate way for people of different backgrounds to come together and share their thoughts and views on issues of the day. I have been a member of BIPA since 2016 and Brexit has been one of the key issues that has been on the agenda on a regular basis. We should focus on the fact that there are excellent interpersonal opportunities there. However, I would think about the outcomes from BIPA because people can head away for a couple of days, accentuate their interpersonal relationships and get an opportunity to discuss issues but it is a question of what happens after that. Are people bringing back what is being raised at BIPA to their various parliaments and assemblies so that there is some sort of follow-up? The fear is that if the process is formalised too much, that will happen at the expense of the interpersonal aspect. It is about getting the balance of that right. BIPA presents a structure that includes all arts and parts that are involved in the decisions and the impacts of the decisions. Therefore, we should take an opportunity to examine how we can enhance and formalise what takes place there in order to maximise what we can get from it.

I will pass to Ms Anderson MLA to talk about the representation side.

Ms Martina Anderson: It is always great to get an opportunity to have these exchanges of views. Members may note that when I was an MEP, I had foreseen that there would be a democratic deficit if we had a situation where part of the island remained in the EU and part of it remained partially in the EU. Views would be expressed across the political divide, so to speak, in the North about a democratic deficit. The one thing on which all parties have commented is that rules and procedures may be made in Brussels that will have an impact in the North and that will be done without the voice or views of people in the North being represented. That is why we were keen to try to get some kind of observer status as we were being dragged out of the EU. Significant work was done on this issue, particularly by the group of the left of which we were part. It commissioned work on this. Colin Harvey and Mark Bassett demonstrated how it was legally possible and politically feasible and considered other examples. One that may be relevant for the committee is that 18 MEPs were given observer status at the time reunification in Germany as the latter was moving towards full transition to reunification. It is stated that every citizen shall have the right to participate in the democratic life of the European Union and that decisions should be made as close as possible to citizens.

I am conscious that the Seanad recently voted in favour of a citizens' assembly in the context of the constitutional change discussion and debate that is happening across the island. I recommend to all in attendance and further afield to look at the work that has been done by Colin Harvey and Mark Bassett in this field in order that they can see that it is legally possible and politically feasible. The one thing that even those within the unionist tradition who do not like the protocol - we all know the protocol is a consequence of the disaster of Brexit - recognise and complain about, and rightly so, is that there is a democratic deficit. We have a situation in the North where we are in the customs union and the other regulatory alignment we have across this island and there is a difference between what is happening in the North and what is hap-

pening in Britain, but all of that is being done without democratic input. I suggest that we work jointly to consider how that could be politically feasible to take forward. The argument and the case has already been made. What is required is for the Irish Government to pursue this issue of observer status in order that we would have representation in the North.

Deputy Neale Richmond: It is great to see everyone. Thankfully, many of my points follow on from the remarks of Deputy Howlin. We are kind of consistently saying the same sort of thing, which is good. That is the case across both jurisdictions. I found the previous engagement we had with the Committee for the Executive Office to be extremely useful and very important. I point out to Mr. McGrath and the Chairman that there is scope to formalise this and agree that this committee and the Committee for the Executive Office should meet at least once each quarter, with a set agenda to discuss these issues that impact all of our constituents on such a level. I have been speaking for a long time about the fact that the strand 3 institutions of the Good Friday Agreement need to be formalised, locked into the calendar and made non-negotiable. Is it feasible to get agreement for the two committees to meet on a quarterly basis to talk through the many issues we will have to discuss? We need to keep working at this. It is to be hoped that we will be able to do so in person in due course.

As regards the North-South Ministerial Council, our guests had a briefing from their junior Ministers in the past fortnight and one of the issues that came up was the attendance of Members of the Executive at the North-South Ministerial Council. How can we ensure that political boycotts, for want of a better term, are not allowed to get in the way of the full operation and implementation of the Good Friday Agreement? How can this committee hold our Ministers to account? I raised this issue with the Taoiseach in the Dáil yesterday. What part are our guests playing in terms of holding Ministers in the North to account? These council meetings have nothing to do with wider politics but they have everything to do with the practical day-to-day lives of all our communities, such as people who take the train regularly from Belfast to Dublin, those from a farming background or whatever. These are vital areas. I was pleased that both the transport and enterprise ministerial meetings went ahead. It goes to the nub of the practical issues not just in the post-Brexit era, but the everyday issues that we need to discuss.

