

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM

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### FEIDHMIÚ CHOMHAONTÚ AOINE AN CHÉASTA

### JOINT COMMITTEE ON THE IMPLEMENTATION OF THE GOOD FRIDAY AGREEMENT

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*Déardaoin, 17 Samhain 2016*

*Thursday, 17 November 2016*

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The Joint Committee met at 2 p.m.

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MEMBERS PRESENT:

Deputy Declan Breathnach,	Senator Frances Black,
Deputy Fergus O'Dowd,	Senator Gerard P. Craughwell,
Deputy Maureen O'Sullivan,	Senator Frank Feighan,
Deputy Brendan Smith,	Senator Denis Landy,
	Senator Niall Ó Donnghaile.

In attendance: Mickey Brady, MP and Alasdair McDonnell, MP.

EPUTY KATHLEEN FUNCHION IN THE CHAIR.

## **Business of Joint Committee**

**Chairman:** Apologies have been received from Deputies Tony McLoughlin and Sean Sherlock, as well as from Pat Doherty, MP, Mark Durkan, MP, Francie Molloy, MP and Margaret Ritchie, MP. I welcome Mickey Brady, MP. I also welcome a new member, Deputy O'Dowd, to the committee. I also am glad to extend congratulations on behalf of the committee to our colleague, Senator Feighan, on the birth last Saturday of his baby daughter, Francesca.

The joint committee will have two sessions today. In our first session, we will hear from the Committee on the Administration of Justice on the human rights and equality implications of Brexit in the North. In the second session, we will hear from the Special EU Programmes Body, SEUPB, on the implications of Brexit for EU funding, including PEACE and INTER-REG funding.

Is it agreed to go into private session to consider a number of housekeeping items? Agreed.

*The joint committee went into private session at 2.08 p.m. and resumed in public session at 2.35 p.m.*

### **Implications for Good Friday Agreement of UK EU Referendum Result: Discussion (Resumed)**

**Chairman:** I warmly welcome our first witness, Mr. Brian Gormally, director, Committee on the Administration of Justice. He will speak to us about the human rights implications of Brexit. He will make an opening statement and then we will have a questions and answers session. Before doing so, I remind members, guests and people seated in the Gallery to please ensure their mobile phones, iPhones, iPads and anything electronic is switched off completely for the duration of the meeting as they cause interference, even on silent mode, with the recording equipment in the committee rooms.

I also remind members of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person or body outside the Houses or an official either by name or in such a way as to make him, her or it 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 joint committee. If they are directed by the Chairman to cease giving evidence on a particular matter and continue to do so, they are entitled thereafter only to 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 they are asked to respect the parliamentary practice that, where possible, 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.

On behalf of the committee, I invite Mr. Gormally to make his opening statement.

**Mr. Brian Gormally:** I thank the committee for the opportunity to discuss a matter that is pre-occupying us rather more than we would like. I refer to the human rights implications of Brexit.

The Committee on the Administration of Justice is an independent human rights NGO that has worked in Belfast since 1981. The organisation's opinion before and after the vote was that

there were potential threats to human rights visible during the referendum campaign. That is why we unusually and specifically recommended a Remain vote. After the referendum result I am afraid our predictions were proved correct. We said: “Those voices leading the Leave campaign majored not on democratic or socio-economic deficits in the EU project but rather on nationalist sentiment, xenophobia and thinly veiled racism. This result will embolden them and place them in the ascendancy.”

The first consequence of the vote has been the normalisation of anti-immigrant discourse, a huge boost for racist groups and an increase in racist attacks in Northern Ireland and elsewhere. From the perspective of human rights, this is perhaps the most dangerous scenario. Racism is the fundamental enemy of human rights. Human rights are universal as they apply to everyone by virtue of their simple humanity. Racism is the complete negation of that philosophy. Furthermore, it is insidious. Once racism is allowed into the political conversation, it becomes the ready and available put down of any attempt to express human solidarity.

The second area of concern, in terms of human rights, is a retreat from the European Union’s protection of workers’ rights, data protection, environmental and anti-discrimination legislation. Exiting the EU would remove a backstop for rights protection and thus make it easier for current or future Governments to erode protections for workers’ rights and equality.

The third area that we have identified is the withdrawal of the EU’s PEACE funding and structural funds, and the likely increase in austerity policies. There is no doubt that the expected ending of peace and structural funds will decimate the voluntary and community sector and remove support from many projects, such as ex-prisoner groups, which are vital for the peace process. These economic pressures will pose a real threat to the social and economic rights of the most disadvantaged.

The fourth area is the threat of a so-called hard Border on the island of Ireland and the threat to the Belfast Good Friday Agreement. The last area is that the result may pose a threat to the Human Rights Act. That is not a direct consequence of Brexit and is nothing to do directly with the European Union but the justice Secretary, Liz Truss, has recently said that the repeal of the Human Rights Act, which is fundamental to the Good Friday Agreement, apart from anything else, is still on the table and there is clear opposition to the incorporation of the European Convention on Human Rights into UK law among certain politicians and journalists.

We have been involved in several events and discussions, giving evidence and so on. Much of the material is available on our website if the committee wants more detail. It may be interested in the process of litigation. CAJ is one of the applicants in one of the Belfast-based cases seeking a judicial review of the Brexit process currently before the High Court in Northern Ireland. As a human rights organisation, we joined this action to help ensure that the particular circumstances of Northern Ireland, and in particular its carefully crafted peace settlement, were fully taken account of in the Brexit process. Several politicians, individuals and human rights non-governmental organisations, NGOs, have taken a case that concerns the intention of the UK Government to give effect to the exit from the European Union through the use of the royal prerogative. An individual applicant, Raymond McCord, sought a judicial review on grounds which partly overlapped our case. Our application argued that the prerogative was not available to trigger an exit from the EU because EU law had been given effect through the Northern Ireland Act 1998 and other provisions and thus required legislation to amend its effect; that in that case a legislative consent motion in the Northern Ireland Assembly would also be required; and, if the prerogative use was lawful there were a number of common law restraints upon its use and that any advice given by the Northern Ireland Office on this matter should be screened

according to the equality provisions of section 75 of the Northern Ireland Act 1998. Our case was lost in the Belfast High Court. We were allowed to argue only the Northern Ireland aspects but in England a three judge court of the High Court overwhelmingly supported a similar case on the grounds that the prerogative would change domestic UK law and in a principle going back to 1610 at least that is not possible under the UK Constitution. In spite of the very conservative judgment in Belfast and the judge refusing a so-called leapfrog appeal direct to the Supreme Court, the Attorney General for Northern Ireland has referred the devolved issues to the Supreme Court, which is one of his powers. While he will go there to argue against our position it is quite useful because that position will therefore be argued in the Supreme Court, in front of 11 judges who have been mobilised for this case. We are in the process of trying to raise funds but we expect our lawyers to be in London on 7 and 8 December to argue the particular Northern Ireland aspects of the case.

