

DÁIL ÉIREANN

AN COMHCHOISTE UM

FEIDHMIÚ CHOMHAONTÚ AOINE AN CHÉASTA

JOINT COMMITTEE ON THE IMPLEMENTATION OF THE GOOD FRIDAY AGREEMENT

Déardaoin, 1 Meitheamh 2017

Thursday, 1 June 2017

Tháinig an Comhchoiste le chéile ag 2.15 p.m.

The Joint Committee met at 2.15 p.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Declan Breathnach,	Frances Black,
Fergus O'Dowd,	Mark Daly,
Maureen O'Sullivan,	Frank Feighan.
Brendan Smith.	

Teachta / Deputy Kathleen Funchion sa Chathaoir / in the Chair.

Implications of Brexit for the Environment: Discussion

Chairman: Apologies have been received from Deputies Sean Sherlock and Tony McLoughlin and Senators Gerard P. Craughwell, Denis Landy and Niall Ó Donnghaile.

I welcome our guests from Northern Ireland Environment Link, a networking forum and body for organisations interested in the natural and built environment of Northern Ireland. The delegates are Mr. Seán Kelly, developmental manager; Diane Ruddock, external affairs manager; Ms Rebecca Hunter, living seas manager, Ulster Wildlife; and Mr. John Martin, conservation team leader. I hope I got all their titles correct. They may correct me if I have not. Also present is Mr. Michael Ewing, representing the Environmental Pillar, which represents NGOs that work together to represent the views of the Irish environmental sector. They are all very welcome. Some of them will make opening comments, after which we will take questions from the floor. We will take a number of contributions together.

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 this committee. However, 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 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. Ms Ruddock is going to commence with her opening statement. We will then take questions.

Ms Diane Ruddock: I thank the Chairman and members for their warm welcome and invitation to come and address the committee. I extend an apology on behalf of our Northern Ireland Environment Link chairman, Mr. Patrick Casement, who was to be here but is unfortunately unable to join us. The Chairman has given a very good introduction of Northern Ireland Environment Link. We are pleased to be here today to represent our constituent organisations. Both as individual organisations and collectively as the Environment Link, we work very closely with the Environmental Pillar on strategic cross-Border issues. We are very pleased to be joined today by our colleague, Mr. Michael Ewing, co-ordinator of the Environmental Pillar. I am pleased to share this opening statement with Mr. Ewing.

We are here at a critical and interesting moment in the history of these islands as we all prepare for the implications of the United Kingdom leaving the European Union. Our starting point is that Northern Ireland shares much more than a land border with another European country. In environmental terms, the island of Ireland is a single and distinct biogeographic unit. That has implications for all of us. We have common seas, common fish stocks and common river catchments with rivers flowing across the Border in both directions. We have a common and distinctive flora and fauna. Like water and air, plants and animals do not recognise any

border. We share a significant number of designated sites protecting internationally important species and habitats.

Since our entry into the European Union, Ireland - North and South - has benefited from the common framework of EU legislation and directives and related structures to harness co-operation and protect nature. In doing so, many communities, individuals and communities of interest have been brought together to work together in the common cause of looking after our nature and environment. The United Kingdom's departure from the European Union raises many questions of potential inconsistencies in protecting and managing the environment on both sides of the Border. The committee will have received our briefing paper, which highlights some of these potential issues and also looks at the possible opportunities that we need to seize in the future in order to strive for even better outcomes for our shared environment.

A healthy, thriving and well protected environment underpins the health and economic well-being of our society. We very much hope today will be the start of an ongoing and constructive dialogue with all of the members of the committee. In particular, we ask them in their roles to do all that they can to ensure the safeguarding of the environment is fully taken into account in the wide range of negotiations that are to come. We also ask them to press for appropriate cross-Border structures, mechanisms and funding streams to be either put in place or to remain in place where they currently exist to ensure our nature, land and sea is handed on to future generations in better conditions than they are in today.

I hand over to Mr. Ewing for some further comments.

