

DÁIL ÉIREANN

AN COMHCHOISTE UM

FEIDHMIÚ CHOMHAONTÚ AOINE AN CHÉASTA

JOINT COMMITTEE ON THE IMPLEMENTATION OF THE GOOD FRIDAY AGREEMENT

Déardaoin, 14 Meitheamh 2018

Thursday, 14 June 2018

Tháinig an Comhchoiste le chéile ag 2.10 p.m.

The Joint Committee met at 2.10 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.	Niall Ó Donnghaile.

Teachta / Deputy Seán Crowe sa Chathaoir / in the Chair.

Impact of Brexit on the Good Friday Agreement: Discussion (Resumed)

Chairman: We have a quorum so we will commence. We have received apologies from Senator Gerard Craughwell. Today we return to our consideration of the impact of Brexit on the Good Friday Agreement and outstanding issues. We will suspend for a minute while we wait for the witness to arrive.

Sitting suspended at 2.23 p.m. and resumed at 2.24 p.m.

Chairman: We are joined by Mr. Chris Hazzard, MP. I welcome Dr. Jonny Byrne, lecturer and tutor in criminology and criminal justice in the school of criminology, social policy and politics, Ulster University Belfast, to address us on the impact of Brexit on the Good Friday Agreement. In a moment I will invite him to make his opening statement, which will be followed by some questions from the committee. We normally do this in groups of two or three members.

I remind members, guests and those in the Public Gallery to please ensure that their mobile phones, tablets, etc., are switched off completely for the duration of the meeting as they cause interference, even in silent mode, with the recording equipment in the committee rooms.

Regarding privilege, I remind members of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person or body outside the Houses, or an official either by name or in such a way as to make him or her or it identifiable.

By virtue by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the joint committee. However, if they are directed by the Chairman to cease giving evidence in relation to a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice that, where possible, they should not criticise nor make charges against any person or entity by name or in such a way as to make him, her or it identifiable.

I invite Dr. Byrne to make his opening statement.

Dr. Jonny Byrne: I thank the Chairman and for the opportunity to appear. I will speak briefly on the statement I submitted to the committee and will be happy to take questions on the subject.

The statement is in response to the areas identified by the joint committee's 2018 work plan. It focuses primarily on three specific areas: Brexit; the current issues impacting on Northern Ireland; and the importance of language. Collectively, they provide an insight into key risks, which have the potential to threaten the future stability of Northern Ireland and the peace and political process.

There is a prevailing sense of ambiguity across and within communities around Brexit,

coupled with an apparent neglect of any actual or felt impact it will have in socio-economic terms. Unlike other regions, which have focused predominantly on trade, employment and the economy in general, the dominant narratives in Northern Ireland tend to focus on hard and soft borders, backstops, potential for violence and disorder across the Border counties, increased recruitment for armed organisations, and the requirement for more police officers. In sum, these issues serve to further perpetuate divisions along tribal lines. Brexit remains an elusive concept and, as such, many can only dimly imagine its relevance and impact on their daily lives. To that end, there is a lack of direct engagement with the debate at the kitchen table. This was particularly evident in the months preceding the referendum. Consequently, it may be argued that people have only limited attachment to the wider debate and they do not feel involved or have ownership of any decision-making processes, which has a detrimental effect on any outcomes.

Brexit has also raised the issue of a Border poll and led, in some cases, to the enormity and multitude of challenges of a wider European discussion being framed as a single issue, namely the constitutional status of Northern Ireland. Accordingly, recent published research for the BBC in June noted that 45% of those surveyed would vote for Northern Ireland to stay in the UK, while 42% supported Northern Ireland leaving the UK and joining a united Ireland, whereas another survey conducted by Queen's University Belfast in May 2018 concluded that 50% of people would support the idea of remaining part of the UK, with only 21% saying they would vote for Irish unity. To some extent, this demonstrates the uncertainty that Brexit has generated. It is clear, however, that in a divided society, people are defined by these positions and are influenced on the basis of their political and community allegiance. Consequently, this reduces the opportunity for a wide, mature and evidence-based debate, beyond the constitutional issue, on the implications of Brexit.

I have listed six current issues and challenges, aside from Brexit, of these. On the political vacuum, it is well documented that the absence of a functioning government has the potential to create a void, which has historically been filled by extreme or radical elements. There has been some debate about how the absence of the Executive could create the conditions for a resurgence of armed violence, but as yet there is no evidence of this occurring. Rather, there is a general sense of apathy and disengagement from the political arena and many are concerned and frustrated at the lack of policy implementation on key issues such as healthcare and education. People appear to have become conditioned to the political paralysis that exists.