Part of the Good Friday Agreement, and specifically the British-Irish treaty that underpins it, rests on common membership of the European Union as stated in the preamble: "To develop still further the unique relationship between their peoples and the close co-operation between their countries as friendly neighbours and as partners in the European Union;". The withdrawal of that has unpredictable implications for the Good Friday Agreement. CAJ does not take a position on constitutional matters but there is no question that as the effective ending to a 30 year long conflict the Good Friday Agreement is a guarantee of our peaceful future and of human rights. In our view it has to be defended. One particular aspect of it is that the North South Ministerial Council and the British Irish Council are given specific roles in regard to EU matters. In respect of the North-South Ministerial Council the agreement states: "Arrangements to be made to ensure that the views of the Council are taken into account and represented appropriately at relevant EU meetings." It is a channel for the particular circumstances of this island to be referred to the EU. We are aware that the Irish Government is using this mechanism as a forum for discussion with the Stormont Executive. How that is used will be a major preoccupation for this committee. It may feel that further research into the actual implications of the UK withdrawal from the EU are for the infrastructure of the Good Friday Agreement.

I will not deal with the particular protections for human rights within EU law or where it is being invoked or within its scope. There is extra protection from the Charter of Fundamental Rights of the EU, which we will presumably lose after Brexit.

The committee's influence, however, would be very welcome in respect of the so-called great repeal Bill which, whatever happens about triggering Article 50, will be needed in the UK Parliament requiring that it maintain EU law in force unless it is specifically repealed. It would be a complete train crash if EU law was suddenly withdrawn in respect of domestic UK law, never mind anything else.

Equivalence of rights across the island is a principle in our view of the Good Friday Agreement. How will we manage that in circumstances where there will presumably be radically different legal jurisdictions on the island? We would urge a second look at the role of the Charter of Rights for the island of Ireland, which was never implemented even though advice was given and it is a matter for the two human rights commissions. The other related question is equality of citizenship. People in the North have the right to choose to be Irish or British citizens or both. We believe that the content of the rights accruing to those citizenships should be the same, rather than simply the right to choose between them. It is our view that the content of the rights accruing to the citizenships should be the same, rather than simply the right to choose between them. That will be a complicated mechanism. That is associated with the threat of

a hard Border. The common travel area predates the EU, but in its modern manifestations to a significant degree it relies on Irish citizens asserting their rights as EU citizens anywhere in the UK and the right to travel in that sense will be under threat in the context of a hard Border. What concerns us is that even if there are special arrangements for Irish and British citizens, we do not want a situation where a border on this island is the focus of racial profiling, for example, where people who look different are asked to produce passports while people who look like me, perhaps, are not. It would be intolerable to have a racist border across this island. I will finish there. I welcome any discussion.

**Mr. Mickey Brady:** I thank Mr. Gormally for the presentation. The European Convention on Human Rights was incorporated into the terms of the Good Friday Agreement and is a central plank of the Agreement in many ways. Any change in that regard by the British Government would mean a fundamental change in the operation of the Good Friday Agreement. There seems to be a change in approach by the Twenty-six County Government because initially it was talking about defending the Good Friday Agreement and being foursquare behind it but the Taoiseach is now talking about defending the progress made in the peace process. They are two different things. There has been progress but that does not necessarily mean that will continue. Perhaps that is something that needs to be addressed.

If Brexit happens, where does that leave people involved in legacy inquests having access to the European courts? Will that have a detrimental effect on how such cases progress? Mr. Gormally mentioned court cases in which the Committee on the Administration of Justice, CAJ, is involved with other parties in the Assembly. Reference was made to the intervention of the Attorney General. My understanding is that office is independent of the Assembly. What impact does Mr. Gormally envisage there will be on the court cases? He said it is an advantage because it opens up the opportunity to argue the cases before the Supreme Court. One of the Supreme Court judges spoke recently about the 1972 Act possibly having to be amended or a new Act being introduced before Article 50 could be triggered. All sorts of opportunities are opened up in terms of how Brexit might or might not continue.

Mr. Gormally referred to workers' rights. It is interesting that the Northern Ireland Public Service Alliance, NIPSA - one of the biggest unions in the North - asked its members to vote to leave, which seems a total contradiction in terms of the protection of workers' rights. Having spoken to people from NIPSA, they have not given a convincing explanation as to why they pursued that line of thought.

**Senator Frank Feighan:** I thank Mr. Gormally, who we have met before, for his forensic insight into human rights and equality. It is very good to see him today and helpful to the committee to hear what he had to say about the equality implications for the Good Friday Agreement of Brexit. He mentioned the choice of citizenship between Irish and UK citizenship for residents of Northern Ireland and that the choice could be affected. Could we tease out that issue a little more? It is a situation with which we are not that familiar. The choice of citizenship is a serious issue in terms of the implementation of the Good Friday Agreement. What are his views on how the campaign was led? Perhaps he cannot comment, but it seems to me that most of the political parties in the UK were not really aware of the implications for the Good Friday Agreement and also for human rights and equality. We must deal with the situation now. We were a lot more informed on that point on the island of Ireland, which is most unusual, given that it was a decision taken by the United Kingdom.

**Mr. Brian Gormally:** On the question of the Human Rights Act and the possible repeal and even the possible withdrawal from the European Convention on Human Rights, although that

is probably a little extreme, as they are unlikely to go as far as that, but certainly severing the link with the European Court of Human Rights is clearly not part of Brexit, as such. We are talking about the Council of Europe not the European Union when we talk about the European court and the European convention. However, in our view it is part of the same movement. It is a kind of xenophobic, anti-human rights movement. In terms of the nature of the campaign, in our view this was not a referendum on membership of the EU, or at least it was not a verdict on how good or bad the EU is. In practice, it was certainly an expression of disenchantment with the *status quo* but it was led by people with a racist and xenophobic agenda. That is the crucial reason we felt we had to intervene and say vote “Remain”, which of course the people of Northern Ireland did, but that is another matter.

In terms of the legacy inquests, that is a real problem at the moment. The immediate problem is that the Lord Chief Justice’s programme for dealing with all the legacy inquests within five years is held up because of some kind of interchange between the UK Government and the First Minister, in that the First Minister will not allow the proposal for the extra money from the UK Treasury to be either tabled at the Executive or the Assembly so the UK Government has not received that request, theoretically, however we believe the obligation is still on the UK Government to provide the funds to deal with it. Mr. Brady is quite correct in that if there was a withdrawal from the European court’s jurisdiction then that final arbiter would be lost, although of course many of the cases that are awaiting inquests were decided by the European court in 2001, some of which the CAJ was involved in.