Mr. Michael Ewing: I thank the Chairman and the committee for taking the time to listen to us. The Environment Pillar is an advocacy coalition of 28 national environment organisations in the Republic. We work closely on cross-Border methods, as Ms Ruddock said, and sustainable development generally. That is where I want to start my brief introduction. I also invite the committee to a conference on Brexit and the environment on 16 June in Dundalk. We will send the members actual invitations in due course. If they have a space in their diaries for that date, they will be very welcome at the conference. It is being co-organised by the European Parliament Office in Dublin and our colleagues in Northern Ireland. It is open for discussion on the environment and Brexit.

The environment tends to be talked about in isolation, but it is not in isolation. Quite clearly, the environment is totally connected to us, well-being, economy and society. Without linking the three together, whatever discussions the European Union has with the United Kingdom has no real long-term meaning unless it puts those three things together. I suggest the way this might be done is through focusing on the sustainable development goals, which both the European Union and the United Kingdom have signed up to and must deliver on by 2030. As the committee knows, Ireland played a very leading role in the development of these goals. Therefore, we have a particular responsibility to ensure that they are delivered upon. Historically, the European Union has been a great driver of environmental legislation. I would not be exaggerating to say the Irish Republic would not have had much legislation on the environment but for the European Union. In that context, the United Kingdom has been a great driver of some aspects of European environmental policy, particularly in the area of climate policy. In some ways, losing the United Kingdom is going to affect the way in which policy is developed in the European Union, on the climate in particular. One could say that there will be an unbalancing of the positions within the European Union.

EU environmental legislation comprises a vast number of pieces of legislation, as men-

tioned in the document we sent the committee. I will very briefly swim through a couple of them: nature conservancy, water, air, waste, general environment, agriculture, fisheries, marine, pesticide, GMOs, food, animal health and plants. Those are just general areas. The list of actual legislation is huge. We can see the way in which the United Kingdom is planning to deal with all of this. It is to develop a great repeal Bill and transfer everything into British law overnight. However, much of that law is encompassed in statutory instruments rather than primary legislation. One of the examples of that is the water framework directive, which is obviously something we are very concerned about in Ireland. Yet, in the UK that is only tied to a statutory instrument and the United Kingdom's commitment to it could be wiped out overnight by the decision of a Minister without any debate at all.

Where does this leave environmental law and environmental *acquis* and what impacts will it have on the environment generally? Article 1 of the Lisbon treaty introduced two things of particular significance: a precautionary principle and a polluter pays principle. These two things underlie all European legislation and laws around sustainable development. They were further strengthened under the Irish Presidency in the seventh environmental action programme. These are fundamental. What is going to happen to them when the United Kingdom is no longer a member of the European Union? How is that going to impact on legislation and on trade dealings also?

We ask that key institutions within the European Union that are not necessarily to do with law but provide great support for protecting the environment, such as IMPEL, the EU Network for the Implementation and Enforcement of Environmental Law, should be maintained despite the departure of the United Kingdom. In terms of international law and in terms of protection on the larger scale of strategic environmental assessment, SEA, up until now we have had the SEA directive, which gives us the mechanisms for dealing with some cross-Border issues, particularly the land Border between Northern Ireland and the Republic. It is very significant. Now, the only thing that remains to co-link us on that is the SEA protocol, which is a much more diluted piece of international law and is aspirational rather than forceful. We also have the Espoo convention which provides for trans-boundary impact assessments which the United Kingdom has been very poor at implementing in the past, as we can see in the proposed nuclear power plant, which it did not bother to consult the Irish people about even though it should have done.

I am coming to the end of my opening statement. The Brexit process should be operated in the manner provided for by the Aarhus Convention, a convention providing for human rights, access to information, participation and justice with regard to environmental decision-making. Brexit is about decision-making on the environment. If we look at the REFIT of the nature directives that went through the European parliamentary, commission and council processes, it was decided that European law was fit for purpose. The big problem is the implementation of European law across the European Union. It is also a problem in the Republic and in the North as well, as it has been. What is going to protect the law in the North after the UK leaves? Where is the European court and where is the European Commission going to be? We argue that the European Court will still have a role because of the trade arrangements that will be made, which will have an impact on environmental law. The court would then have a role in settling disputes.

It is essential that we continue with the greening of the EU programmes, particularly the CAP programme that is up for review, which should be greened. I ask the committee to take forward to colleagues in the Dáil and the Seanad what the members have heard from us if they

consider it to have been worth hearing. I also ask them to take it forward to the leader of the Brexit negotiation team from the Republic, Mr. John Callinan of the Department of the Taoiseach.

