

DÁIL ÉIREANN

AN COMHCHOISTE UM

FEIDHMIÚ CHOMHAONTÚ AOINE AN CHÉASTA

JOINT COMMITTEE ON THE IMPLEMENTATION OF THE GOOD FRIDAY AGREEMENT

Déardaoin, 9 Márta 2017

Thursday, 9 March 2017

The Joint Committee met at 3 p.m.

MEMBERS PRESENT:

Deputy Declan Breathnach,	Senator Frances Black,
Deputy Fergus O'Dowd,	Senator Mark Daly,
Deputy Maureen O'Sullivan,	Senator Frank Feighan.
Deputy Brendan Smith,	

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

DEPUTY KATHLEEN FUNCHION IN THE CHAIR

Implications for Good Friday Agreement of UK Referendum Result (Resumed)

Chairman: We have received apologies from Deputy Sean Sherlock, Senators Gerard P. Craughwell, Denis Landy and Niall Ó Donnghaile, Francie Molloy, MP, and Pat Doherty, MP.

The joint committee is continuing its examination of the implications of Brexit for the Good Friday Agreement. Dr. Duncan Morrow, lecturer in politics and director of community engagement at Ulster University, will speak to us about the implications of Brexit for peace building and reconciliation, communities and identity in the North.

Deputy Fergus O'Dowd: There is a meeting of the sub-committee of which I am a member. There is also a meeting of the Joint Committee on Housing, Planning, Community and Local Government next door. I offer my apologies for having to leave.

Chairman: That is fine. There are a number of members who will have to leave early.

Deputy Fergus O'Dowd: Thank you.

Chairman: On behalf of the committee, I thank Dr. Morrow for coming. We appreciate him being with us and look forward to hearing from him. We will hear his opening statement which will be followed by questions and answers.

Members, guests and people in the Visitors Gallery should please ensure their mobile phones and tablets are switched off completely for the duration of the meeting as they cause interference with the recording equipment, even if left in silent mode.

By virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by it to cease giving evidence on a particular matter and they 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 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.

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 outside the Houses or an official, either by name or in such a way as to make him or her identifiable.

I again welcome Dr. Morrow. We look forward to hearing his opening statement.

Dr. Duncan Morrow: Thank you. I am very privileged to have been asked to come. To quickly give the committee some background information, I was chief executive of the Community Relations Council in Northern Ireland for ten years. I am currently at Ulster University as a lecturer and director of community engagement. I have produced an outline paper which I will not read as it is too long and I understand I only have five to seven minutes before questions are taken. If I go over the time allowed, I apologise in advance.

It is hard to exaggerate the level of achievement the Good Friday Agreement represents and the effort that went into it. People need to be really clear that it did not come from nowhere; it came from engagement on quite important and difficult historical issues and was ratified in a popular vote. It led to serious changes in the Irish Constitution and legislation.

In spite of the fact that the system of devolution has been relatively stable since 2007, it is still fragile in 2017. In 2010 there was a crisis over policing that led to the Hillsborough Agreement; in 2012 and 2013 there were flags protests; in 2013 and 2014 there were parade issues; in 2013 there were the Haass negotiations; in 2014 there was the Stormont House Agreement; in 2015 there was the Fresh Start agreement and this year there have been new Assembly elections. The situation remains very fragile, particularly in the North. In the middle of all this the Brexit decision in the referendum in the United Kingdom is a really significant act. The two most difficult aspects of it are, first, that it is a unilateral act in a context where the Good Friday Agreement was a joint and consensual agreement of which all of its bits were to fit a part and, second, it puts in question many of the issues in Northern Ireland. Uncertainty represents a really serious challenge in the context of the fragility that exists in Northern Ireland.

There are a number of things I will talk about beyond that. I was asked to speak about the implications for the Good Friday Agreement. Unilateralism in the context of the Good Friday Agreement and uncertainty are both really serious and significant issues, all of which have potentially very major knock-on effects in a context of fragility.

In terms of the referendum, the Northern Ireland turnout was relatively low. Participation was unusually high in middle class areas such as south Belfast and north Down. In west Belfast and Foyle, it was the lowest in the UK. It took a long time to catch fire in some of the republican heartland. North Antrim is the only constituency in Northern Ireland in which more than 60% voted to leave. All the constituencies touching the Border voted to remain. That leaves us with a number of specific issues. Something to reflect on is that public debate was relatively muted in Northern Ireland. The strongest media warnings about the implications of Brexit for peace and reconciliation came from the Taoiseach and former British Prime Ministers who have a personal stake in the Good Friday Agreement.