Tied to that, Mr. McGrath referred to a spider diagram. I was looking at it this morning before the meeting and it is another level of complexity. All one needs to do is put it into 23 working languages and all the bureaucracy comes flooding back. I do not wish to give Ms Anderson nightmares of former days in Brussels or Strasbourg. I refer to the role of the parliamentary party assembly and how we can ensure that the voice of citizens of Northern Ireland is still heard in that. Ms Anderson, Deputy Howlin and Barry Andrews, MEP, have touched on much of the work that can be done at governmental level and at observer level, but there is a need to ensure the voices of MLAs are heard in the structures that are there now. Members of this committee could be proxy voices in that regard.

My final point relates specifically to the protocol. This is the big issue that affects this island and on which we, as parliamentarians, need to work. The Government, Deputies, Senators and MEPs have a very specific role within the European Union to be the voice for common sense and flexibility on the ground with regard to ports of entry into Northern Ireland. It is very difficult to do that when the North-South Ministerial Council is not necessarily fully operational. On a parliamentary level, there are issues we need to consider. In two weeks' time, half a dozen of us will attend a meeting of the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union, COSAC. The Minister of State, Deputy Thomas Byrne, and the Minister, Deputy Coveney, will be coming back in front of the committee. The Minister

appeared before the committee just ten days ago and it was a really important session. We need to constantly push for that flexibility.

I appreciate that, on the flip side, Lord Frost stated yesterday that the protocol he negotiated and ratified is unworkable. That is a massive challenge. Where can we play that role to ensure that common sense comes into it within the EU? I know that common sense and Brexit do not exactly go hand in hand, but we have to try our best in that regard.

Mr. Colin McGrath: I thank the Deputy. His remarks highlight the complexity of the whole Brexit process. There are so many issues in there. As regards the ability for our committees to meet regularly and to set out a schedule for doing so, we are certainly very open to that. We have had several meetings with various committees and we agree that we benefit from those discussions. I always believe that if you meet, then you are talking and when you are talking, you discuss problems and in that discussion you find solutions. That kind of dovetails across the other areas, such as certain Ministers not attending North-South Ministerial Council. If you are not there and you are not talking, you are not going to find solutions. I believe it negates the ability of a Minister to stand up and say there are problems if he or she has not taken the opportunity to go and find the solutions. Banging the drum is the easy thing for any person elected to public office to do but actually going, doing the hard yards, getting results and solutions and delivering for people are the most important things.

In terms of the two committees meeting, we will meet any committee we need to meet. There are a number of committees, several within Dublin and several others within the assembly. There are inputs from London, Edinburgh and Cardiff too that are important. That leads me back to my response on BIPA. It is about trying to find a forum wherein all of the voices, on a formal basis, can have input and discussions.

I was struck by Deputy Richmond's point that events and discussions at forums such as BIPA are important to the voice of MLAs in the North being heard. During the three years when there was no assembly, BIPA continued to meet twice a year and that provided me and representatives of all of the parties with six two-day events at which to articulate our thoughts and views on Brexit and to make our views and concerns known to other elected representatives across the islands. It is important, in the absence of something more formal between the EU and the North, that we maximise the opportunities to come together to have voices heard. We should continue to strive for that. For as long as an EU-North forum is not available, we should maximise the other opportunities for meeting.

On the protocol, the non-attendance by some unionist representatives and Ministers at the North-South Ministerial Council is a symptom of an unworkable protocol. We have to regularly remind them in committee that the protocol is a symptom of Brexit, for which only a minority of people in the North voted, but it is being imposed on all of us. The protocol is very much a symptom of Brexit, but if we take the practical approach of identifying that there are problems and issues then we have to find solutions. People going back into communities and burying their heads in the sand, as happened in the past in some places, will not provide solutions for people.

In terms of the main issues, we need to be careful when we talk about the problems relating to the protocol. There are issues but the nature or number of issues sometimes get talked up a lot more. People continually say that there are problems, but when they are asked to identify them, the response always is simply that there are problems. Many of the sectors in the North with which we meet on a regular basis in committee, and separately as representatives, are

quick to highlight a couple of the key issues for them, but they also come to table with solutions. It appears that the majority of the problems that have hit as a result of the protocol arose because businesses in GB were unprepared. Businesses in the North had been told that forms would need to be filled in and that certain channels would need to be sorted out. Business is very flexible. It will always try to do its best to work through issues. Businesses in the North have done that.

From an west-east point of view, I do not anticipate there will be major or significant problems, but there are major and significant problems coming the other way and that can cause logistical difficulties. In terms of transportation, for example, fully-loaded lorries going to England without the correct paperwork will not be filled up for the return journey. That can cause logistical concerns and issues. At the root of that is the fact that many of the businesses in GB were not prepared and we then started to hear them saying that if the process was going to be very complex and there were not going to be offered a lot of help, they just would not bother with it. There has been some interaction with businesses to help them understand that the process is not that complicated once they get over the first round of work, but further work needs to be done. Grace periods are still in operation. Should they stop at a cliff edge, as has happened in various other areas of the Brexit process, that may lead to significant problems very quickly. There is need for an assessment by the Governments of the grace periods and what will happen when they expire and to then put in place measures to deal with that.