Deputy Brendan Smith: I welcome the visitors for the discussion of this very important subject. When one engages in general conversation on Brexit, the environment is not the first issue that comes up. This has to be of major concern. We all think of trade, tariffs and borders, and that is where the general dialogue on Brexit takes place, but I am glad the delegates accepted the committee's invitation to attend to outline the many issues which have to be of concern and which will arise on foot of Brexit. Ms Ruddock referred in her introduction to 650 pieces of European Union legislation, and that demonstrates clearly the huge complexity in relation to environmental issues. We have often discussed in committees, in the Dáil and the Seanad the huge disadvantage our agrifood sector will suffer as a result of Brexit. In Northern Ireland, 87% of farm income comes from direct payments from the European Union. A very sizeable proportion of farmers' incomes comes from the same source, namely, direct payments totally funded by the European Exchequer.

We have discussed at length the possible adverse impacts on the agrifood industry, but one of the reasons the State can export food to 161 countries is the quality of our production. Northern Ireland would be very much the same. It is the quality of our farming practices on the land, the processing of the final product and the environment in which our raw material is produced, be it reared cattle or other raw material. We often underestimate the fact that one of the selling points for our food sector is the good environment in which our food industry is based. Anything that damages the provenance of Irish food would be extremely damaging to the sector and the broader economy.

During the previous Dáil, I brought forward legislation as an Opposition Member calling for the establishment of a cross-Border crime agency to deal with issues pertaining to smuggling, general thuggery and criminality associated with a small element along the Border. I was thinking in particular of the washing of diesel and the subsequent dumping of sludge on our farmlands and adjacent to drains and rivers. If that material gets into our grass and water systems, it will do huge damage to the good name of our food industry. Anything that is negative about the environment is negative for the food industry and other sectors also. The Government did not accept my Bill which was voted down, but there was a subsequent agreement to introduce some measures between the Northern Ireland Executive and the Government on cross-Border arrangements to deal with that type of criminality. I thought we had moved on somewhat from a situation where diesel washing was prevalent but I read recently that sludge had been dumped in County Louth, unfortunately.

We must all send the message that any lessening of the attention that has been given on an all-Ireland basis to the protection of the environment will be detrimental. Whatever new arrangements emerge, no funding streams should be lost. Lakes and rivers ignore boundaries. We are all familiar with rivers flowing north or south and lakes that divide parts of Ulster. That is the message the witnesses have sent and the one the committee will impress on the Government with the very important issues that have been raised for our consideration today. One of the many advantages for the economy is the environment. I thank the delegates for the presentations.

Deputy Declan Breathnach: I will try not to be repetitive as Deputy Brendan Smith has covered a great deal of this. I thank the delegates for attending and raising the profile of environmental issues. I was looking at the documents last night and could not help but think of

the phrase in the context of a 32-county Ireland that only the rivers run free. They run free in the context of the issues which have just been raised and which we need to address. I look forward to the delegates coming to my town of Dundalk on 16 June. I have already put that event in my diary. It puts matters in context in terms of the opportunities to acknowledge that the air, seas, marine life, flora and fauna know no boundaries. Most of County Louth, believe it or not, is in the Neagh-Bann River basin catchment. I served the area for a considerable time at local authority level and I am acutely aware of the importance of this. I will not focus on diesel laundering, but I note that it remains a serious cause for concern. In itself, it highlights the sensitivity of the movement of water in that catchment where there has been a danger North and South to the supply of water.

There should be opportunities in a post-Brexit scenario to explore further the various geoparks which know no boundaries. I refer in particular from my constituency perspective to the need to approach collectively the environmental issues in the Gullion-Cooley-Mourne area. It is probably similar in the Marble Arch-Cavan area. It is surprising we do not have an all-Ireland pillar to deal with the issues we are discussing. Will the delegates comment on the need to strengthen links between local authorities and to strengthen the various bodies in a post-Brexit situation? I refer for example to the British-Irish Parliamentary Assembly and the North-South Ministerial Council and enabling them to deal with the issues the delegates raise. People must become more aware of their responsibilities and the need to ensure funding streams for the protection of the environment, North and South, are maintained. There must be common ground, not difference, in our legislative approaches. If there is not common ground, I fear, as Deputy Brendan Smith said, for the integrity of our food products. It is important in recognising environmental issues to have compatible approaches and ongoing co-operation to ensure both the North and the South sing from the same hymn sheet.