In terms of the role of the Attorney General, he is an independent law officer, unlike the situation of the UK Attorney General who is a politician, or at least is a member of the Cabinet and a political appointee. He has his own views on constitutional matters and they differ from ours on this particular matter. His referral to the Supreme Court jumps beyond the normal appeals process because otherwise we would have had to go to the Northern Ireland Court of Appeal and then to the Supreme Court and that would have meant that we would not have been able to make the arguments in early December. Therefore, it is useful, even though it is unfortunate that the Attorney General will be arguing against some of the very important issues that we think are a part of the devolution settlement. In the court case, the Scottish and Welsh Governments indicated their intention to intervene. Coming to Senator Feighan’s point, that demonstrates that the Northern Ireland issues have now been taken quite seriously, if somewhat late. They are certainly taken seriously in the other jurisdictions of the United Kingdom by human rights activists. On the citizenship issue itself, one could regard the Good Friday Agreement as an attempt to create circumstances in which people with differing national aspirations and allegiances have to occupy the same geographical and political space. Part of that is that there should be no distinction between those who choose to identify as Irish and those who choose to identify as British. There should be no detriment. That is a fundamental basis. In a sense, considering the way the European Union has developed, even since the agreement, there is no real problem in this regard. Generally speaking, EU citizens have similar rights wherever they are in the Union. The change, however, means that we will have to reconstruct a situation in which the rights of the two citizenships are actually equivalent. For example, it should never be the case that in Northern Ireland somebody who identifies as Irish should have to use the fact that, under UK law, regardless of whether he likes it, he is a UK citizen as well. One has to do something that only an Irish citizen could do to claim Irish citizenship, such as apply for a passport, but one is automatically a UK citizen regardless of whether one wants to be so in Northern Ireland.

Whenever there is an effort to introduce identity cards in the United Kingdom, it is recog-

nised that Irish citizens cannot be forced to carry British citizenship identification. The authorities were actually going to give people who identified as Irish in Northern Ireland the same kind of identity card system as would be provided for other EU citizens. That proposal was dropped but it shows that even the UK Government recognises the importance of not forcing people to choose one way or another to access particular rights. We do not know what the circumstances will be, however, without the underpinning of EU citizenship. I cannot state the solution because we do not really know. Probably nobody knows, least of all the UK Government, what precisely will be argued for with regard to the common travel area and the nature of the Border. It is a bit up in the air. In our view, it is equality of citizenship and rights across the island that comprise a crucial underpinning of the peace settlement.

**Senator Gerard P. Craughwell:** This is my first time to address Mr. Gormally. He is very welcome. From what I can gather, the plan is that we do not have a plan. We are heading into what appears to be a legal nightmare, certainly for the people of Northern Ireland. We speak about fundamental human rights, particularly workers' rights. We have 30,000 workers crossing the Border every day. Those who cross from Northern Ireland into the Republic to work will be able to avail themselves of all the rights that come with European legislation. We have no idea what the circumstances will be for those who cross from the Republic into Northern Ireland to work there. They may be allowed to retain the rights they currently enjoy as EU citizens. The ideal would be that we would transpose European law directly into British law. I understand from some of the meetings I have had that there is an intention on the part of Westminster to write its own workers' rights and fundamental human rights. Whether it will simply transpose European laws seems to be far from certain.

On funding and austerity, we could face terrible circumstances in which Border counties on the Republic side will continue to avail of funding from Brussels under the Good Friday Agreement while counties on the other side of the Border will be in a different position. Although funding has been guaranteed to 2024 for agriculture, I hear nothing about funding under the Good Friday Agreement or matching funding that would be available in the Republic for citizens of the North.

On the issue of the hard Border, I have been predicting since the Brexit vote that there will be a hard Border. I can see no other possibility because I do not believe the gift lies in the hands of the Irish Government, or the British Government for that matter, with respect to how the Border will be managed. Twenty-six other countries will be involved. I would be interested in hearing Mr. Gormally's view on that. There are three pillars to the Good Friday Agreement. Mr. Gormally should correct me if I am wrong. There is the Irish Republic's referendum and the referendum in the North. The entire agreement is underpinned by the European Union. Has anybody considered whether all the legislation that has been passed to expedite or implement various aspects of the Good Friday Agreement will fall if Britain ceases to be a member of the European Union? On the issue of British-Irish and Irish-British in Northern Ireland, I was in Bratislava some days ago where a Member of the House of Commons was proudly showing me his Irish passport. This is an amusing turn of events. What will occur if there is a mass take-up of Irish passports in Northern Ireland? We would then have Irish citizens, or at least those declaring as Irish citizens, occupying UK territory who would ordinarily be entitled to all the benefits of European legislation. That seems to be another nightmare.

My last point is on the area of welfare, especially pensions. At present in Northern Ireland, there is a lady who is unable to avail of her Irish pension because of an anomaly in our laws. The rules for public service pensions, which used to be 50% of one's salary, or so many 80ths of

one's salary, have changed. One now gets a public service pension comprising 50% from one's Department with the old age contributory pension included in it. I am sorry for going around the houses on this one but this is a particular case. What has happened is that an employee from the South who lives in Newry retired under the age of 66, which meant she should be entitled to what we call a supplementary pension to top up her public service pension - the equivalent of quarter of her pre-retirement salary - to bring it up to the full rate. She is being told that since she does not live in the Republic, she is not entitled to the supplementary pension. This causes problems on both sides. There are people in the Republic who worked for no more than a year in the United Kingdom but whose Irish welfare contributions are taken into account when calculating pension entitlements. They get the British pension based on the fact that they have so many Irish contributions, thus bringing them up to the ten-year mark. Does that create a huge problem for us also? The more I see of this, the more complex it becomes. I note Mr. Gormally is staying away from constitutional issues but I believe the whole thing is a constitutional nightmare. I am sorry if I have asked a lot of questions but I would be interested in hearing some of Mr. Gormally's views.

**Dr. Alasdair McDonnell:** I would hope to be a little more brief.

**Senator Niall Ó Donnghaile:** No guarantees.

**Dr. Alasdair McDonnell:** I speak my mind. There is constant confusion between the European Convention on Human Rights and the European courts on membership of the European Union. My understanding is that they are totally separate. Britain was responsible for the European Convention on Human Rights after the war, or was at least a driving force for such a convention. Mr. Gormally refers to this in the submission. Is there any suggestion the Brexit vote will have a significant knock-on effect on the European Convention on Human Rights? That is a bridge much further than just leaving the European Union. The witness gets the point and I have given the lead. I have an understanding of the following issue but it may not be accurate. My understanding is the great repeal Bill will repatriate all European law or issues to Westminster *en bloc*. There is a discussion on the variations of what will happen then. Will Britain hold on to all those laws? In other words, will they be non-devolved matters or will it devolve some of them to the devolved assemblies? I am particularly looking in this case to the issues raised around human rights or laws that will affect human rights. Worse still for me is the suggestion which is about - it is people thinking out loud - that Britain may very well modify those laws before they are devolved. Am I making sense on that point? It is that it will take back the laws but hold them for a period to be determined, and in the course of that period it will interfere, as it were, with those laws rather than devolving them *en bloc*.