Ms Martina Anderson: I echo what has been said by Mr. McGrath and, in particular, Deputy Richmond in regard to the North-South Ministerial Council meetings. It is crucial those meetings take place and that there is full attendance at them so that we can move issues forward. The meetings are an avenue for discussions on perceptions or realities. There are an excellent forum for an exchange of views. All of us on this call would welcome regular communication. It would be good for us to be aware of when they are scheduled to take place, if on a quarterly basis.

Following on from what Mr. McGrath said, it is important for committee members to hear our views on the protocol. We are dealing with businesses in a number of sectors, be that manufacturers, farmers and traders, from across the North and elsewhere. They want to see the protocol implemented. They recognise that there is a degree of special status for the North remaining in the EU. As we all know, in the North, the lion's share of business is in the SME sector and 80% of them trade on an all-Ireland basis. None of us wanted to see any hardening of the borders. We already have a border on land and a border at sea. We have had a border at sea long before there was a protocol. While the protocol is being flagged as a problem, the issue is the consequences and outworking of Brexit because many of the representatives within the unionist community had believed that the hardening of the border would happen on land. Thankfully, all of us were able to prevent that happening. As the MEP for the North, I voted for the Irish protocol in the European Parliament. I could see that it was the least worst option in the context of the outworking of Brexit.

We need to see an end to the British Government solo run with regard to extensions. We need agreement between the EU and the British and Irish Governments on how all of this will be handled and managed going forward. We need not get caught up in the presentation of the Irish protocol being damaging to trade in the North. Businesses will find, and have found, a way of working through all of that. They obviously are frustrated that they have to fill in more forms and they did not want anything that was going to have a detrimental impact on what they do. None of us wanted that, but we voted in the North against Brexit and we knew there were

would be consequences of Brexit. Unfortunately, for those of the British tradition who do not the border in the Irish Sea, there has been always a border in the Irish Sea but there has been an intensification of that border. We understand that, but we all knew there would be consequences from Brexit.

Deputy Richmond spoke about the institutions working out how we can make sure that the voices of the people in the North are heard. The people have a right to have their representatives heard in those institutions. That is where the democratic deficit looms large. We deeply appreciate the representatives in the South being our voice in those institutions when they get that opportunity, but we would like them to not get caught up in the Irish protocol being the problem. Unfortunately, for those who did not want the protocol, it has formed part of the solution. It is not the full solution. For us, we need to get to a situation where all of Ireland is in the EU, but that is a conversation for another day. This committee should at some point have a discussion on the planning and preparations for the constitutional change that is being discussed around kitchen tables across this island. That is something that we need to do that with confidence. Those of us in the committee from an Irish republican or nationalist tradition will meet with representatives from the British Government when they come to talk to us or with representatives from the House of Lords or the House of Commons. We will engage with them with confidence about our position and what we want. We hope that others will also find the space and place to be able to do that. We ask the committee to hear everything that is going on and to be totally informed about this because the protocol is supported in the North, although people would like to see some kind of amendment to the protocol, if it is possible to do so without changing it, in order to have the flexibility we talked about and that Deputy Richmond referred to, that is required so that businesses can trade in a way that they want, with Britain and with the South. However, they certainly do not want to do that at the expense of diluting the special status that they have in any way. They want to see that protected.

Deputy Ruairí Ó Murchú: It is great to see everybody. This is a terribly agreeable committee. I will follow on from something that was said by both Mr. McGrath and Ms Anderson. In fairness, it is in line with what the Minister for Foreign Affairs said to this committee following his meetings with business interests, which is the fact that all that they are interested in is finding solutions. I accept there are difficulties and teething problems that are the outworking of Brexit but it is about delivering results. That is where we need to maintain a certain element of focus.

I also wish to follow up on what Deputy Richmond spoke about and on which everyone commented. What we are talking about is keeping the show on the road in terms of the Good Friday Agreement. It is a case of putting everything into the calendar, whether that is ensuring that the British-Irish Intergovernmental Conference happens or making sure that we the North-South Ministerial Council meetings take place properly and are attended by all. We can deal with whatever issues arise. I also support what Deputy Richmond said about the need to look at the possibility of formalising meetings of our two committees. I accept what Mr. McGrath said about the fact that there are multiple committees dealing with multiple issues, but we have a responsibility, in particular, for EU affairs and their impact.