Ms Diane Ruddock: I thank the Deputies for their positive comments. I suggest Mr. Martin comments on agriculture support, while Mr. Kelly might follow up on the North-South institutions question.

Mr. John Martin: I thank the Deputies for their positive comments also. The agrifood industry is obviously very important to the North also. It employs more than 100,000 people, a sizeable number given a population of 1.7 million. It is our largest employing industry and contributes approximately 6% to 7% of our GDP. As such, its significance to the North is similar to its significance to the South. I agree with what was said about the provenance of food, which is important, but I set out a challenge in that regard. While there is a perception that food which comes from Ireland North and South is clean and green, if one scratches the surface in certain areas, there is a definite impact that agriculture and agrifood have on the environment. A group of environmental NGOs and organisations from across the United Kingdom have produced a report entitled "State of Nature 2016", which highlights the fact that the intensification of agriculture, driven through unsustainable agricultural policies, is one of the things that is causing major biodiversity decline, impacting water quality and contributing to climate change. However, it also said that the targeted use of agricultural subsidies through things like the agri-environment options scheme, AEOS, can be one of the major solutions to some of these challenges. As Northern Ireland and Britain plan to leave the European Union, as a group of environmental NGOs we will push for a sustainable land-use policy to replace the CAP. We have long been critical of the CAP, although we realise it plays a significant role in providing income for farmers. Obviously the 87% figure from 2013 to 2014 is key; however, we believe taxpayers are not getting the best bang for their buck with the Common Agricultural Policy. We fully believe that if we change the nuance of that policy to one that delivers public money for

public goods, it can deliver for the agrifood industry, the environment and society as a whole.

The CAP was recently consulted on and there was a check on the CAP in a similar way to the check on the EU nature directives. The nature directives REFIT process found that while these directives, encompassing special protection areas, SPAs, special areas of conservation, SACs, and those things that protect our most precious landscapes constituted really important legislation and were doing the job, more could be done in terms of how they are implemented in certain places. Similarly, regarding the CAP, a recent living land campaign received 250,000 responses from citizens across Europe to the effect that they wanted the CAP to do more for the environment. There is a shift in European thinking towards the CAP doing more for the environment. From a national point of view in the United Kingdom, there is an opportunity for us to reframe that subsidy as something which delivers public money for public goods and which is good for farmers and the agrifood industry. However we must all work together to try to get to a place where we feel that it will do so. At the minute, we believe the environment and agriculture are being treated as two separate policy areas whereas there is definite opportunity for those areas to weave together and to provide something that can deliver for both.

Mr. Kelly will now speak about constitutional issues.

Mr. Seán Kelly: I again thank members for their warm welcome and comments thus far. In terms of speaking with a single voice, our approach has been to look at all avenues we can to try to get a single message. That is why we have been looking to various bodies such as the North-South Ministerial Council, the British-Irish Council and the British-Irish Parliamentary Assembly. We have addressed some of these bodies before. They recognise the importance of the environment and those structures are in place. That is one mechanism through which we wish to keep the environment high in the consciousness. Of course, we have also been taking part in the Taoiseach's initiative on civil dialogue and so on. We have been contributing to it and will continue to do so.

In terms of a single voice, Northern Ireland Environment Link has also been working with our counterparts in England, Scotland and Wales because when Brexit arrives, there will be questions that will affect us all. What will it mean for the environment? What is the framework? What will it mean in terms of the great repeal Bill? What will be devolved? We have to work to get our heads around those various mechanisms on some of which there is more information than others. We must also decide what our message will be in terms of the environment and what we would like to see.