On violence, it is evident that within certain communities and geographical areas, a culture of violence prevails. Political violence has become part of the historic narrative of community identity and, by extension, of belonging and membership in a community. While the level of political violence has significantly reduced in recent years, the peace and political process has yet to eliminate the following: the tradition of celebrating and justifying the use of violence; the physical memorialisation and valorisation of violent struggle; the continued presence of paramilitarism; and segregation and division along sectarian lines.

As for legacy, the current consultation process on addressing the legacy of Northern Ireland's past should be viewed as an important milestone in the endeavour to deal with the past. However, the debate has been dominated in some part by the information retrieval versus the investigations elements. While the debate will afford the opportunity for many to have their views acknowledged, there is a risk that others will feel alienated and marginalised, which, in turn, will create further polarisation among the main political parties and their constituents, making it more challenging for devolution to return.

Regarding identity and tradition, in a society where the emphasis is on the promotion of

shared values, the fact remains that there is no agreement on how to commemorate, remember or express and celebrate different cultures and identities. The issues of bonfires and memorials within respective loyalist and republican communities are testament to this. For one section of society they are nothing more than sectarian, triumphalistic symbols while, for others, they represent the traditional method of celebrating important historical and community events, and they are part of identity. It is worth noting that parades are attracting less public and media attention, which has been attributed to local dialogue and engagement processes.

With regard to policing, the Northern Ireland Policing Board has not been formally constituted since March 2017, and this has a number of implications. First, the principles of democratic accountability are undermined, as there is no appropriate mechanism to hold the PSNI accountable for its performance. Second, where performance is inadequate, the board cannot work in partnership to support the PSNI, and where the PSNI delivers an excellent service the board cannot advocate on its behalf. Third, the absence of a board has meant there has been no development, consultation or implementation of a Northern Ireland policing plan. Fourth, the board has neither been able to fully participate in discussions about the establishment of bodies to deal with the legacy of the past, nor been able to engage with the PSNI on issues pertaining to resources emanating from Brexit. Finally, there has not been a public meeting of the board since December 2016, which has meant the public has been unable to ask questions of the police.

One other area of concern regarding policing relates to the number of individuals from a Catholic background who apply to join the PSNI. The previous recruitment campaign concluded with 30% of all applicants coming from a Catholic background, with just over 20% making it through to the merit pool. Subsequent research by Deloitte identified a number of barriers affecting police officer recruitment, and the PSNI put in place a series of measures. However, much of the evidence suggests that policing more generally has not yet been embedded within the broader nationalist-republican community and requires systemic change at the local level if this is not to become a critical incident, as composition is of significant importance for the PSNI because it directly affects confidence and legitimacy in the organisation.

On paramilitarism, the Fresh Start Agreement of November 2015 sets out the Executive's commitment to tackling paramilitary activity. This was followed by the Fresh Start Panel report and the executive action plan. In sum, the focus has centred on disbanding paramilitaries but we have consensus of clarity about what constitutes paramilitarism in terms of behaviours in a post-conflict era, or who should be targeted for transformative work or engagement.

In 2018, language remains highly politicised at all levels. Consequently, the use of certain terminology has the potential to cause friction, offend and ignite community tensions. Quite simply, we remain wedded to terminology that is in many ways reflective of a conflict-torn society rather than one with a peace accord that is celebrated for its capacity to end violence and consolidate peace. To that end, the following terms continue to dominate public discourse, albeit in a manner which is paradoxical and contradictory: conflict, paramilitarism, dissident, punishment assaults and attacks, terrorism, security situation, organised crime, extremism, radicalisation, loyalism, republicanism, paramilitary, culture and identity. In addition, language about the past and violence in general tends to be divisive. In sum, the post-conflict era has been influenced and shaped by language and terminology which retains the structure of our troubled past, rather than for the transformed society envisaged in the Good Friday Agreement.

Over the past two decades, Northern Ireland has witnessed significant social, economic and political improvements as a direct result of the Agreement. For many, however, there is a

tendency to define this period as an “imperfect peace.” In many respects, this negative peace may be characterised as the inability to find solutions to deeply embedded divisions such as those pertaining to culture, identity and memorialisation, as there is a tendency to manage rather than resolve. We are also inclined to measure success by the absence of negativity, whereby a difficult event, such as a parade, a bonfire or a commemoration, concludes without violence or causing apparent offence. In many respects, Northern Ireland is a place where difference is largely tolerated, rather than being respected, acknowledged and celebrated.

Senator Frank Feighan: I thank Dr. Byrne. It is great to see him again. We have met on many occasions on the various circuits.

He raised three specific areas, namely, Brexit, the current issues impacting on Northern Ireland and the importance of language. We are talking about hard and soft borders, etc. The polls regarding a united Ireland differ widely. Some reflect the impact of Brexit and others do not. We live in interesting times and the Taoiseach’s visit to Belfast last weekend captured something that maybe the political establishment is missing. Given the welcome he received during his visit to the Orange Order in east Belfast and his visit to west Belfast to the opening of the fèile, we are in uncharted territory.