That leads me on to something on which we all agree, that is, Northern representation. Ms Anderson did a significant piece of work on this as an MEP. Barry Andrews, MEP, came before the committee and spoke about the possibility of what I will call the EU-British parliamentary association, but I believe there is another name on it. We would probably need the British Government to be interested in doing it, while it would be under no compulsion to do it. I spoke

with our MEP, Chris MacManus, in recent days about the hope he sees in the fact that when the trade and co-operation agreement relating to Brexit was voted on, there was a resolution on accepting that there is a democratic deficit in terms of Northern representation. There are a number of ways that this can be dealt with. Ms Anderson would be better than most at fleshing out what sort of group there could be. Sometimes, the setting can be very informal but we would need it to be formalised as much as possible. I do not think there is any unionist representation here today. We accept that. We are in the situation we are in. Brexit has been destabilising for unionism. We are in the middle of a leadership contest and we will see the outworking of that, but it is an absolute necessity that the Good Friday Agreement train is kept on the track. We must ensure that whoever they are, the leaders within unionism must play their part in that regard.

I will also follow up on what Ms Anderson about a citizens' assembly and just putting a reality to the conversation that is already happening on Irish unity. Following on from what we saw in terms of the vote in Scotland at the weekend, it is apparent that the union is going to change in the very near future. We all know that the North voted to stay in the European Union. There is a responsibility on the Irish Government to step up to the mark in that regard.

In terms of the existing difficulties, we constantly hear that things are going reasonably well between Maroš Šefčovič and David Frost, and then we suddenly hear something else. I am interested to hear how the Executive's interaction is going at this point in dealing with the anomalies that exist. There are probably new methods of dealing with issues under the trade and co-operation agreement. I would be interested to hear how the witnesses consider the situation is progressing.

We are also dealing with the British Government. At this stage, one could refer to "Unilateral Johnson" in the sense that the British Prime Minister is constantly threatening to do things. Even people who probably like what they hear do not always see a follow-through, so nobody can guess the outcome of the promises. I would be interested to get a response on that, in particular what the Northern representation could look like and how formalised it could be.

Mr Colin McGrath: Before I answer those questions, I note from another computer screen that there was due to be a North-South Ministerial Council meeting on agriculture but, unfortunately the agriculture Minister, Edwin Poots, did not turn up.

Deputy Ruairí Ó Murchú: That is probably not a shock.

Mr Colin McGrath: The comment on that must be how it is helping any farmer, unionist or nationalist. Farmers are facing a very uncertain time as a result of Brexit and they have concerns about how they carry out their practices in the future and how they secure the financial support they need to have. The logical place for that voice to be articulated is in a North-South Ministerial Council so that there can be agreement across the island, across these islands and across Europe to try to help those farmers. If the unionist representatives do not turn up, there is a massive voice that is missing. That is another democratic deficit that is going to have a major ramification for people at community level. I implore unionist representatives to turn up to the meetings at which there is due to be discussion about solutions. They are doing an absolute injustice to the people who have elected them to the positions that they are in by not attending. They are letting them down and shirking their responsibility. That goes even for this meeting, at which we do not have any unionist representatives. We can have an open and constructive conversation about the issues and problems and we can suggest methods to address them. Thankfully, the committee takes on board what we say and implements it into its repre-

sentations in its future work. The unionist voice is again not being heard here today and that is an absolute let-down for those communities.

In terms of the substance of the answer, I will pass it to Ms Anderson because I went first on the previous two responses. I will let her go first and then I will come in after on the specific points that have been raised.

Ms Martina Anderson: I apologise to the committee because I need to go after I give my response. As we indicated, Wednesday is a very busy day for me as I also have to attend an infrastructure committee. I know that those in the north west will be keen to hear that we are dealing with the A5 as one of the many issues.

Observer status at the European Parliament is fixed by the Council in advance of every election. I quoted Article 10.3 of the treaty earlier, It states: “Every citizen shall have the right to participate in the democratic life of the Union.” We in the North, as EU rights holders and citizens, therefore have a right to participate in the Union. I also direct members to rule 13 of the rules of procedure, which contains the specific reference to observer status, in this regard.

What is needed is political. We would need the Irish Government to make a representation to the Council that we are in a unique situation because we are half in the EU and half out of it. Therefore, the Irish Government needs to examine and explore how this can be done and to give a voice to those in the unionist community who want to be heard with regard to their concerns about what they believe is the Irish protocol and how they view it. We want to be able to ensure that the wide representation on behalf of businesses and so on realises that this special status for the North to remain and be part of the EU is something that they value and want to see implemented in full. I am a former MEP. As the committee knows, we worked the corridors of power and spoke other MEPs in order to make sure that they understood the Good Friday Agreement in all of its parts, why there should not be a hardening of the Border in Ireland and why we needed to protect the all-island economy and how that could be done through special status for the North to remain within the EU, people understood it. They understood it in the context of where we were and where we are now regarding the conflict.