Of course, just as Europe's environment is not the same from one side to the other, there are variations at the level of Great Britain also. We are working towards the idea of a shared environmental framework. Given that we are the only part of these islands that shares a land border with another EU member state, our argument is that the framework must go further. That is why we are looking at, to use a much used phrase, not only the North-South but also the east-west dimensions. That is why, in terms of speaking with a single voice, we see this island as a single biogeographic unit, as Mr. Ewing noted earlier. We have mentioned the shared waterways, the marine, the designated sites, the invasive species problems, the migratory species and so on. That is something we want to do. We want to pull this framework together in order that our respective organisations based in Belfast, Edinburgh, Westminster and Dublin will have a framework to enable us to go forward and state what is required for the environment. There will of course be some regional variation in that as well. It will not be the exact same or a carbon copy. We will be saying that at Westminster also. There may be an overall frame but we must be able to feed in what is best locally. That is very much why we are here today and

why we are working in co-operation with Mr. Ewing and the membership of his organisation. We believe in bringing together one joint message and we will try to flesh that out a little more at our event on 16 June.

Deputy Brendan Smith: Mr. Martin referred to an NGO report. Was that in regard to Britain and Northern Ireland?

Mr. John Martin: Yes. It did not include Ireland.

Deputy Brendan Smith: I was hoping it was not applicable to our State because I would disagree with it if it was. The Common Agricultural Policy has some deficits but it has been a hugely successful policy overall. It should be borne in mind that it was the first common policy of the European Union. The European Union was established after a period of rationing of food in Europe and the CAP was established to supply a secure supply of safe food for the citizens of Europe. In fairness, it has succeeded, although there is plenty of room for improvement. Furthermore, farming practices in the South are not intensive; they are extensive. In the debate regarding intensive farming, we must ensure that we do not reach a situation where we would do desperate damage to the environment by importing food from South America, where there are not sustainable farming practices, to replace reduced food production in Europe, where it is sustainable. We always need to bear that in mind. We could debate issues around that for several days but it is important that we maintain the good standards applicable at farm level and in the food sector throughout the country.

Mr. John Martin: To come back in on that point, the CAP's original intention was to feed Europe. I suppose the challenges have changed. During the last iteration of reform, some of the major challenges within rural development were to prevent further biodiversity decline, to help society adapt to climate change and to improve water quality. These are all things towards which agriculture contributes. I would not say agricultural production in the whole of Ireland, North and South, is extensive but it depends on with where it is compared. If it is compared with some of the lowland areas of Germany, France and other areas like that, it is a lot more extensive. However, that is not to say it is without environmental impact.

I agree with what the Deputy said, the CAP could do more. It needs to go a lot further before we can say that it is a sustainable agricultural policy. In Northern Ireland the CAP is worth £350 million a year in single farm payments, as opposed to £100 million over five years for agri-environment type payments. I know the budget for agri-environment payments is a lot greater in the South. We feel that meeting those challenges of biodiversity decline, helping society adapt to climate change and helping to improve water quality are all things that will benefit the public and the industry.

The Deputy rightly said we do not want to reach the stage where we have to import more food from less sustainable sources. That will be one of the major challenges with regard to some of the conditions that the UK Government may or may not put on trade. We will not get into trade today because I am in no way an expert in that area but it is clear that if we are able to support our own farmers in a way that helps them to be as sustainable as possible, we will not end up having to externalise environmental costs to other countries and we will help farmers and the environment locally.

Mr. Michael Ewing: Just to say to Deputy Brendan Smith that one of the concerns we would have is that, although there has been a move within the thinking around the CAP to move towards more greening over time, with the absence of the United Kingdom feeding into the

overall budget, the CAP budget will be slimmed down next time around. I refer to the Republic in this context, as it will be a totally different equation in Northern Ireland after the Brexit procedure finishes, if it ever gets there. We are very concerned that the actual budget provided for CAP should be very much focused on greening, rather than generally the way it has been historically, which has been very important for social reasons in rural Ireland. I live in rural north Roscommon and as I am from a farming background, I know what it is all about. The greening process needs to be pushed further along. As I said, people have paid public funds for public goods. As a republic, we need to watch out for what is happening in the CAP talks to make sure that this happens in reality with whatever funds are available once the United Kingdom leaves.