I looked at the Good Friday Agreement in detail to see where peace and reconciliation touches on it in a very specific and direct way. Reconciliation is at the centre of the whole deal. It is in the preamble and starts the whole event. I picked two phrases from the first three paragraphs. The first is, “We firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all.” The second is, “We are committed to partnership, equality and mutual respect as the basis of relationships within Northern Ireland, between North and South, and between these islands.” The questions this raises are at a fundamental level part of the issue. We will get practical but this is very fundamental. How far does Brexit represent a unilateral change to the concepts outlined, in particular mutuality and partnership? What does it do to the Good Friday Agreement? What is the status of it? To what extent is Brexit coming at reconciliation from outside and not taking it into account at all? Where there are incompatibilities, does reconciliation in Ireland have to be accommodated to Brexit or can Brexit be accommodated to reconciliation as it impacts on Northern Ireland? The question of the priority of those two things is absolutely central here.

There are also a number of areas, which I have outlined, that are really significant in terms of specific issues, one of which is the citizenship arrangements. The citizenship arrangements outlined in the Good Friday Agreement were unique and radical. There is a commitment to “recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.” That means that for all the people who live in the territory of Northern Ireland, there is an ongoing citizenship interest in

the European Union. The European citizenship of all the citizens of Northern Ireland remains, which is a complex and unique circumstance.

The Good Friday Agreement says the North-South bodies are integral so we cannot abolish or unilaterally change them without unilaterally changing the other institutions because they are interlocking. The interlocking principle is significant and important.

It also says the North-South Ministerial Council will consider the European Union dimension of relevant matters so Brexit will have direct consequences for that. The agreement says the North-South Ministerial Council will consider it, “including the implementation of EU policies and programmes and proposals under consideration in the EU framework.” What is the status of those elements of the agreement following Brexit? It seems to me to be very specific in terms of the future of the North-South bodies.

There has been a discussion about the language of special status. The only issue at stake here under the agreement is the question of status not specialness. The agreement makes provisions “[I]n recognition of the Irish Government’s special interest in Northern Ireland and of the extent to which issues of mutual concern arise in relation to Northern Ireland”. I will not go into it in further detail apart from saying the specialness of Northern Ireland is already present in the agreement. It is not a new concept; it is already present in the agreement.

There are a number of specific elements here which are of particular importance. Security co-operation is highlighted as a specific issue. One of the most complicated issues around Brexit is the way in which Brexit is presented by those who support it as a way to bring national security by strengthening borders. I should be very clear that I am not one of those. The Good Friday Agreement operates from the exact opposite principle, which is that security is created by cross-Border co-operation and by inter-state action. The implications for security of a cross-Border-based security in the context of a strengthening Border are also of direct importance.

The more complicated elements of the agreement for inside Northern Ireland are parity of esteem and equality. It says “the power of the sovereign government with jurisdiction there [the United Kingdom] shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights ... and of parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities.” In the context of Brexit and what it means in terms of aspiration, ethos and so on, there is a question about how it interacts with and is affected as a result of this.

The Agreement makes explicit and direct reference to the central role of the European Convention on Human Rights but the convention remains formally untouched by this particular Act because it belongs to the Council of Europe rather than the European Union. There are political issues in the background around the future of the convention which need to be retained in mind.

May I speak for another three minutes?

Chairman: Yes.

Dr. Duncan Morrow: I will outline some of the implications for peace and reconciliation, identity and political stability in Northern Ireland and on the island of Ireland. Uncertainty over crucial issues always poses risks in societies where division is deeply rooted and stability is fragile. Brexit has potentially uncertain implications for identity, borders, equality, parity of esteem and cross-Border relationships in Ireland and hence for the political, economic and se-

curity well-being of Ireland and Northern Ireland in particular. Whatever happens, it will touch on those issues. It cannot be understood without understanding and touching on those issues.

Two dimensions pose particular difficulties. First, the unilateral nature of the Brexit decision means that the central elements of British-Irish partnership and the cultural and social equality that underpins co-operation in Northern Ireland are raised. Second, as a result, reconciliation in Northern Ireland appears to be a second-order consideration for the UK in light of Brexit. It has not factored in, in any detailed way, the ramifications of the decision for Northern Ireland and the island of Ireland.

British-Irish was the alternative to British or Irish in the Agreement. That is clear from the citizenship arrangements. The unresolved question is: has this been unilaterally abandoned? The result is a climate of uncertainty which, in and of itself, is complicated. Since we do not know what Brexit will involve, the discussion about it is problematic simply because of the uncertainty. I find myself in the position of being caught between needing to raise an alarm without wishing to be alarmist but it is critical that we begin to get something under the floor of this now because the uncertainty surrounding it is a problem.

I have outlined six possible options which still appear to be possible. They include, a hard border implemented against the will of Irish nationalism, so a unilateral act that would create a hard border or it emerging from either EU or UK law; a soft border, which represents a deviation from mainstream UK practice, unsettling unionism; an articulated Brexit, which is what the SNP wants, where we would have different Brexits for each part of the United Kingdom with different regional implications for the UK; special regional status for Northern Ireland on the Good Friday Agreement model, including a special and permanent role for Ireland; a fifth option, which is not currently on the table, that Ireland would leave the EU; and a sixth option, Northern Ireland as secondary unplanned collateral to the priority of other agendas: an agenda taker, not an agenda maker, with the sense of us being a bubble in the middle of a sea where we will be the small part that we represent in numbers. I do not want to go through those options in detail other than to refer to them.