These are two questions that may not be as easy to answer as they are to ask. That is the nub of many of the issues being presented by the witnesses. Britain may bring these back and modify them significantly before devolution. My understanding is much of the human rights stuff should be devolved to Scotland, Northern Ireland and Wales but it may be modified.

**Chairman:** I will allow Deputy Breathnach to contribute as well as he is the last member with a question.

**Deputy Declan Breathnach:** I am delighted we are talking about human rights as ultimately the impact of Brexit is about people. We can talk about all the laws we like but the reality is the impact at the farm gate and local shop is what people and communities in particular will feel, especially on the Border. Will Mr. Gormally comment, for example, on the European Union yesterday launching the European Travel Information and Authorisation System, ETIAS, which

will introduce new travel arrangements for non-EU citizens visiting the Schengen area? Under the proposals, non-EU citizens will still be able to travel without a visa but will have to obtain travel authorisation prior to their visit to the Schengen area. These proposals have been in the pipeline since 2014 but they have taken on a new importance in light of Brexit.

Ireland and the UK are outside the Schengen area but are currently members of the EU, with both currently enjoying the freedom to travel. However, Brexit changes this issue entirely so what will happen when the UK leaves the EU and potentially loses freedom of movement? We need to know whether UK citizens, including those in Northern Ireland, will have to apply for the ETIAS when crossing the Border. These proposals will also complicate the efforts to ensure, as others have commented on, there is no return to a hard Border. Senator Craughwell spoke about the 30,000 people travelling back and forth, and this would make things difficult in that common travel area. These are serious issues that we on the Joint Committee on the Implementation of the Good Friday Agreement need to address to ensure that regardless of the outcome, people are able to move in either direction without being impeded.

**Mr. Brian Gormally:** Some of the questions were brief but complicated. Looking at the Border counties and PEACE funds, there is a real problem as we do not know exactly what will happen. As far as I understand it, applications and so on are still being processed but the question of matching money, for example, is not clear. It would be very foolish to assume there will be equivalent money from the UK Treasury to that which went into the various funds that Northern Ireland and the Border regions, in particular, have been able to take advantage of. I share the members' concerns in that respect.

On the hard Border, it was suggested there are 26 other countries involved with that process. It is clearly one of the difficulties. On the one hand we do not know what the British Government is demanding but on the other hand we do not know what the EU as a whole will agree to. We are in a position of unknown territory in a way. It seems that whatever the feelings on constitutional matters, the island of Ireland has a common interest in having no hard Border. Some of the alternatives are equally unappealing, such as having an effective border along the Irish Sea, which would be between two parts of the UK. It is difficult to know how that is to be done. I suggest the interests of the people of Ireland and our perspective in supporting the peace agreement and the human rights element of that means there should be free travel across the Border, with no racist border on the island of Ireland. These are basic demands. Whether they should be progressed through the North South Ministerial Council is debatable but that is certainly a common interest of the people of Ireland.

None of the laws implementing the Good Friday Agreement will fall *per se*. In other words, the Northern Ireland Act 1998 was the basic legislative implementation of the agreement and it will not fall. However, there are references in it to EU law. The Assembly and the actions of the Ministers and Departments are constrained by EU law and they must obey it. There is no doubt that a "brick" in the infrastructure has been or will be withdrawn with unpredictable results. There will not be a direct domino effect in terms of legislation but it really is a problem. There is a specific problem with respect to citizenship. What about Irish citizens in the North who were born in Northern Ireland? Will they have EU citizenship rights in the rest of the EU? If not, we will see the introduction of two classes of Irish citizen. That is a real problem when talking about people who are not Irish citizens because they have been naturalised or by heritage in a kinship sense but because it is their birthright, as put in the agreement. If there are Irish citizens North of the Border whose birthright is to be an Irish citizen, yet they cannot access the same rights as those who are born in this jurisdiction, it seems there will be a big problem.

This may not entirely be in the hands of the Irish Government but it is a serious question. I am asking it not from a constitutional perspective but because of its underpinning the equality of citizenship as a basic element of the agreement. It is important.

I do not have knowledge of the pension issue, I am afraid, but it is an example of problems for cross-Border workers and so on. For example, at the moment we can access health care as EU citizens when on holiday or if working across the Border. There are bilateral arrangements between the two jurisdictions in terms of children's heart surgery in Dublin and particular things in Altnagelvin and so forth, but in general access to EU health care results from EU citizenship. This is a particular issue that may well affect cross-Border workers. There are arrangements for students, etc., but all of this is in the melting pot and will have to be worked out.

Dr. Alisdair McDonnell is completely right when he says that the Council of Europe and the European Union are two totally different systems. They are completely separate except for the fact that EU membership requires a country to be signed up to the European Convention on Human Rights. The EU Charter of Fundamental Rights incorporates the convention rights, but goes further in many respects. They are distinct but in a way connected. Dr. McDonnell is also quite right in that they are also connected in the minds of those who led the Brexit campaign. Some of them - not all - are among the protagonists in favour of repealing the Human Rights Act, developing a British bill of rights of unknown character and breaking the link between the domestic courts and the European Court of Human Rights. Our fear is that Brexit will embolden those who also want to withdraw from the jurisdiction of the European Court of Human Rights.

The question about the great repeal Bill is complicated. I attended a lecture by Daniel Greenberg, a parliamentary draftsman who worked with us on the model Bill for the implementation of the Stormont House Agreement. He said the more grandiloquent the Title of the Bill, the less that will be in it. It is now being called the "the Great Repeal Bill", so it is likely to say that everything stays the same. However, everything will not stay the same because EU law as it exists is of direct application in the UK. This is not just a matter of EU law being contained in UK legislation; the Treaties and the Commission's Directives have direct effect. We think the great repeal Bill should say that all existing EU law is to remain in force. However, such provision would not include the interpretation of EU law by the Court of Justice of the European Union or its modifications. That is, the way in which laws are living instruments in a sense will be brought to a halt, so that will have a dramatic impact.

The question of devolution is also important. Northern Ireland is the only jurisdiction to which employment law is a devolved matter - history of the old Stormont regime. It is not devolved to Scotland or Wales at the moment. It would, therefore, fall to Stormont to re-enact employment protections if they were repealed. The problem is that the whole devolution structure is provided for in law to an extent, but the power of the Westminster Parliament to legislate, even for devolved matters, is only restricted by convention and not law. Therefore, as stated by Dr. McDonnell, the Westminster Parliament could hold onto employment law and modify it although it is a devolved matter. Currently, employment law is devolved, so it is not a question of it being held in London to be re-devolved. However, the UK Parliament could legislate on employment law for Northern Ireland. It is only constrained by convention, so there is a danger that, even if we had a political consensus in the North to maintain them, all the protections in EU law could be taken away by the UK Parliament.