Today, in the *Irish Independent*, Mr. Dan O’Brien wrote an interesting article about an agreed Ireland or united Ireland. For the past two or three years I have been saying that the Republic of Ireland should consider joining the Commonwealth. It would send a signal regarding we are prepared to do if we want an agreed Ireland. How would Dr. Byrne view that? There would be many issues in the mix. Many of the political and administrative institutions North and South would have to change. Flags and anthems would have to be discussed, but we live in interesting times, especially with Brexit. It is probably unfair of me to look for Dr. Byrne’s views on this because it is something that has come up in the past few weeks. Has he any view on what is the right approach?

Deputy Maureen O’Sullivan: I was struck by Dr. Byrne’s final point about celebrating difference. Like most members, I represent a constituency which is culturally diverse. More than 50% of Dublin Central comprises new communities and there is work going on to celebrate and welcome that difference. I was struck by his reference to tolerance as opposed to celebration and after 20 years people in the North were coming close to celebrating difference but then recent events caused a deterioration.

His comments on the PSNI were interesting. A group of us visit Maghaberry Prison quite often and it is obvious that whatever the progress made with the PSNI, there is none regarding the prison officers being of a culturally and religiously diverse background. There does not seem to be any urgency to address that matter. I would like Dr. Byrne’s opinion on that.

Other groups have appeared before the committee to discuss the legacy issue. At the most recent meeting, interesting questions were raised about those particular groups, which merely want the truth and to know what happened as opposed to an investigation.

Britain is a mess given what is happening in both the Conservative Party and the Labour Party. How will that impact on Northern Ireland?

At our most recent meeting, I pointed out that the EU and Mr. Michel Barnier are pro-Ireland and looking after Irish interests and I expressed a fear that Ireland might get lost at the end of it. The witnesses made the point that they had that feeling earlier on but that, increasingly,

they are seeing a harder stance from the EU in support of Ireland, Northern Ireland and the issues there. Does Dr. Byrne agree with that assessment?

Dr. Jonny Byrne: Senator Feighan forgot the Taoiseach visited Mayobridge as well but not Bryansford, unfortunately.

In answer to Senator Feighan's comment on the fact that we live in interesting times, the visit was welcome. It was also interesting in terms of how it was branded and how it was received by social media and those on the street.

There are direct comparisons between that and our own institutions, our own political context and where we are in reaching out. If I am reading the question right, the challenge is that partners in the North and the South are needed for that and we have not even got our own house in order. That is way down the line. The North is a bit like purgatory with what is going on at the moment. It is completely in limbo. I cannot even begin to imagine what that process would look like when there is such a challenge in even getting our own structures in place. Maybe that does not answer the question fully, but there is so much work to be done in Northern Ireland at the minute. I cannot see beyond that to five, ten, 15, 20 or 25 years down the road.

Senator Frank Feighan: Does purgatory still exist?

Dr. Jonny Byrne: It feels a bit like that, or one of those flight paths around JFK airport that one cannot get off.

I will go through the committee members' questions backwards. The British system was raised. Very briefly, when the Westminster elections were taking place last year, RTÉ asked me what I thought would happen after the exit poll. I said that the Conservative Party would be mad to go into partnership with the Democratic Unionist Party, DUP. RTÉ has not asked me back on ever since. Speaking personally for our own situation, I think there is a direct relationship there. Every decision and every statement has to be read in light of other parties' position and the implications it has for Northern Ireland. I think that will just keep going. The current relationship in the Government will continue post-Brexit because I think they are too scared of the unknown, that is, what would happen if they brought it down. In my own personal opinion that Government will be in place after Brexit because the unknowns concerning what would happen represent too much of a risk for those involved. There is a knock-on effect on Northern Ireland and the paralysis that exists there. People start second-guessing policy conversations and decisions, and the implications of the actions of others for them, potentially or otherwise.

I cannot really comment on the Northern Ireland Prison Service. I would be more comfortable talking about policing in general. I note that prisons did not have a process like the Patten commission. They did not have everything that went along with the architecture of policing. I think that was a flaw, on reflection. That is something that should have been addressed. That applies to prison wings, segregated status and what we have there now. The culture is something that needs to be addressed. Prior to the collapse of Stormont, that was ongoing within the justice Department, and I think it needs to be revisited.