There are fundamental assumptions about the Good Friday Agreement. The issues of sovereignty and personal and community identity are very clearly separated in the Good Friday Agreement. It now appears unclear as to how they will now be put forward. This unique formulation has allowed the question of the Border to recede from the politics of Ireland since 1998. An open Border facilitated close co-operation and gave reality to the aspiration of the Agreement to vindicate the multiple and complex identities of Northern Ireland. Brexit, especially where it disrupts the practical experience of Irish or British identity or the equality extended to both, creates doubts and uncertainties about the compact at the heart of the Agreement.

The evidence of the Northern Ireland Life and Times Survey has been about growing Irish identity but also a willingness to accommodate that within Northern Ireland. The evidence of divided societies everywhere is that the implications of unilateral decisions for identity and cultural issues may be more specific and potentially dangerous in the long run than the specific economic questions. Therefore, we also have to address the cultural and social questions.

There is the issue of uncertainty and the Brexit decision being an unilateral decision. Another significant issue is that divisions over Brexit within the Northern Ireland Executive have so far disabled the devolved institutions as vehicles for representing these vital interests with any consistency or coherence during negotiations. There is a real problem. I was talking about this outside the committee room. The requirement for reconciliation is to find common ground.

The implication of Brexit is that we will be pulled apart. That gives right to the question of how do those things go together.

After Brexit, Northern Ireland will remain a unique territory in the United Kingdom where all citizens retain the ongoing right to Irish citizenship, and hence to citizenship of the European Union. The issue of protection of citizens and citizen rights within the United Kingdom on a sub-territorial basis therefore applies on a unique basis to Northern Ireland and will give Ireland a special status within one part of the UK which does not apply anywhere else.

The geographical distribution of support for Brexit is significant in Northern Ireland. Support for Brexit is strongest in Unionist-supporting areas outside Belfast and weaker elsewhere. In both Scotland and Northern Ireland, where the majorities were against leaving the EU, this has reopened the most contentious question about the sovereignty of the UK. In the Northern Ireland Assembly elections last week, in four of the five constituencies touching the Border, four of the seats are now held by nationalists. That means that the Border will run through those areas which are most firmly nationalist and the imposition of that Border will have significant issues.

Closing Border crossings is another specific issue. The symbolic importance of State visits in recent years has been very important. We need to be mindful of to what extent would Brexit compromise that.

The future of North-South bodies, the customs implications for agriculture, food and services are necessarily uncertain. Trade and economic integration have been understood as critical contributors to peace-building and disrupting that would create a problem.

Security and policing co-operation has been one of the most important aspects of the Good Friday Agreement. The recent Fresh Start agreement established further cross-Border working with regard to organised crime. While everybody remains committed to the rule of law, and it is important to say that, the potential for this pillar of the agreement to be undermined by Brexit is considerable, especially in the case where smuggling and-or cross-Border crime escalates or the Border requires a reinforcement of the physical presence of security forces, including customs officials and immigration officials in large numbers. Any deterioration of community relations in Northern Ireland is likely to have security implications on the Border. Funding is an obvious issue, including the long-term potential of EU funding.

I was asked for practical solutions. The language of special status for Northern Ireland is already present and stated in the Good Friday Agreement. It could be argued that not to recognise special status would be a breach of that Agreement. What is clear is that Northern Ireland's concerns for stability and a continuing and seamless expression of Irish citizenship and identity require a unique answer and focus. To date, most of the debate on Article 50 has focused on establishing a new basis for economic and trading relationships. Given that Brexit raises significant issues of identity, freedom of movement and reconciliation for Ireland, I would like to see Ireland asking for a specific strand of the Brexit negotiations designed to deal directly with the protection of the Good Friday Agreement as an element as of the EU negotiations in 2017. I do not know how that would happen but I would like it to see it being addressed as a specific issue and for it to be seen as an important sub-stream and not as not simply as an add-on. The Good Friday Agreement foresaw an ongoing civic element to public life in Northern Ireland. Given the disabling of the political element, it is important to find as many civic contexts within which those issues, at a very practical level, can be addressed, whether they be in the context of business, agriculture, tourism, infrastructure, education, community or culture. As a first step,

would it be possible for possibly the Irish Government or the European Union to commission a detailed study into the potential implications of Brexit for reconciliation which would set a bottom line. The gap between alarm and alarmism will only be filled by some evidence and some moving into that space, which identifies that these are the specific issues. My view would be that we should draw on and talk to political and civic sources but also identify quantitative and qualitative issues which may impinge on reconciliation and stability in detail. This could provide an important early document indicating in detail what these concerns are about and would give a basis for a conversation which can then be negotiated.

Chairman: Thank you, Dr. Morrow. I invite the members to put forward questions. I call Deputy Breathnach.