On freedom of movement, the Schengen situation is more advanced in that there is more freedom of movement within the Schengen area than there is in the common travel area. UK

citizens are outside the Schengen Agreement and, depending on what is negotiated, will not have the right to free movement because the right that accrues by virtue of EU citizenship will end. Again, where does that leave Irish citizens who were born North of the Border? How are we going to deal with that? This is one of the imponderables to which, I am afraid, we do not have any answers at the minute. Even if there is a special deal for Irish citizens born North of the Border, where does that leave British citizens born North of the Border who have the right to be Irish citizens? We do not want a situation where different rights accrue to the two forms of citizenship that are available to the people of Northern Ireland because that is a basic equality aspect, if one likes, to the agreement. The Good Friday Agreement basically says that there will be no second-class citizens. Primarily, it is designed to say Irish citizens will not be second-class citizens in the North, but are British citizens to be second-class citizens in the South or are Irish citizens born North of the Border to be second-class citizens in the EU?

It is a very complicated issue which we cannot solve with a stroke of the pen. This will take hard negotiation as well as an understanding of how basic these things are to the peace agreement that brought an end to the conflict and will depend on the extent to which the rest of Europe needs to be made aware of it in terms of the negotiations as a whole.

**Chairman:** On behalf of the committee, I thank Mr. Gormally for attending today and for his interesting presentation on the human rights implications of Brexit. I propose that we suspend for a few moments before our next session.

*Sitting suspended at 3.28 p.m. and resumed at 3.31 p.m.*

**Chairman:** We are resuming now in our second session. I am very pleased to welcome Ms Gina McIntyre, CEO of the Special EU Programmes Body, SEUPB, Mr. Shaun Henry, director of the managing authority and Mr. John Greer, head of unit of the joint secretariat of the Special EU Programmes Body. As I understand it, Ms McIntyre will give the opening statement. Is that correct?

**Ms Gina McIntyre:** Yes.

**Chairman:** We will hear from Ms McIntyre in her opening statement and then we will open it up to questions from the floor.

**Ms Gina McIntyre:** I thank the committee for the invitation to appear before it today. I am delighted to have the opportunity to update the committee on the development of the EU programmes. The role of the Special EU Programmes Body is to manage the EU PEACE and INTERREG programme funds in the region. We are also directly responsible for the grant-making of those programmes. The EU programmes have been implemented on a cross-Border basis for more than 25 years in the case of INTERREG and more than 21 years in the case of the PEACE programme, with €1.1 billion going to the INTERREG programme and €2.2 billion going to the PEACE programme. That includes the current allocations.

The significant impact of these EU cross-Border programmes cannot be underestimated. The benefits that they have had in the region are far-reaching beyond the financial contributions. I could not do justice to the impact of those programmes in these few minutes. Many hundreds of thousands of people have benefited from those programmes directly and indirectly. Cross-Border co-operation was taking place prior to the Good Friday Agreement and the EU programmes. However, the establishment within the Good Friday Agreement of the Special EU Programmes Body with an all-island remit enabled a co-ordinated regional approach to

cross-Border co-operation within the context of the EU programmes. The programmes provide financial support for a structured approach to cross-Border activity and establishing cross-Border networks and relationships. Undoubtedly, that may not have happened because of other pressures on public expenditure environments and competing spending priorities. When I talk about the region with regard to these programmes, I am referring to Northern Ireland, the six Border counties of Ireland and, in the case of the INTERREG programme, western Scotland, which joined that programme in 2007.

The PEACE programme was established in 1995 and was a direct result of the EU's desire to support the efforts being made on this island to build a peaceful and stable society in Northern Ireland. We have learned many lessons. The programmes have evolved and changed over the programme period in 21 years, the budgets have reduced and we have learned some lessons. In the PEACE III programme, which has just concluded and is in the process of closing, there are some key figures that relate to its benefits. A total of 200,000 people attended events that addressed sectarianism, racism and conflict resolution workshops; 44,000 attended events to assist victims and survivors; 7,000 people received trauma counselling; and 136,000 have so far enjoyed the very magnificent shared spaces that have been developed to create, build and foster cross-community links. The committee may be aware of some of those examples, such as the Castle Saunderson scouting project in Cavan, the Peace Link, a cross-Border and cross-community sports complex in County Monaghan, the Peace Bridge in Derry-Londonderry, and the Girdwood project in north Belfast, a new state-of-the-art community centre hub built on an interface area at the side of an old army barracks. It recently played host to the President of Colombia on short visit to the UK, who was very interested to hear about the benefits of the PEACE programme.

The INTERREG programmes throughout Europe offer support on a strategic cross-Border basis to create a more prosperous and sustainable region. They have a focus on the well established and recognised needs of border regions. Some of the projects funded in our last INTERREG programme included the North West Regional Science Park in Derry-Londonderry and also the extension of the Letterkenny IT campus. Those projects help to form cross-Border networks between local firms. There was also the refurbishment of the Drogheda viaduct and the upgrading of enterprise. A sum of €30 million went into a cross-Border health project entitled "Putting Patients, Clients and Families First", which assisted all of the residents in the eligible area to have access to quality health care.

Some of the numbers in INTERREG are also significant, with more than 120,000 benefiting from cross-Border support in areas of health, rural development, enterprise and tourism. A total of 3,500 businesses were assisted to promote innovation and creative activities, with 1,300 of those SMEs directly collaborating on cross-Border ventures. A total of 15,000 people have been involved in attending workshops to look at solutions to common problems in the Border area, such as joined-up delivery, improvements to service and access to services available. We also had a large telecommunications project funded, which linked Northern Ireland and Ireland with Canada, America and parts of Europe, and other projects examining renewable energy and environmental sustainability.

Part of our role in the Special EU Programmes Body is also our statutory role to advise the North-South Ministerial Council and finance Departments in negotiations with the EU Commission on future funding rounds. SEUPB was also asked to develop the 2014-2020 programmes by undertaking consultation with all relevant interest groups and stakeholders, taking account of the policy objectives of the EU and how best to fulfil the policy objectives of the

Irish Government and the Northern Ireland Executive by complementing but not duplicating those services and reflecting the needs of the target areas. In line with the Europe 2020 strategy, all programmes will focus on a narrow range of activities to ensure that the funding will bring about significant change in the region. The content for those programmes, therefore, has been agreed by the Northern Ireland Executive, the Irish Government, the European Commission and, in the case of INTERREG, the Scottish Government as well.

The result of the UK referendum on 24 June had an impact on the delivery of those programmes. I know that the committee is well aware of that impact. Many complex financial and legal issues had to be addressed. With the substantial assurance received from the UK Treasury in October and the work of the Irish Government and the Northern Ireland Executive, we are now in a very strong position and are making offers to projects that will last for many years to come. We have been issuing letters of offer over the past few weeks. I would like to take this opportunity to put on record our thanks to the Minister for Public Expenditure and Reform, Deputy Donohoe, and Minister for Finance in Northern Ireland, Máirtín Ó Muilleoir, and their officials who have worked so closely with us over these challenging few months.