In view of the connections that they have to the Irish Government, I appeal to the members of the committee ask it to consider this and do more than ask. If we are really talking about meaningful representation and addressing the democratic deficit, as has been said by Professor Colin Harvey and Mr. Mark Bassett, it is politically feasible and legally possible. The only thing that is missing is the political will. I hope that gives the committee an opportunity to understand how it can be done.

I thank the Chair and members for affording me the opportunity to exchange views with them today. I appreciate what has been said and I hope we can formalise these meetings into quarterly occurrences so that it will allow us to take these conversations further. I am sorry that I have to go but I have another meeting in a few minutes.

Chairman: I thank Ms Anderson. I think we are all in agreement about and happy to meet more regularly and, as part of our committee’s protocol, we would meet quarterly. I think Mr. McGrath is receptive to that idea too. I thank Deputy Richmond for raising the matter. Politics is about bread and butter too. We are talking about the protocol and Brexit but bread-and-butter matters are important. I am delighted that Ms Anderson is attending that infrastructure meeting. She can let those present know that the Irish Government will be committed to it. It is in our programme for Government. As far as representing citizens and our constituency in the north

west is concerned, it is important. I wish Ms Anderson well with that meeting and hopefully we can see progress with that in the not-too-distant future.

Ms Martina Anderson: I thank the Chair.

Mr. Colin McGrath: I am delighted to say that I am joined by Emma Sheerin, a fellow committee member, because I was warming up my favourite quote from a television programme, which is that a leader with no followers is just a guy out for a walk. I was conscious that I might end up here as the only representative from the committee. Thankfully, Ms Sheerin is here to give me some back-up and I am not out on my own.

Ms Emma Sheerin: My apologies. I was held up at a meeting with a school this morning so that is why I am late.

Mr. Colin McGrath: Going back to a couple of points that were made and following on from Ms Anderson's perspective, with regard to Northern representation, we are taking into account the realities of the structures. We can make noise about the need for that but, unfortunately, we do not have much sway to ask for it because it will have to be a decision taken between the UK and the EU. Therefore, we would welcome support from the committee and the Irish Government in the EU to ask for it from that side, which could then be matched on the UK side. I do not foresee the UK having any problems with that, if we were to have a formalised voice about decisions taken about us, if we could impress on the EU the absolute need for that. With regard to lobbying for that, we are in a position of asking but we are not at the table when that decision will actually be taken.

With the other structures, such as citizens' assemblies, interparliamentary committees and various opportunities for us to participate, we have to face a glaring reality. That reality is that unionism is not engaging with any of those structures in any substantial way. Doug Beattie has attended various things. He is the vice chair of this committee but he has his eye on other issues.

This dovetails into what I want to say, which is that unionism is in crisis. The fact that both parties are now seeking new leaders suggests that there is a will in those parties to go in new and fresh directions. That crisis is there. We will have to manage it at the other end when they elect their new leadership. I hope it will be leadership that will be prepared to acknowledge that there are realities and problems, that there will need to be cool heads, and that discussion and interaction will deliver results that people need. Hopefully, when the new leadership is in place, it will be a unionism that is prepared to accept the current realities. I could be cheeky and say that they caused what has happened because they voted for Brexit, which all these issues arise as a result of. The reality is that we are where we are and we have to work our way forward. Hopefully some new leadership in unionism will help in the period ahead.

Chairman: I thank Mr. McGrath. I will let Deputy Ó Murchú back in later. I welcome Ms Sheerin and will introduce another speaker before asking her to engage on that point, since she probably did not hear Deputy Ó Murchú's contribution.

Deputy Dara Calleary: I thank Mr. McGrath, Ms Anderson and Ms Sheerin for being with us. I want to endorse much of what has been said. One thing raised at this meeting, which I heard Nichola Mallon raise at another meeting on Monday night, is the number of people who are in favour of the protocol. We do not hear about that. We do not hear those business voices stating that we can make this work, that it needs tweaking but that they are used to this and

are adaptable. Could a coalition be put together to try to change the debate somewhat? If that debate is changed, it might be changed in London too. We had the Minister, Deputy Coveney, with us a few weeks ago and we got a sense that some progress has been made on many issues. For the business voice in Northern Ireland to be involved in the process, a coalition such as that to which I refer would be important.