Deputy Declan Breathnach: I thank Dr. Morrow for his presentation. The good wine was kept until the end. It is the first time I have heard the suggestion he made in all the discussions that have taken place. That is the key point I will take from what he had to say. When we were in Brussels during the week, we heard that Ireland has a dramatic position in the EU. The EU started out as the European Economic Community, EEC, but, as I have stated here previously, that acronym should refer to “extraordinary exceptional circumstances”. If we consider the modern period of the EU, there have been extraordinary and unique circumstances. As a Deputy who represents a party that is not in government, I was a bit sceptical at the outset of the process of civil dialogue, but, to be fair, the process has been exceptional. With the exception of what Dr. Morrow said at the end of his contribution, the process of identifying the strands, the threads and issues have been dealt with. We should take on board what he has said with respect to setting up a process to make sure that there is a reconciliation because that is what community is about. That is what this whole process is about. It is about people.

On foot of my visit as part of a delegation to Brussels this week, I am confident that in the triggering of Article 50, while not happy with the British situation, the issue of the Good Friday Agreement and the understanding Brussels has of it and the peace process, will be recognised from the outset as soon as this article is triggered. The sooner that happens, the better because it has created a vacuum. Dr. Morrow spoke of uncertainty; a vacuum creates uncertainty.

I thank Dr. Morrow for his presentation and support his comments. As I have stated on previous occasions, I lived through the Troubles and the peace process. I also remember when Ireland was not a member of the European Union, as will most of the older people present. The economy will suffer if there is any indication that communities may not engage. It would be a retrograde step to unravel the process of engagement, North and South. Much of this engagement and the work local authorities and communities have been doing along the Border have gone unsung.

Yesterday the heading in my local newspaper referred to the division of the diocese of Armagh. I had not thought of the implications of Brexit from the perspective of religious structures. New issues arise daily. While I do not wish to interfere in the political process in Britain, I do not believe the British realise what is coming down the tracks.

Senator Frank Feighan: I am pleased to welcome Dr. Duncan Morrow whose path has crossed mine on many occasions. I thank him for the work he has done on his important submission. Many of my colleagues and I have been travelling from one meeting or conference to another to discuss Brexit. I thank my colleague, Deputy Declan Breathnach, for acknowledging the work done not only by the Government but also by all parties and Members of the Oireachtas and the Northern Ireland Assembly. The circumstances in which we find ourselves are not

of our making. I am not sure those who advocated Brexit were sure of what they were fighting to achieve. Nevertheless, we are in a difficult position and must deal with it.

Dr. Morrow appears to believe special status for Northern Ireland is included in the Good Friday Agreement. The Anglo-Irish Agreement, for which the former Taoiseach, the late Dr. Garret FitzGerald was responsible, was a stepping stone to the Good Friday Agreement, which is a wonderful agreement. The European Union should view Northern Ireland and the island of Ireland as a successful project. It has provided billions of euro and acted as a driving force for peace. While we are grateful to the United States and the United Kingdom, in many ways the European Union was the unsung hero of the peace process. Our membership of it was very important and the Union underpinned many of the peace programmes of the past 20 years.

Dr. Morrow spoke about state visits. I recall the Queen's highly significant visit to the Republic in 2011. A remark was made that we had taken our relationship with the United Kingdom very casually before that time. For example, despite the United Kingdom being our largest trading partner, the British Irish Chamber of Commerce was not established until 2011. Ireland probably had joint chambers of commerce with France, Germany and other countries long before we had one with our biggest trading partner. The Queen's visit broke down many barriers. I was in the United Kingdom during the President's visit where I met many Irish people who expressed great pride. My father was one of those who emigrated to the United Kingdom. While I can understand the historical baggage involved in a presidential visit to the United Kingdom, why did it take so long for a President to visit Britain? Will Dr. Morrow elaborate on his statement that Brexit could affect state visits?

I have heard a view expressed that Ireland may have to leave the European Union. That is wishful thinking on the part of some of those who voted for Brexit. It will not happen and should not be part of the discussion. The European Union has been good to Ireland and we will remain a committed member. If only two members of the European Union were left, Ireland would be one of them.

Dr. Alasdair McDonnell: I thank Dr. Morrow for his comprehensive submission. While I have come to expect high standards from him, this is one of the most comprehensive documents I have read on Brexit. It would be remiss of me not to express my appreciation of the outstanding work Dr. Morrow has done on various fronts over the years. No one deserves more credit than he does for showing 24/7 commitment to peace and reconciliation. It is difficult to find a question to ask because the presentation covered so much ground. Dr. Morrow has thrown a powerful spotlight on the issue of peace and reconciliation. He is correct - I plead guilty in this regard - that we have all been panicking about the economic consequences of Brexit which are the primary issue for most people as they try to earn a living. Other issues which some of us have raised intermittently are very much secondary and Dr. Morrow's work on the issue has pushed them much further up the agenda.