Senator Frank Feighan: Mr. Ewing and I are neighbours and many years ago, when environmental issues were not to the fore, he was always involved in these matters in north Roscommon and Leitrim. Therefore, it is nice to see him here today. We could dine out on Brexit for the next five years. Most of us have been at conferences for the last year and a half and it is nice to see the witnesses pushing an issue that has not been to the forefront. We have talked about agriculture and hard borders and education and financial and pharmaceutical tariffs. This divorce will be messy. What the delegates are doing, rightly so, is articulating the serious environmental issues on the island of Ireland and that is a voice that has not been heard. I think they are absolutely right. The Republic of Ireland is one of the 27 EU negotiating countries and we are going to be dealing with a very difficult situation. As far as my links to the United Kingdom go, I do not think that the political establishment, even now, has fully grasped the seriousness of the situation. I have dealt with fishermen in Killybegs who are very worried, as well as with farmers and exporters. The delegates are trying to make sure we as a committee make sure our negotiators among the 27 are acutely aware of the environmental implications of Brexit.

The delegates are right, the island of Ireland is a single geographical unit and has to be cared for in a consistent and co-ordinated way. Yesterday we had the Supreme Court decision to the effect that the ban on asylum seekers seeking work is unconstitutional. That will add another issue to the free travel area because it complicates things. In the next few months and years there will be many complicating factors and our job and that of the witnesses is to ensure their voice is heard. They are going about it the right way through the Government and this committee. There is an awful lot more work to be done across Europe in all of the other 27 countries and I know that the delegates have links there to make sure this very serious issue is addressed.

I thank the delegates for their statements. There are many competing forces and I hope I will not be seeing too many people in the next two years because this is going to go on and on and on. It might be self-indulgent but I would like to thank the Taoiseach, the Government and especially our negotiators, who have done a wonderful job in articulating the issues. I know that the delegates forked in through those very professional contacts to get their views but it is nice to hear it at this Joint Committee on the Implementation of the Good Friday Agreement. I do not think the European Union has got full credit for its huge role in the Good Friday Agreement and in the peace process. We thank President Bill Clinton and the United States but the European Union has provided continuous funding through all the structural programmes and has brought peace. It is no harm here today to acknowledge the role of the European Union and what it has done for the Good Friday Agreement.

I thank the delegates for bringing up issues of which I was not aware and it is nice to know about them. The people who will be making these decisions are our negotiators and we have to carry this up through the Government to the negotiators through the EU 27, to make sure the delegates' voices and ours are heard.

Deputy Maureen O’Sullivan: I will be brief. I apologise, as I had really wished to be present for this topic, as the environment does not get very many headlines. However, I was in the Chamber and this is the earliest that I could attend. I do have all of the correspondence, however. I acknowledge that the delegates’ voices must be heard, particularly in this very fragile world in which we live and when there is so much undermining of environmental and climate change issues. I have to hand all the briefings and will get to read them. I thank the delegates.

Senator Frances Black: I thank the delegates for their attendance. Both Brexit and climate change are very worrying issues. I have a special connection to the North because my father comes from Rathlin Island. I am very conscious of all of the work in which the delegates are involved in the RSPB, the National Trust and farming and I have strong connections to all of it. This should be a priority in the Brexit negotiations because climate change is extremely worrying and should not be down at the end of the ladder. I believe it is down at the end of the ladder because trade and other issues that are much spoken about at the moment are probably priorities. We have a Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union that is sitting at this moment. It might not be a bad idea for the delegates to make a submission to it or to give a presentation to it. I understand its report will come out at the end of June. This is something I could recommend to the select committee and the delegates should make a presentation to it also because this should be made a priority.

Chairman: Before I let the delegates back in, I have a few questions. Can we learn from how other border regions such as Switzerland and France or Norway and Sweden deal with this situation? Are there positives in this regard from which we can learn? This is completely unrelated to Brexit but what are the delegates’ thoughts on President Trump announcing the withdrawal from the Paris Agreement on climate change? I obviously expect them to have a negative opinion on it, but I ask the question, given that it was in the news today.

Senator Frank Feighan: That is not on the topic.

Chairman: I know that it is not really on this topic, but I ask as the delegates are present.

Ms Diane Ruddock: There are always opportunities to be taken. As a general comment, we are all greatly heartened and encouraged by the warmth of the committee’s interest and the shared concern members have all expressed. We would be very happy to find ways to keep the committee updated on our progress or to seek members’ further help, support and encouragement in the future.