Would be an idea for Mr. McGrath to invite Commissioner Šefčovič to address his committee? I do not think permission is needed from London or Dublin to get people to address it. The very fact of him taking that interest might wake people up about the work of Mr. McGrath's committee and participating in that work. It would provide a direct forum for presenting the views of the committee and MLAs about Northern Ireland in future. Some of the issues include the protocol and PEACE funding, and there are many things that the committee needs to have a role in. We had an engagement with Commissioner Šefčovič in respect of Article 16. It was not necessarily the most enlightening engagement we ever had but we did it and he gave us time. I suggest that might be a way to proceed.

I absolutely endorse holding these meetings quarterly. All the sectoral committees should also have such meetings. It would not so much be a ministerial meeting but a meeting of committees. I am conscious of Mr. McGrath's comments on BIPA and the follow-on from it. BIPA is great fun but there must also be a follow-on. As a follow-on from this meeting, let us schedule what has been suggested into our work programme for the remainder of this year and for next year.

Mr. Colin McGrath: I thank Deputy Calleary. It is good to see him. Looking at it from a slightly different angle, if things are going well and there are good opportunities, people will not say much because they are getting on with doing what they have to do. I read that from the fact that businesses are not breaking my door down to tell me there are a huge number of problems. That is why I am perceiving, and find very surprising, that only unionist politicians are having their doors knocked down and told there are huge amounts of problems. With a healthy amount of scepticism, I wonder if there are lots of issues out there. I am not naive about the fact that there are issues and problems. This is about being able to address those issues, however. It would be very useful for businesses to come together to highlight the positives. When one exudes business positives it actually attracts other businesses and one grows. People say that good things are happening and that is the place to go. If one highlights the available opportunities, people will tap into support and invest in those areas.

In fairness, Arlene Foster highlighted and suggested that. She was quick enough to see that there were opportunities. It obviously did not fit with the mantra that some within the party wanted to put forward because I believe it was ultimately was one of the reasons she ended up losing her job. It is a sad reflection that whenever somebody can see a positive, which will provide opportunities and growth within the North and help us to develop our business sector, that person gets shot down within the party, which says "No" and focuses on the negative. That can move into a very dangerous place.

There are also some mechanisms within the trade agreement to allow various bodies to come together. I just hope that it is not so complicated and there are so many forums that those voices are lost because we need to be able to articulate the positive nature.

Something we could certainly take from that would be to perhaps look at bringing some of those business voices into our committee for them to be able to say whether opportunities are available. And we will certainly do that. Again, we can put forward the idea of inviting Com-

missioner Šefčovič to meet with the committee. I know Deputy Richmond at a previous meeting asked him if he would be prepared to meet with us. I believe the answer the Deputy may have received was just another from that day which was not very fleshed out. We can certainly ask, however, because again, having somebody there who can hear the concerns and issues, and can actually do something about it, is much better than waving a placard outside a harbour. I would definitely agree with that.

I will pass over to Ms Sheerin if she wishes to add anything.

Ms Emma Sheerin: What Mr. McGrath touched on at the beginning of his contribution is key. It probably goes to the heart of the conversation that has been had around the protocol since the beginning of the year. Unionist politicians are telling us that X, Y or Z is wrong with the protocol. An awful lot of the time, they are conflating their own concerns or worries about the state of the union or the constitutional position with the protocol risking identity. We know that because of the Good Friday Agreement, our identities are protected as they are. The protocol does not risk anyone's right to be British. That is where we are seeing a bit of people playing politics and things being twisted or manipulated. Deputy Calleary's idea is a good one. I am not sure who came up with it but Deputy Calleary obviously made reference to it. What Mr. McGrath said is key, however. Constituents are not contacting me about issues with the protocol. The vast majority of constituents who contacted me with initial concerns or worries worked through them and have had those problems sorted out.

There were some issues with documentation and the filling out of forms, and concerns about certain forms that the Department of Agriculture, Environment and Rural Affairs was supposed to provide but people had to go and get themselves. I am referring to common health entry document checks and things like that. Outside of that, however, the vast majority of people who contacted me are largely going about their business and are not being impacted by the protocol. Mr. McGrath's assessment is correct and that is what I am also finding.

I know I was late arriving this morning and I apologise. It is regrettable, however, that we are not seeing any unionist representation here. A person who is not at the table cannot have his or her say and that is unfortunate.

Chairman: I thank Ms Sheerin. Deputy Ó Murchú wants to come back in again. We will try to keep this to the hour. Deputy Ó Murchú will come back in and if anybody else wishes to ask a second question, they can let me know.

Deputy Ruairí Ó Murchú: We can definitely say that was Deputy Calleary's idea and that it is absolutely necessary.