The INTERREG VA programme, which we are now embarking on, is worth €283 million. It has four core objectives that we are funding. In the area of research and innovation, there is €53 million allocated to increase the capacity for cross-Border research within two target areas: health and life sciences, and renewable energy. There is a further €18.7 million to increase the capacity of 1,400 SMEs and micro-businesses in the region that are engaged in cross-Border research and innovation activity aimed at the development of new products, processes and tradeable services. Environmental initiatives will benefit from almost €85 million to protect and restore biodiversity and invest in the water sector, promoting cross-Border co-operation to facilitate the recovery of selected protected habitats and species and the development of common approaches to the management of the marine environment. A sum of €47 million is allocated to sustainable transport in order to provide support for greater connectivity between the three jurisdictions and to promote cross-Border, inter-modal and sustainable mobility in the region. Health and social care is also a prominent feature of this programme. A total of €63 million has been allocated to that. With cross-Border co-operation, we will see 50,000 benefiting from those essential services that we intend to support in the region.

The PEACE IV programme is worth €270 million and provides opportunity for continued EU assistance to help to address the peace and reconciliation needs of the region. The Irish Government played a pivotal role in securing the PEACE IV programme, which we are now implementing. It has four core themes, with a strong emphasis on supporting young people to develop their skills to contribute to a more cohesive society. Shared education has been allocated €35 million. The majority of schools in the region remain single-identity. The project will see 144,000 students engaged in direct and sustained curriculum-based contact between pupils and teachers from all backgrounds.

A sum of €37 million has been allocated to children and young people to form positive and effective relationships with others of different backgrounds. This will target young people aged between 14 and 24 who are disadvantaged, excluded or marginalised and who have deep social and emotional needs and are at risk of becoming involved in anti-social behaviour. We plan to fund at least eight capital projects to the value of €53 million, creating a more cohesive society through the increased provision of shared civic spaces and services. In recognition of the needs of those who have suffered in the trauma of the conflict, we are also allocating €17.6 million to the capacity of services to meet the needs of victims and survivors. It will add value by in-

vesting in cross-Border health and well-being services that develop proven expertise within the region and increase the capacity and the quality of care in the sector for victims and survivors and their families.

One of the successes of the previous PEACE programme was the involvement of local councils across the region. Initiatives to address local needs will be directly delivered through them, with almost one third of the programme being delivered in that way. We have invited local authorities across Northern Ireland and along the Border in the Republic to develop a local action plan for their area. They will consider specifically local needs in respect of shared services and spaces, children and young people and building positive relations. Each local authority has been given details of the indicative budget. For example, Louth County Council has been allocated €3.5 million and Monaghan County Council just over €3 million.

A sum of €16.4 million has been allocated for the objective of building positive relations at a regional level. This objective will support groups particularly impacted by the legacy of the conflict. The support will be used to fund up to 20 regional level projects that will result in meaningful, purposeful and sustained contact between persons from different communities. Our main priority is to ensure those programmes are allocated in full to good quality projects which will deliver on the objectives we have set out. There always have been challenges in the Border region and that is why we implement the INTERREG programme, and those challenges will be exacerbated in the context of Brexit in whatever form it may take. We will monitor that closely in respect of our projects to see if there will be an impact on their delivery because they have been funded for several years. We are also spending time on proactively undertaking work on future funding post-2020 and what we can do to see if we can remain involved in some EU programmes and minimise the impact of Brexit in the region in the context of EU funds.

**Chairman:** Before I open the floor to questions, I should have read the privilege notice. I must do so now because there are procedural issues.

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

I will take three questioners at a time.

**Dr. Alasdair McDonnell:** I thank Ms McIntyre who did well. She is playing a blinder and I urge her to keep going. I am hesitant because the body does so much good that it is almost unfair to ask her too many questions. What are the obstacles? What help does the body need from us individually or collectively? Has the referendum result affected its work? Has it added to the difficulty? What can be done about that? Ms McIntyre and her predecessors have done outstanding work, and my biggest fear is that it may come to an end with the current programme.

**Deputy John Lahart:** I also compliment the SEUPB. It has managed significant moneys down through the years. We could have our difficulties with the body at local authority level

trying to get projects across the line, but it is important to have an administration to ensure the moneys are well spent. I have often said that for many years along the Border we had our backs to each other, and when peace came, we faced each other. The human aspect of the various programmes the SEUPB has administered has ensured people have got to know each other across communities that did not engage for many years. This has helped to build on peace, prosperity and progress.

I have two questions which I have raised at the committee previously. There is an agreement between the two states to ensure peace, progress and prosperity continues. The uncertainty around the planning of projects the body has on its books and various local authorities and communities are seeking to develop is not helpful. How can we encourage the Chancellor of the Exchequer post-Brexit, if we are serious about peace on this island, to ensure the full moneys are ring-fenced to implement the programmes up to 2020 and beyond? How can we ensure the model to which Ms McIntyre referred post-2020 and the projects continue in support of peace as opposed to being outside the EU or being inside it?

The Taoiseach indicated in the Dáil last week that 17 projects have been signed off. We had raised the issue here. Ms McIntyre said the body has a commitment for funding up to 2020 but that does not seem to have come from the British side. Will she comment on that?

**Deputy Brendan Smith:** I thank Ms McIntyre for her presentation. Over the years, I have had a close working relationship with her predecessor and other colleagues of hers regarding the PEACE and INTERREG programmes. They have made a huge difference, especially in the most disadvantaged communities, both rural and urban. At times where public services did not deliver, be it at local authority or central government level, the additional help from these programmes gave these communities the necessary capacity to build projects and to develop facilities. Ms McIntyre mentioned two on my own doorstep - Castle Saunderson and the Peace Link sports centre in Clones. They are excellent projects with substantial funding which has been put to good use. Minister Ó Muilleoir presented us with a worrying commentary a number of weeks ago. He had not been given a commitment by the Treasury that funding would continue. In a subsequent conversation I had with him, he was concerned about whether the British Government commitment would remain. Deputy Breathnach and I had a Topical Issue debate in the Dáil with the Minister for Public Expenditure and Reform. He assured us there would not be any delay in having the necessary approvals issued.

Ms McIntyre might clarify the point she made about letters of offer because if there is any lacuna, vacuum or interregnum, it will weaken the resolve of communities to do all the homework necessary to prepare an application, never mind implement a project to bring it to fruition. We all know there is a huge amount of work involved in even trying to get to the starting blocks. I would be glad if Ms McIntyre could give a clear assurance that she has the commitments from the Northern Ireland Executive, our Government and the British that there will be no delay in having funding provided that is already agreed up to 2020.

**Chairman:** Somebody has a telephone or other device on. People are asked to put their mobile telephones on aeroplane mode or turn them off completely because they interfere with the recording system. The witnesses can divide up the questions in whatever way they wish to do so.