In response to Senator Frances Black’s suggestion, we would very much welcome the opportunity to brief the Seanad committee also. We are aware that our colleagues from the Ulster Farmers Union appeared before that committee recently. It is always good to talk and that would certainly be helpful.

Mr. Michael Ewing: We have put in a request, both from Northern Ireland Environment Link and ourselves, to talk to the select committee. I understand the committee is coming close to the end of its deliberations and consequently it might find it difficult to fit us in. It would be absolutely brilliant if Senator Frances Black could facilitate us in appearing before it and we would really appreciate it.

Mr. Seán Kelly: Of course, if we cannot, we would be happy to submit a paper through the Chairman or through whatever the best mechanism is to do so.

Senator Frances Black: That would be great. I know time is a problem but if the delegates

could even give me a written submission, I could certainly put it in for the report.

Mr. Michael Ewing: The Chairman's last question is a very difficult question to answer. We knew this was coming for a long time. Our only hope is he does not last the full term because he is causing mayhem everywhere he goes. I will not get into the politics behind it because I get very annoyed and it would be a waste of the committee's time. As far as I am concerned and as far as the pillars are concerned, we continue to campaign. The European Union and China took a very strong stand today and yesterday saying that the show goes on without it and we have to deal with this. Similarly, most of the cities in the United States and many of the states are going in the opposite direction to that of the president. There is a great deal of hope. There is a limit to the impact he can make as president within the country. He certainly has an impact on what happens internationally, most of it negative to date. The state of California, however, is one of the most progressive places on the planet in terms of climate mitigation and adaptation. As many of the city governments in the United States are coming together to deal with the issues, almost ahead of the European Union, there is still hope.

Mr. Seán Kelly: To link the two issues, in respect of funding for cross-Border environmental issues, there is approximately €60 million in the current INTERREG VA programme that considers environmental issues, including biodiversity, freshwater and our shared marine resources. There is also funding through those measures and in other programmes such as Horizon 2020, L'Instrument Financier pour l'Environnement, LIFE, INTERREG VB and VC, I think, for climate change actions. That is a resource we are in danger of losing. We can try to react to the realities of climate change in terms of mitigation and adaptation on a North-South basis, that is, where we are most concerned about climate change. I am aware of Donald Trump's announcement today, but the biggest problem for us is trying to do something collectively on climate change on these islands. That loss of funding alone is important. That money has to be spent North-South and if it improves the environment on one side, it improves it on the other side because it has to be cross-Border. There are several programmes and measures that we are concerned about in respect of all environmental issues, including climate change. All these programmes include climate change measures, mitigation and adaptation. That is a great big unknown to us after Brexit.

Deputy Declan Breathnach: I take it the delegates have spoken to the special EU programmes body, SEUPB, in respect of continuing this because it has told us it is considering how all these programmes can be funded post Brexit. There are already arrangements for countries that are outside the European Union. It is very important we continue to pursue that matter also.

Ms Diane Ruddock: There are a couple of comments to which we have not responded and while we may not have answers specific to fishermen in Killybegs, it might be helpful for Ms Hunter with her marine and living seas expertise to talk a little about the marine environment. After that, we will come back to the question of whether there are lessons to be learned from other borders.

Ms Rebecca Hunter: Fishing communities in Northern Ireland are also very concerned and this links to what was said about climate change. Many of the big issues facing the environment are broader than one country. That requires continued co-operation on a large scale. Whether that is through the Paris Agreement or the European Union, we need these frameworks to help us work together. One of our big concerns is how to continue to have that framework to work on the big issues affecting the environment.

The committee has mentioned that it is glad to see us here. We welcome those comments

because we agree the environment is very often at the bottom of the pile of issues to discuss. Within that, the marine environment is often forgotten because it is unseen, out of sight and out of mind. It is particularly important to remember it. When we spoke about how a healthy environment underpins our agrifood industries, that applies also in the marine environment and fishing industries. As an example, in 2014, the first marine stewardship council certification for a fishery was awarded to the Irish sea herring fishery. This shows the fishery is being sustainably managed, something that it is hard to attain and requires hard work. The herring is a highly mobile species, and tagging studies have shown that the juveniles of the Celtic Sea stock will move into the Irish Sea. Similarly, many of the juveniles spawned in the Irish Sea will move into the Celtic Sea. This is an important resource with mixed populations. It is an example of how co-operative management is vital for the health of that population and for working together. If we join up to manage it, we will avoid over-exploitation of our resources and environmental damage and will ensure long-term sustainability of the stocks. That is what we need to ensure security of employment.