In fairness, when the Minister, Deputy Coveney, spoke about his conversations and engagement with business interests, he said that a huge amount of them were unionists and that their concentration was on working the protocol and just delivering. As was said earlier, businesses are all about getting the job done or it does not work out. It is as simple as that. Ideology rarely comes into it.

I will also follow up on the point about bringing Maroš Šefčovič into the discussion. I was told that during the debate on the EU-UK Trade and Cooperation Agreement and, obviously, the conversation around all the resolutions, Mr. Šefčovič stayed and commented on a number of matters. We are talking about a four-hour debate, which I am sure was absolutely stimulating at all points. Chris MacManus told me that one of the points to which Mr. Šefčovič returned

related to Northern representation. He obviously accepts the point regarding the democratic deficit and is open to that conversation. It would do no harm to follow through on that.

Let us be clear on the issue regarding unionism. For a long period, unionists have rarely moved beyond the lowest common denominator, no matter the issue. I hope we will see in the future, which Mr. McGrath put well, a unionist leadership that accepts the reality of the world in which we live and that can then deliver for its own people to a greater extent.

I want to follow up on the question of the protocols and modalities that exist for dealing issues as regards the Irish protocol and the engagement of the Executive. Obviously, there are a greater number of methodologies for dealing with problems since the EU-UK Trade and Cooperation Agreement has been put in place. Are the witnesses reasonably happy that the means exist to deal with the problems?

Mr. Colin McGrath: There are structures but I am not as convinced that those formalised structures are being used as often as they could. Various committees have been established within the hierarchy of the Executive office with which businesses can engage. Some of them have only very recently been populated, however, and some have only met once or twice.

The other side of this is that Northern Ireland is not a big place. Many of those key people who are involved in representative groups, therefore, know exactly how to be able to access the decision makers and are probably utilising that avenue much quicker than the formalised structures. Take, for instance, the key agencies that represent manufacturing, retail and various organisations. I have no doubt that they have Ministers' telephone numbers on speed dial and if they have issues or problems, they are able to get access. I do not believe we should do that to the default of the actual structures that are in place, however. Formally capturing what those issues are means we can start to identify patterns. Then, we can also ensure that there is not some form of preferential treatment, or that certain organisations that get support from particular political parties with particular ministries get quicker access to some sort of resolution to the problems they have. There are structures in place.

We use our quarterly meetings to ask the junior Ministers who sit on those forums. We have been going through a process of asking when they will meet and we are now in a process of asking what issues are being raised. We will continue to do that as part of our engagement with the Ministers within the department. If it were a school report, however, it would ask, "Could do better?" We need to keep putting the pressure on them.

Chairman: I thank Mr, McGrath. Does Ms Sheerin wish to come in?

The question I want to follow up in is with regard to the protocols and modalities that exist with regard to dealing with whatever issues exist as regards the Irish protocol and the engagement of the Executive in these. Obviously, even since the EU-UK Trade and Cooperation Agreement has been put in place there are a greater number of methodologies with regard to

Ms Emma Sheerin: Mr. McGrath has covered everything. I would endorse everything said by Deputy Ó Murchú. It is the pragmatic, practical approach to all this. Brexit has been foisted upon us. We can see now that we have a democratic deficit. The North was probably going to be worst affected by Brexit and we can see that Northern voices are not being listened to by the British Government. On the European side, there was grave concern for the island of Ireland and for protecting the integrity of the peace, the working relationships and the practicalities of people's lives, particularly those the Deputy represents and other Border representatives speak

for. Those people cross the Border on a daily, sometimes hourly, basis. All that has to be protected and the implementation of the protocol is about the practicality of that. It is about finding solutions and that is our priority as well.

Chairman: We will end on that positive note and those positive words from Ms Sheerin, where we are all solution-focused as a committee. The message from today's meeting is to keep the lines of communication open. We are happy to do that on a quarterly basis. We can set that up with our respective teams. We have so much to do and there is so much that can still be done. We have focused on and talked about Brexit for the best part of half a decade. How much does it consume political discourse in the North and take precedence over other important issues? I am interested to hear Mr. McGrath and Ms Sheerin's perspectives on that. There are so many other issues. I do not have to tell somebody from the North how intrinsically our communities, society and economy are linked on this island. It is in all our interests to keep the lines of communication open and try to act as a solution-focused mechanism. We are happy to keep that engagement going. Over the past five years we have been getting consumed by it and the assumption is that members for the North are also consumed by it. How much has it become a focus at the expense of other important issues, such as the infrastructural issues we talked about?