**Ms Gina McIntyre:** It is not often we get the chance to give good news but we do have good news in that regard. In its statement on 3 October, HM Treasury gave a guarantee that in terms of any project funded between now and the time of a Brexit, whenever that may be, the

UK share would be underwritten by the UK Government. There were a couple of conditions attached to that, in that projects had to be able to demonstrate value for money and they had to be in line with the region's priorities. Our projects do that. Seventeen letters of offer have been issued and all of them will be issued by the end of the week. Some of those projects run until 2021, 2022 and 2023.

In terms of the way we are addressing the projects, with the help of the officials from the Department of Finance here in Dublin and in the Northern Ireland Executive, the programmes are in place. The EU side of the money is in place for the Irish contribution. The Irish match-funding is in place. The Northern Ireland Executive has its match-funding in place and should the European Regional Development Fund, ERDF, element not be in place for the UK side, the Treasury will underwrite it. That has given us the confidence to be able to issue those letters of offer, which include that line to the effect that the UK Treasury will underwrite that. This is one piece of very good news because we see that funding as being as secure as it could possibly be. We will keep that situation under review. We will have to look at the impact on the projects and we intend to undertake evaluations and technical studies. The impact of Brexit is one aspect but also in regard to the projects delivering outputs for which they were being funded.

As a result of the referendum we have to keep this under review. We do not know how it will play out. We do not know what the terms of the Brexit may be but we will continually manage that and look to do whatever we can to mitigate any of the negative aspects that would come with that. That will involve talking to the people behind those projects and to the Departments involved in the policy areas to make sure that we do complementary work to them with a view to seeing what we can do to help the projects.

From our point of view, those projects we are funding at present are as secure as they can possibly be. The programmes are still in place. We have the necessary assurances in place to be able to issue those letters of offer. I totally agree with the Deputy that the projects have been delivered in disadvantaged areas with money that has been made available to those projects that would not have been able to be made available previously because of competing priorities. The EU programmes, and the establishment of our body, give a good regional approach to that.

I agree with the Deputy that those projects have delivered so much more than funding. I would say the mind border was opened for all those projects. They were able to face outwards from the region. We are also involved with other projects in regard to the transnational programmes and we direct organisations in Northern Ireland to engage with those programmes. The impact of and benefits from those are amazing, and that would be one of the great travesties of a Brexit, should it occur. Does Mr. Henry want to add anything further on the programmes?

**Mr. Shaun Henry:** No. The first question was about the current blockages within the programme. We are implementing the programme as planned now. We are getting in project applications. We are using a new abbreviated application process that everyone has signed up to. The assessments are under way and we are issuing letters of offer, so things are beginning to move apace now. As Ms McIntyre said, the conditions are now in place to allow us issue those letters of offer. We see both programmes being implemented on the ground and the evidence of those programmes becoming very visible over the coming weeks and months. There are no immediate impediments to us moving forward at this stage.

**Ms Gina McIntyre:** Mr. Greer might give one or two examples of some of the programmes we are funding within those 17 letters.

**Mr. John Greer:** Currently, we are assessing two applications under the shared education theme of the PEACE programme. This is something I feel particularly passionate about because essentially it is bringing together children at the point where barriers and predilections in terms of the way they think are often established. This is vital funding that will address 350 schools in the eligible region of Northern Ireland in the Border counties.

We are taking a call in the steering committee next week based on enhancing the innovation capacity within the area of life and health sciences within the Border region. We are currently assessing eight applications, which look at solutions in the area of precision medicine, advanced manufacturing for medical engineering and alternative energy. It is my personal opinion that Northern Ireland and Ireland have made significant steps in their economic development in recent years but there is still the need to continue to invest in those areas, particularly in areas of burgeoning technology.

It is also true that in border regions across Europe and the world, economic development tends to lag behind larger conurbations. One could say that the effect of a Brexit would be that those disadvantages to the Border region would be further exacerbated by any potential border so these investments become even more important in that context. The value of those investments will be in the region of €45.3 million.

It is important to mention the health investments that the Special EU Programmes Body, SEUPB, is managing. They have a value in excess of €50 million that will help 30,000 people in the eligible area of Northern Ireland in the Border regions to access health care in innovative care pathways.

Given the pressure the health systems around the world are under, this is a very important investment area in that the main thrust of these investments is to look at innovative ways to deliver care pathways to people in their homes through eHealth interventions and to maximise and produce economies of scale using the scarce resources we would all agree are present in the health care system.

**Ms Gina McIntyre:** We have commissioned some research ourselves. Across the family of the INTERREG cross-border programmes across Europe, be they cross-border, transnational or regional, there are many examples of programmes that have one member in and one member outside, but the member outside brings its own money to the table. We would need to make sure that we can secure the Northern Ireland share of the money to the table if Ireland were happy to engage in those programmes with us. We have commissioned some research to look at some examples of those, and we will share that and keep it under review.

**Dr. Alasdair McDonnell:** If the problems are addressed now, is there anything the witnesses need from us? It is a very blunt question. I would not like them to leave with a burning issue that Deputies Brendan Smith, Maureen O'Sullivan or Declan Breathnach could solve.

**Chairman:** No pressure.

**Ms Gina McIntyre:** The only thing we would ask is that the Northern Ireland Executive take the opportunity to seek UK Government funding for these types of programmes. The Northern Minister of Finance, Mr. Máirtín Ó Muilleoir and the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, are very alive to the issue and are working on it. It is also important for us to ensure the European Commission, when drafting its future programmes, does not put anything in that would rule us out, on whatever terms apply to Brexit. Given that

the INTERREG programmes are flexible in this regard, we are not directly asking for anything in this regard today.

**Deputy Maureen O’Sullivan:** My first question was on funding, but the delegates seem to be reasonably confident that funding is assured for the coming years. While there are many criteria regarding the selection and assessment of the selection, I wonder about afterwards. There is an incredible amount of funding going to a variety of places. Some have tangible results, such as the Peace bridge. For others in businesses or who are involved with children and youth, for example, is there evaluation and monitoring of value for money to ensure it is having the desired effect?

From my background I know when organisations get funding there is an expectation that it will continue. Is there space for new groups coming on for funding? Are there many applications regarding integrating the new communities or requests from new communities in Northern Ireland? We are considering a visit. While there are time constraints, it would be good to see one of the children and youth projects that receive funding.

**Mr. Mickey Brady:** The SEUPB was one of the bodies established under the Good Friday Agreement. In my constituency, Newry and Armagh, it has been instrumental in providing very welcome funding to many groups in deprived areas. We are talking about guarantees up to 2020, according to the British Government. Nobody in my constituency is under any illusions that a Tory Government will provide money to compensate for EU money that will be lost. We would be very naive to believe it for a moment. The Government has already cut the Executive budget by £4 billion and will probably cut it by another £4.5 billion in the next five years. After Brexit, might the SEUPB cease to exist as a body? Has it had any discussions? While I do not want to be too pessimistic, according to what we hear, Brexit will be a reality and people are telling us it will be a lose-lose situation for the British. Has there been any discussion on how the SEUPB, which does extremely good work, will continue after Brexit? There must be a cut-off point if Brexit is to happen.