We squared the circle with the Good Friday Agreement. My personal impression is that we achieved what was virtually impossible. Many benefits and consequences have flowed from the Agreement, but the dilemma is that there has been a complete failure by a new generation of mainly conservative politicians in Britain to grasp the full extent of the peace agreement or settlement or the impact of Brexit on the North of Ireland, the Republic and reconciliation in Northern Ireland and, in the broader sense, the three strands of the Agreement. In many ways, they are in total denial. I echo Deputy Declan Breathnach's comment that they are not sure what is coming. No one can be sure because the issue remains open.

My question is as much political as academic. I was lucky to be able to ask two questions of the Brexit team as it is difficult to ask a single question of it. One of my questions was on the subject on which Dr. Morrow focused, namely, how the issue of consent, the basis of the Good Friday Agreement, would be factored into Brexit. I also asked if the United Kingdom would commit to ensuring consent would be a central issue. The reply was gushing but the more gushing the reply on some of these issues, the less credible it is. I have many chats in the corridors of Westminster, for want of a better description, and much of what I hear is wishful thinking that does not always stack up.

To return to the Good Friday Agreement, are gushing reassurances worth anything if the articles of the Good Friday Agreement are not being implemented, for example, if a cross-Border body, IntertradeIreland, is not allowed to function either because it breaks down or some of our Northern brethren do not allow it to function? The problem is that we can discuss theory which is good at providing a backdrop and a framework in which to operate, but there is also a political dimension. How do we persuade the British Government that there are issues for us when its concept of Brexit is largely confined to the south east of England and does not even extend to the north of England? Therefore, how do we hold only what we have got? How do we sustain the reconciliation we have got? How do we sustain the bit of trust we have got out of the Good Friday Agreement?

Dr. Duncan Morrow: There are a number of questions, which I will try to answer. Personally, I think the gushing stuff is catastrophic because it is delaying us getting to the nub of the issue. It would be better if, in a non-alarmist way, we were extremely matter of fact about the issues in regard to the Good Friday Agreement. This is why I am suggesting that, in short order, somebody is asked to take six months to go through the issues and potential risks in detail, so these can be central to the debate.

I am concerned about two things. First, either Northern Ireland is collateral to Brexit and, therefore, is essentially ignored or, second, it is peripheral and is treated as a secondary issue, and it does not come up early enough. My real concern is not to say this is necessarily going to be the worst of all possible worlds but that it is urgent that we get serious about what are the issues. We need to drill down past reconciliation in general to those things which make for reconciliation, and consider what it would do if that strut is taken out. There is now a real need to be serious and matter of fact about that and not gushy at all. Everything gushy which tells me we are going to have a common travel area and it is all going to be fine strikes me as uncertain and, in fact, creates more uncertainty for all of us because it does not even give us the range of what we are negotiating. I personally want it to move to being matter of fact so people can start speaking to me about what the real risks are.

Speaking personally, I think there is some evidence that the UK Government and the Conservative Party regard the agreement as an agreement for Ireland, not as a watershed in British-Irish relations - perhaps this is not fair as a whole, but that is my view. Therefore, they see it as an external thing, not a hugely radical change in the way the United Kingdom relates to Ireland, which it is, in my view. It is the most radical document that was ever produced and it has in many ways upended British-Irish relations from a fundamental default of enmity to a fundamental default of partnership. If we have taken partnership out, then that has significant questions for all of us. We cannot go on pretending that is not serious. We have to work through what is the new partnership, how Ireland feels about being forced unilaterally into a renegotiation of these fundamental issues and how we are going to renegotiate these. We have to get serious about that.

In practical terms, two weeks ago I was speaking at the Centre for Cross Border Studies conference and, prior to speaking, I met representatives of a number of community organisations which had worked along the Border. I had a lot to do with this kind of work in terms of supporting community activity in the years while I was on the Northern Ireland Community Relations Council. I heard about the implications for some of those people who had spent literally the last 15 to 20 years building up the things which had been really significant in their quality of life, for example, Protestants in County Cavan who felt they had been entirely isolated and who felt this agreement had opened things up with their neighbours and had created much freer circumstances for them. It is not a one-way street. What happens to those things? Do these things matter in Brexit? Are we going to maintain that intimate level between towns and villages such as Lifford and Strabane? Speaking about Brexit when one is in Derry is quite a dramatic event because, essentially, one is putting back something which has been extremely important to people and which is family, because Inishowen is family, as is the Newry-Dundalk Border area. These are human issues, not simply political decisions about economies. They are real issues where real questions are reopened. We have to be serious about all of that part too.

In regard to state visits, it is not so much state visits for me. The issue that is really at hand is that, in all of the crises in Northern Ireland, the British and Irish Governments have been the necessary backdrop to the crisis by upholding the notion of partnership and that this will be fulfilled within the principles of the agreement. I am very worried about any potential risk to that. I am concerned that the need to assert independence from the European Union will make it more complicated in regard to allowing a EU state to be engaged directly inside Northern Ireland. The importance of the British-Irish relationship to stability in the North and in the North-South relationship is not peripheral; it is central. Therefore, changes in that diplomatic level really matter for us at a very specific level.