Mr. Colin McGrath: Looking back at recent years in the North, we had three years with no institutions and then, within about six weeks of coming back, we had Covid. After the challenges of managing Covid, we were, towards the end of last year, focused firmly on the end of the transition period and the issues resulting from Brexit. The unfortunate thing is it always feels in politics in the North that there are all the real bread-and-butter issues to deal with but we never seem to get the time to address them. This past week in the assembly, we have managed to have private member-led motions to discuss issues such as autism and climate and environmental problems. We are not getting the chance to look at those issues with a more executive-based approach because of Brexit, which has consumed our time and deals with so many issues, and because of the dispute within our Executive Office, which means it is difficult to get other matters cleared.

I find it hugely frustrating that there are nearly 200 parliamentary questions tabled to the Executive Office which have not been answered. We know there is a requirement for them to be signed off by both parties but issues such as Brexit cause problems that mean the normal day-to-day operation of democracy does not take place. Some fundamental issues are not being dealt with. In any other democracy, people would be aghast that one cannot ask a minister a question, but has to wait six months for a written answer. Sometimes when the written answer comes through, it has two or three lines and directs one to a website. The issues are not necessarily state secrets. They are just general democratic principles and issues that people ask their representatives to raise but we do not have the space to deal with them. If we can take the pragmatic and practical approach and keep geopolitics out of what impacts people on a daily basis, then we will start to address the daily issues and help citizens see real change taking place in their communities. At the moment, much of that is frustrated because of the perspectives on Brexit preventing the daily work from taking place.

Ms Emma Sheerin: The question the Chairman asked about how much of our time is taken up by Brexit and conversations about Brexit goes to the core of governance in the North. The Chairman spoke about Brexit and our removal from the EU as a distraction. To me, Brexit exposes the reality of partition and of government in the North, in that we at all times are dependent on what another parliament does. Stormont, as a structure, has no tax-raising powers

or fiscal levers and depends on Westminster to give it a budget. We do not have say over how many years that budget will be for, so we are working on a year-to-year basis. The system we have is one of mandatory coalition.

Mr. McGrath made reference to his and our frustration when one puts a question into the Executive Office, which is a joint ministerial office. This morning's meeting and political unionism's approach to something as simple as this committee exposes what it is like to work with the DUP daily. One cannot get an answer to a question because their Minister cannot get agreement in an office to sign off on an answer to a question. New Decade, New Approach contains a list of commitments that still have not been delivered because the DUP is blocking them. North-South Ministerial Council meetings cannot go ahead because the DUP is blocking them. For these meetings of the Oireachtas joint committee, the DUP is not at the table.

Brexit was a decision by the English and, to a lesser extent, Welsh people which has been imposed upon the island of Ireland with massive implications for all people North and South, particularly those living in the North. The DUP backed it and when there is an issue it does not like regarding the protocol, it does not engage. It does not smooth or iron out the problems. It sticks its head in the sand. Government in the North is like that.

On delivery for projects on the ground, I was out with a group from a local school in a rural area, comprising 85 pupils from 50 families, this morning. They cannot get money to paint the front of their school because we have had 12 years of Tory austerity and our budget has been cut year on year. All these things are interlinked. None of them happens in a vacuum and none can be looked at in isolation.

Brexit has speeded up the conversation about Irish unity but it exposes the folly of partition, that there are six counties in Ireland where the people are reliant on what people in another country are doing. Our future is dictated by voters in Manchester, Brighton and Bristol. That is how frustrating it is. I am a mid-Ulster representative in a rural area and I see people being impacted by decisions made far removed from them. It is incredibly frustrating but that is where we are at.

I ended my last contribution on a positive note and this is much more negative but that is the reality of the situation. Brexit is speeding up the unity conversation and that is what I want us to see. Going forward, how can we build a future for everyone? I would like to see unionism take part in this conversation, to be there and say it wants to see X, Y and Z and we will ask how we can work together to deliver for everybody.

Chairman: I take full blame for moving Ms Sheerin into that negative space because I asked the question. We all hear her frustration. That is quite clear. As Deputy Ó Murchú said, we are a terribly agreeable committee. Our door, gate or window is always open to our political colleagues in the unionist community. It would be great to have them present or engage at a public session of one of our meetings at some time in the future. It is really important to have everybody around the table when we are talking about issues of concern to everybody. As Chairman, I am very grateful for Mr. McGrath's participation today. We will follow up on the commitment in respect of holding a quarterly meeting. Issues will arise and change but we will try to be as focused as possible. Arís, go raibh maith agaibh uile, agus ádh mór. I thank the members.

The joint committee adjourned at 10.50 a.m until 9.30 a.m. Thursday, 13 May 2021.

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