**Ms Gina McIntyre:** There has been no discussion directly as to whether our body will continue. Given that we are commissioning this research and examining how Northern Ireland could remain involved in programmes dealing with issues related to the Border in particular, and that we have the regional reach, I personally believe we will be more important than even before. The issues regarding the Border and cross-Border co-operation will be so exacerbated and significant that we will want to find every possible way. Given that we are a cross-Border body, I see us as being ideally situated to do it. This is my personal opinion. We have not had any official discussion on it.

Our prime purpose over the past four months has been to ensure the current programmes are delivered and to start looking towards their future. When we complete the research, we see many opportunities and it is for the Northern Ireland Executive to ask for this money from the UK Treasury over and above the block grant to bolster the programmes. The programmes have been set with very deliberate outputs under the EU 2020 strategy. All the programmes are set in that way. We will undertake a suite of evaluations of value for money and qualitative aspects. Mr. Henry is in charge of the evaluation programme.

**Mr. Shaun Henry:** As Ms McIntyre said, one of the requirements under the programmes from 2014 to 2020 is that they must all have a very clear result orientation, which is a very clear idea of what we are trying to achieve, what change we are trying to bring about and how we will measure it. This is built into the programmes. We are in the process of drawing up a detailed

evaluation plan whereby every part of the programme will undergo independent evaluation and we will report on the impacts of the programme at a mid-term point in 2018 and again in 2022. There is a robust evaluative framework in place. One of the things we wish to gain from it is to learn how we can maximise the impact of the funding. We see it as an ongoing evaluative process.

Regarding new organisations, we make it our business to ensure everybody is fully aware of all the funding opportunities that are available within calls. We try to ensure as broad a base of representation in our programmes as possible. This morning, I attended a launch of a call around children and young people in Belfast which more than 150 people attended. While many of the attendees were from organisations we had funded, many were from organisations we had not previously funded. We are very much open to welcoming organisations that have not previously been in receipt of money.

**Ms Gina McIntyre:** We would be delighted to host a visit to one of our projects. Would Mr. Greer like to add anything about the new organisations or the type of organisations that are applying?

**Deputy Maureen O’Sullivan:** And perhaps the new communities.

**Mr. John Greer:** We are about to enter the second stage of assessing applications under the regional call. Within that, we have a number of applications which specifically address the new communities and nationals in Northern Ireland and the Border regions. As Mr. Henry and Ms McIntyre have already said, the programmes have evolved over their lifetimes and are a mirror of our society and the communities within our society. The presence of new nationals and communities and the challenges they face are reflected in calls.

**Deputy Declan Breathnach:** I did not comment on the confidence Ms McIntyre has given us today regarding the information she has. I firmly believe the Good Friday Agreement is a solemn agreement. Politicians and Governments come and go. I request that the information Ms McIntyre has given us be translated and transmitted to the Houses of the Oireachtas. I did not come here with any of the confidence Ms McIntyre displayed. From a Southern perspective, my clear understanding was that 17 projects were signed off up to the budget and would not progress further than that with no commitment. The North South Ministerial Council enshrined the importance of ensuring the moneys can be committed, certainly over a ten-year period. Nobody can plan unless there is a solemn agreement to protect the Good Friday Agreement.

**Deputy Brendan Smith:** I welcome the positive contribution of Ms McIntyre and her colleagues here today. They have removed the uncertainty that existed with regard to these programmes. As I said earlier, the last thing we want is for uncertainty to set into the work of community groups. Business, commerce and trade interests along the Border have enough uncertainty as it is. We will have uncertainty until Britain’s membership of the EU actually comes to an end. The lead-in period is going to be difficult for everybody, but it will be particularly difficult for those involved in trade, commerce and business.

I would like to ask Ms McIntyre about the funding of capital projects and revenue projects, which is a distinction that used to be made in central government Departments and at local authority level. Capital projects involve the provision of new bricks and mortar facilities. The revenue side involves the funding of ongoing programmes of support in areas like child care, health, education and community endeavour. Ms McIntyre mentioned that some projects will continue beyond 2020. Is it expected that such projects are more likely to be on the revenue

support side than on the capital side? Is there an expectation that capital projects will need to be completed before 2019 or whenever Britain leaves the EU?

As a representative of two rural Border counties, I have worked with Ms McIntyre's colleagues since the PEACE and INTERREG programmes were first established. These programmes have been and continue to be of huge benefit to many urban and rural communities. They have built capacity in communities and have given communities that were not previously getting assistance from central or local government the confidence to do things. In many cases, the quantum of money was important but not as important as the assistance to help a community group to get a project moving along.

I am aware of facilities that were developed by great projects in counties Cavan and Monaghan and are being used day and night to a huge extent. They would not have been developed without the PEACE and INTERREG programmes and the initiative of certain people. Albert Reynolds as Taoiseach in 1994 worked with other people in the North and the South to get the EU to support these projects. Mr. Alasdair McDonnell's party was hugely supportive of this very innovative and ambitious initiative in the European Parliament at the time. Thankfully, there has been a huge return to communities, individuals and families on the work and investment of the Irish and British Governments and the EU, from which most of the investment has come.

**Chairman:** I invite Ms McIntyre to respond to Deputies Breathnach and Smith and to make any concluding remarks she may wish to make.

**Ms Gina McIntyre:** I would say we are positive. We are as positive as we can possibly be in the circumstances of the uncertainty that is facing us at some point, as we all know. We do not know when it will be. The conditions that are in place at the moment allow us to provide this funding. As a result, we have the confidence to allocate letters of offer. This matter needs to be kept under constant review. At the end of 2018, we will review whether anything has changed and whether we need to make any specific changes in this respect within the programmes. We will keep all of this under review.

The positive message is that we are now able to make full allocations to the programmes as a result of the assurances that have been received from the UK Treasury and the commitment of the Northern Ireland Executive and the Irish Government to get us to where we are today. I would say that a mixture of these projects will be left behind after 2020. Some letters of offer run up to 2021 and 2022. While they are probably all revenue projects, we envisage that many capital build projects within the PEACE programme will also run past 2020. All of that is taken into consideration when projects are assessed and when Departments approve funding for those projects.

We share the committee's views regarding the benefits of these programmes over the years. In the time available, I could not begin to acknowledge those benefits. I could provide some figures to give an idea of the quantum, but I could not over-emphasise the qualitative impact of the cross-Border work that has been done in these projects as a result of the provision of EU funding in this region.

I would welcome the members of the committee if they were to come and meet those involved in some of our projects at any time. Some of them probably meet people involved in the great work that happens in these kinds of projects every day. I thank the committee again.

17 November 2016

**Chairman:** On behalf of the committee, I thank Ms McIntyre and her colleagues for being here today, for making their presentation and for all the work they continue to do. We will definitely follow up Deputy Maureen O'Sullivan's suggestion that we should visit one of the projects.

The joint committee adjourned at 4.15 p.m. until 2 p.m. on Thursday, 1 December 2016.