I have forgotten Senator Feighan's other question.

Senator Frank Feighan: It was on the state visits.

Dr. Duncan Morrow: State visits are symbolic. For example, in 2002 the devolved settlement effectively collapsed internally in Northern Ireland and it took five years for it to be resurrected in any form. Essentially, British-Irish co-operation during that period, exactly as in the period of the framework documents and in the current period, was critical. Therefore, anything which interrupts that is critical. At times during the flags protest and during real tensions around significant issues, the changes in the British-Irish level have been evidence of change for us when it has been complicated inside Northern Ireland. This is a complex agreement. If Brexit has any effect on that, we need to know what it is about.

The Good Friday Agreement was a comprehensive agreement. We need to identify what has changed in the relationship between Britain and Ireland and what are the consequences of that for Northern Ireland. Above all, it disables the Northern Ireland Executive. The Northern Ireland Executive can agree some practical issues on Brexit but when it comes to the way in which it promotes those ideas, I believe that will become increasingly difficult to manage over the next two years and, in the end, that is the framework within which all of the comprehensive issues have to be agreed. Those issues are not just economic and also involve questions of identity, citizenship, local relationships and security. It does not do me any good to pretend that this blank box does not create uncertainty and resentment.

I will finish on an issue which is talked about in the press, so I am not pre-empting anything. If, in the end, there is no deal and everybody walks away, if it is the hardest possible outcome,

then, for Northern Ireland, that means the imposition of a hard border through an area in which 80% of the elected representatives are Nationalist. How that is enforced, who enforces it, what it does to the police and what it does to the stability of the Northern Ireland settlement, I have no idea, and I am certainly not going to speculate. However, what I am telling the committee is that it does not seem to me like a process that is leading us towards reconciliation; instead, it seems to be upping the ante. It would be extremely important for somebody to see that in advance and to begin to get that at the centre of the negotiations. This is certainly the case from the Northern side but it strikes me that, given Border communities suffered for years from economic marginalisation within Ireland, the return of a border which puts them back on the margins rather than in the centre is also a problem for the six Border counties.

Mr. Mickey Brady: I thank Dr. Morrow for his presentation. One of the fundamental issues, of course, apart from the desire to trigger Article 50, is that the Tories themselves do not seem to know how they will progress at this point. If we look at the current crisis in the North, the lack of parity of esteem has been one of the major factors in bringing that about, apart from RHI.

As someone who represents a Border constituency, I absolutely agree with Dr. Morrow's analysis on a hard Brexit. The people of my generation remember a hard border, and I am talking about the time before militarisation in 1969 and 1970. I believe that, deep in the psyche of people of my generation, it would be asked what the Good Friday Agreement has been all about because this would bring us back to the 1950s and 1960s, when there was a hard border. That needs to be addressed. Dr. Morrow mentioned the special status being almost an integral part of the Agreement and an articulated special status in terms of the SNP. Does he think those unanswered questions could be sorted out through the federalisation of the UK?

A retail analyst recently said on the radio that, for instance, Tesco Ireland can ship goods anywhere in the Thirty-two Counties at the moment but if Brexit resulted in a hard border, every product on the lorries would have to be itemised to establish where they were made. That would make life impossible. Therein lies part of the difficulty.

Dr. McDonnell referred to gushing responses. I visit Westminster on a regular basis and speak to all the parties. There is a deliberate desire not to understand the complexities of the situation in the Six Counties. One only has to look at who has been sent to oversee the process - Mr. Brokenshire and Mr. Chris Hopkins. I have not met Mr. Brokenshire but I have met Mr. Hopkins. There is a total lack of understanding of the situation. The fear for many of us is the North will be used as a bargaining chip in the Brexit negotiations or not properly considered and that we will not be very much an integral part of the negotiations because we had a First Minister who went against the democratic deficit apparent in the vote in the North. We are not all in it together because, as Dr. McDonnell said, it is all about the south east of England; it is not about the North and farmers. Jeffrey Donaldson was telling us before the referendum that he had spoken to George Osborne and it would all be hunky-dory. Out of every £100 small farmers in my constituency get, £87 comes from Europe. That will all be replaced. George Osborne is no longer in office and we have no guarantees. It is a big issue.

Deputy Brendan Smith: I thank Dr. Morrow for his detailed paper. As Dr. McDonnell said, he laid out the huge issues facing the entire island and the EU. He mentioned the community groups he met at the cross-Border study centre. I have witnessed the impact of Brexit, particularly on SMEs in the Border region, because of currency fluctuation. That uncertainty has kicked in. I attended a conference recently where an economist said we had time to prepare for Brexit but we do not. It has had an adverse impact already. People who had plans for

expansion in the agrifood sector in my area have put them on the back burner because of the uncertainty regarding trading arrangements and currency fluctuation.