The Irish Sea is historically a mixed fishery with multiple species. A mixed fishery is a very strong one for coastal communities to rely on because the different species and populations will reach the best time to be fished at different periods in the year and the industry is more secure. Many of the stocks in the Irish Sea have collapsed. For example, the cod has been under recovery measures from the European Union for a long time. We are now seeing signs of improvement, which is a good news story. We need to continue that improvement to try to rebuild our mixed fisheries which will not only benefit the environment but also employment and the economy.

Mr. Seán Kelly: To reply to the question about lessons from elsewhere, we are doing research. Apart from our links North, South, east and west, we are also members of the European Environmental Bureau and we are trying to do some research on the implications for other countries that are no longer member states. It is very hard to say at the moment because it will come down to what type of Brexit it is, whether Britain will remain part of a trade agreement or part of the European Economic Area. There are many variations and we are considering it because it comes down to governance. I would like to know how others operate and what they do, because in addition to our European requirements, we have many international requirements not driven by the European Union. There are environmental standards we have to continue to meet. In the past, if there was a problem, we could go to the European Court of Justice or the Commission; therefore, we are trying to find out what happens in other structures, but we are still at the early stages of that process.

Mr. John Martin: To add to that, there is a level of governance set up already that helps North and South deal with these issues, but much of this will be unique to the situation. The Good Friday Agreement established the North-South Ministerial Council as an area where both Governments could talk and come to conclusions and agreements on some of these issues. The sooner it gets up and running again, the better to help in this negotiation period.

Mr. Michael Ewing: When the United Kingdom leaves the European Union, it will not be directly under the jurisdiction of the European Court of Justice, but indirectly it will still be using the court because whatever agreements it reaches with the European Union on trade and other matters, the members of the European Union will obviously refer any dispute to the European Court. Any arrangement made with the United Kingdom will have to be on the basis of an understanding they are referable to the European Court because that is the way we operate in the European Union. Whatever trading arrangements are in place will have to be based

on existing standards. The standards will be judged by the European Court. I can see the court having a continuing role, with the Commission, in deciding what goes on in the United Kingdom. It is a very strange situation but that seems to be the legal advice. Who knows?

With regard to the borders, there has been no example of this before. With regard to the relationship between Switzerland and the European Union, as pointed out, Switzerland has very high standards. The Nordic countries have very high standards. Relationships are good. To the east, it was very different. Obviously, relationships there were very different. It will be interesting to see what comes out of the study.

Chairman: I thank the delegates very much for attending. The meeting was very informative. I definitely recommend that the delegates make a written submission to the Seanad committee. The more people they talk to in here, the better. It keeps the matter on the agenda. The meeting was very good and there was a lot of very good information in the statements and responses. This is one of those issues that is probably overlooked from time to time and we need to make sure we keep it on the agenda.

Ms Diane Ruddock: On behalf of all my colleagues, I thank all members for their interest, attention and, I hope, their ongoing support. If there are other issues on which the members want to come back to us, we will be very happy to continue to engage with them.

Mr. Michael Ewing: We look forward to seeing Deputy Declan Breathnach and others at the conference in Dundalk.

Senator Mark Daly: I support the proposal of the Chairman that submissions be made to the Seanad select committee. I am a member of it and that is why I had to leave. We are dealing with Brexit today in the Seanad. If the delegates are making a submission, we are looking for solutions and precedents. If there is a hard border and a hard Brexit, will Northern Ireland continue within the European Economic Area, EEA, or the EEA minus certain provisions, such as financial passporting, in order that it will not have an advantage over regions of the United Kingdom? Making submissions and identifying the problems but also identifying the potential solutions to arguments we could make in regard to environmental laws or environmental protection issues concerning the island would be very helpful.

The joint committee went into private session at 3.20 p.m. and adjourned at 3.30 p.m. until 2.15 p.m. on Thursday, 15 June 2017.