The Ministers for Public Expenditure and Reform and Foreign Affairs and Trade and the Northern Ireland Minister of Finance, Mr. O'Muilleoir, appeared before the committee to discuss funding for INTERREG or PEACE programme cross-Border studies and so on, and, along with other committee members, I made the point that there is a significant lead-in period for these programmes and a great deal of preparatory work needs to be done by applicants, be they community groups or statutory agencies at local level. The lack of knowledge and the uncertainty about funding for these programmes post-2020 has knocked the morale and the stuffing out of some community groups that should now be conducting feasibility studies and preparatory work and that is a problem. Dr. Morrow referred to a good study on the potential implications for communities throughout the North and the need to have a better message about longevity and an assurance about continued funding from Europe and both Governments. The INTERREG and PEACE programmes are 85% funded by Europe with the remaining 15% provided by the national Governments. Damage has been done in this regard.

Dr. Morrow said the Agreement will be discarded. It is most unfortunate that the importance and the centrality of the Agreement did not feature more in the referendum debate, which was more about pounds, shillings and pence. Who is not guilty of going that road? There is more concern and awareness about this than there was a year ago. First Vice-President of the Commission, Mr. Timmermans, attended a joint sitting of this committee and the European affairs and foreign affairs committees and, in fairness to him, he made strong statements about his understanding of the importance of the Agreement. He said it was an iconic agreement of which the EU should be proud given it played an important role in it and it is also an international agreement lodged with the UN. It will be frightening for democracies if an agreement lodged with the UN, which was voted for overwhelmingly throughout the island - 94% in the Republic and more than 70% in Northern Ireland - is discarded. That was the first time we had the opportunity to vote on one question on the one day since 1918. Surely there is huge merit in us advocating the importance of the Agreement and the fact that it was overwhelmingly endorsed by the people with the two sovereign Governments as co-guarantors and that it was lodged with the UN. We probably have to focus more to that and ensure it is not discarded. The comments of Vice-President Timmermans were some of the best I have heard from any person outside the island regarding the Agreement. Mr. Hilary Benn and some of his colleagues understood the importance of it when they appeared before the committee.

Dr. Morrow mentioned the civic element of public life in Northern Ireland but, regrettably, the civic forum was not re-established. The current and previous chairmen of this committee have made a huge effort to invite groups before it from Northern Ireland that believed they had nobody representing them and they were given a forum here. I am sure they will continue to be given that. Dr. Morrow has presented an exceptionally good paper. Many issues have to be of concern to us. It is not easy for us to provide the answers. We can outline what lines cannot be crossed. I am delighted he has focused strongly on the importance of ensuring the Agreement is not diminished in any way. During the previous Dáil, Senator Feighan was the chairman of the committee and Dr. McDonnell and Mr. Brady were in attendance at meetings where we highlighted the fact that the potential of the Agreement was not being maximised. Now we are trying to batten down the hatches and retain what we have.

Deputy Declan Breathnach: I referred to the process of civil society dialogue and the various fora and sectors feeding into it. The clear message from Barnier and Verhofstadt key people

in Brussels, is that a political solution is needed. By the time Article 50 is triggered, hopefully, what Britain wants will be clearer. By then most of the problems in each of the sectors probably will have been identified. The clear message from the two officers I have referred to was that they want to see us coming up with practical solutions. We have got to move to that phase fairly quickly. There seemed to be an unequivocal expression that it is up to Ireland - and I am using the phrase on a Thirty-two County basis - to come up with practical solutions. We need to move into that phase. We will obviously meet a lot of opposition from the British Government. However, I think it would be true to say that they have never experienced anything like the number of people who are visiting in delegations North and South, putting their case. They seem to be very keyed-in on the issue of peace and the importance of the Good Friday Agreement but they want the practical solutions.

In terms of what Dr. Morrow said earlier about the process of the reconciliation issue and the impact on communities, we are all talking about the business sector. Maybe we need to focus more on the community.

Dr. Duncan Morrow: There have been many important points raised. To answer Deputy Brendan Smith, the issue at the heart of this is that the Brexit discussion was largely carried out on an economic basis but it goes to the heart of relationships and fundamental relationships are critical to creating stability around which economics can happen. My concern in terms of the Good Friday Agreement is that we have not been serious about examining what damage could be done to relationships. The experience of fragile political communities throughout Northern Ireland, which is nothing if not a fragile political community, is that "Events, dear boy, events" are what cause the damage, particularly if taken by surprise by these things. These things move at a remarkable speed once they start to escalate. Nobody wants it. It is extremely clear nobody wishes it. What worries me is that if we do not pay attention to it, it will catch us unawares. All of a sudden there will be a border, and people will react in different ways to that or discussions will be conducted under very extreme circumstances. We need to get ahead of this now, stop the gushy language that has been mentioned and instead become really quite serious about this.

To be quite serious about it, what are the consequences of a hard border? We may be able to negotiate an alternative to a hard border. However, one potential scenario might be that there is a very highly policed frontier, precisely where a hard policing frontier is what is resisted by the population. Another possibility is it is not policed, it is abandoned and so becomes a kind of smuggling zone, an area of lawlessness. Neither of those are desirable from anybody's point of view. What are we putting in place as an alternative to these two scenarios that would make sense in terms of identity? It is not just about whether Ireland needs to come up with solutions. It is urgently important as part of Brexit that the nature of that Border is discussed in order to avoid those potential consequences, not just to talk about freedom of movement of goods. It is very important, particularly to the communities living beside that Border.

While I do not have the exact number of people who commute daily to do some or all of their business in the other jurisdiction, in Donegal, in Derry, in Louth, in south Down and so on, there is certainly a kind of integrated economy which moves across that Border. What happens to those specific areas and the communities in them? That community dimension at first instance is economic but the outrage about it becomes non-economic and turns into a political grievance. There is no simple boundary between the economic and the grievance. The critical thing is that this does not become another ground for grievance. Northern Ireland was historically described as the factory of grievances. We have done quite a lot of work trying to avoid and reverse that. I want to make sure that any potential for that is headed off early rather than

too late, because trying to deal with it once the horse has bolted is worse.

There are two elements to that. One is that it should not be added on at the end with deliberate ignorance, as was mentioned earlier. I do not know if that is true but what I do know is that we cannot afford it to be such ignorance. I am concerned that the fear of Brexit in Northern Ireland, for which there is no consensus, will prevent solutions to this issue emerging in time or at all. Those of us who see this as potentially occurring need it identified and somehow put onto the table in a way that people can begin to practically move forward on it.

In regard to the importance of the European Union, I very much hope that it is a central element of what the EU does. The European Union will maintain a citizenship interest in Northern Ireland potentially for all of its citizens after Brexit. Potentially every single person born in Northern Ireland will remain an EU citizen. The EU does not, any more than Ireland, actually exit the citizenship protection rights on that part of the territory. I am not sure that the legal, constitutional and civic implications of that have been fully worked through. What does that mean? Does the European Union, through Ireland, have a specific interest in protecting its citizens in Northern Ireland or does it not? What would be the case if there were a hard border scenario with British, Irish or both in a hard border? I agree it is potentially exaggerated. Everybody just says no, it will not happen, which is exactly what I do not want to hear. It is not that I hope that it does happen; it is that I think we need to look at what happens in different circumstances in a more matter of fact way. It could potentially be necessary to obtain a visa on an Irish passport if one is travelling from Dublin Airport to one's home in south Down. That is an absurd scenario and it will not occur but I do not want that exploited by people who start talking about fears. I absolutely think we need to have it named and we have to get it off the table. We have to name it not to put it on the table but to get it off the table, because it is in the practical, at the community level and at Northern Ireland level, that this starts to fuel the factory of grievances. It is in the practical that we have to be serious about it.

Today is an opportunity for me to say the implications for reconciliation are very important. It is not a question of trying to be alarmist or trying to exaggerate. It is a question of trying to say that unless we begin to imagine what the potential issues are, they will creep up on us, they will catch us unawares and they will be serious.

Dr. Alasdair McDonnell: Deputy Breathnach raised a point as to what Britain wants or defining what Britain wants. For the benefit of colleagues, my interpretation of what Britain wants, which I have tried very hard to figure out, is that it wants to maximise the benefits of an association with the European Union but not to have any financial or legal responsibility or accountability. Britain wants to escape its financial and legal responsibility but wants to try to retain the benefits. It is in that context that we have to get our heads around this, both in this committee and everywhere else, in Northern Ireland, in the Republic or wherever. We need to pick up on what Dr. Morrow is telling us because there are 100 little land mines sitting there waiting to explode and all that is going to happen is that we will wait until somebody trips over one and then we will not be prepared for it.

I do not want to overdo it and without trying to make an emotional point, I reiterate that much of the view of the British Government on Brexit is that of the south east of England. It is not even London, it is the south east minus London. London is pro-Europe and those who live and work in Europe are, and remain, pro-Europe. However, there is an attitude, and it is unfortunate, that the sane members of the Conservative Party have allowed themselves to be dragooned onto a Brexit agenda for the sake of peace.

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That is the current position. Britain wants as much as it can get out of Europe for as little responsibility as possible. That is the message coming through every discussion and debate.

Chairman: Thank you. What was excellent in the presentation was the practical suggestions. That is welcome and refreshing. Obviously, we have been dealing with Brexit since last year but specifically in the last number of months because we will be compiling a report on it. It is helpful for us to get practical suggestions, particularly the first point Dr. Morrow made about the special status. It is very welcome and I thank him for that, his document and his presentation today.

The joint committee went into private session at 4.20 p.m. and adjourned at 5.05 p.m. until 3 p.m. on Thursday, 23 March 2017.