Senator Mark Daly: I thank Dr. Byrne for his very clear analysis of the situation. The issue of violence is interesting. Dr. Byrne's submission states:

While the level of political violence has significantly reduced in recent years, the peace and political process has yet to eliminate the following;

The tradition of celebrating and justifying the use of violence

I was on the Government's All-Party Consultation Group on Commemorations for the decade of centenaries. While we were reflecting on the past, some would argue that we were celebrating violence. At the same time, the committee was looking at what we were trying to achieve rather than how we were trying to achieve it. I see that on both sides, especially around the 12 July and the justifications for the bonfires. It would be striking if some of the comments written on placards, flags and emblems put on the bonfires were made anywhere else in the world. In some cases last year an effigy of Martin McGuinness was put on bonfires. It is a troubling situation, but I am not too sure how to rectify it. The issues of policing and, as has been pointed out, prisons are of concern as well.

The committee did some work on the idea of a united Ireland. We looked at the issue of polling, which is coming up in a court case in Belfast concerning how the Secretary of State for Northern Ireland would determine whether the majority of people in Northern Ireland are in favour of a united Ireland. The argument concerned polling. However, polling is wildly inaccurate, as we can see. I have looked at the background of those polls, and they are valid polls. They have samples of more than 500.

Dr. Jonny Byrne: The methodology is different in----

Senator Mark Daly: I know the methodology is different, but the minimum sample size for a poll to be valid is 500. Anything less than that is not valid, and above that it does not matter a huge amount. What is wrong with polling in Northern Ireland?

The final point Dr. Byrne made was on the issue of tolerance and respect. From what I can see, and Dr. Byrne would know it better, there are two traditions that are by and large living in two different worlds within the same space. They are housed in different areas, they predominantly live in different housing, play different sports, have different education systems and never interact with each other. It has gotten worse rather than better in some instances. I cannot see how that is going to change, given the political dynamics. However, I had some thoughts. I cannot see the solutions. Rather than tolerating, how do we get people to actually respect and acknowledge the other side?

Chairman: I will allow Deputy Breathnach to speak. I know it breaks the flow, but it is probably easier to get through.

Deputy Declan Breathnach: I think Senator Mark Daly's last question is effectively mine, but I will start by paying tribute to the various universities: Dr. Byrne's own Ulster University, Queen's University Belfast, and in the South, Maynooth and Dublin City University. They have taken an acute interest in this committee, and I find their research and commentary to be particularly good at helping us to shape issues. In that respect, I want to pay tribute to Dr. Byrne himself.

I will start by saying that I am a nationalist and a republican, and I would like to see a united Ireland. However, as I have said so many times, I hold the view that it is not about unity of land, it is about unity of people and purpose. Sometimes I feel, particularly around Brexit and the Good Friday Agreement, that the issue of having a Border poll at some stage is more about creating polarisation than the result of the poll.

Concerning Senator Daly's last words, the words I have written down are "How do you get respect for one's tradition and view of the world?" Dr. Byrne's statement referred to the poll

in that context:

What is clear, however, is that in a divided society, people are defined by these positions and are influenced on the basis of their political/community allegiances. Consequently, this reduces the opportunity for any wider mature and evidence-based debate (beyond the constitutional issue) on the implications of Brexit across all of society.

Can Dr. Byrne elaborate on that? To what degree does he envisage a Border poll arising, with regard to both unionist and nationalist traditions?

Dr. Jonny Byrne: Can I answer both together?

Chairman: Yes.

Dr. Jonny Byrne: The Northern Ireland Life and Times survey came out yesterday. There have been three survey results in the past eight weeks on this issue. That survey was different from the previous two surveys, in which 55% said that they would remain part of the UK, with 22% choosing a united Ireland. That amounts to three respectable surveys in six weeks. If we do not have the architecture of a society built on the right values, issues such as a Border poll will by default come back down to the lowest common denominator, which would be based on principles of fear, triumphalism or “me versus you”. This may seem particularly negative but it is not all negative. I have been asked to pick the potential points of friction. A Border poll would be divisive because a lot of the time in the conversation logic goes out of the window and it becomes very defensive. It comes down to myths and stereotypes, and untruths come into the conversation. An evidence base goes out the window with regard to what will be the economic implications. The most recent life and times survey stated 60% of people agree there should be closer alliance with the Republic of Ireland politically and economically. There is a narrative on politics, economics, health and education, and on a different conversation. I have yet to find it in popular conversation, as it becomes a default position on sovereignty and nationality. If the architecture is not right within the country itself then anything else is seen as a threat.

Mr. Chris Hazzard: I thank Dr. Byrne. Some of what he has said is quite thought-provoking. I take on board some of the commentary on the Taoiseach’s visit to the North, and the number of times the Taoiseach has been in the North, the quality of his visits and the events he has attended, although I would prefer if he had gone to Drumane rather than Mayobridge but we will leave that there. There is no doubt this is positive, especially in the wider nationalist and republican community in the North, and they deeply appreciate the Taoiseach, the Tánaiste and an Irish Government which is very much interested in the citizens of the North and the issues that pertain. Conversely we have a British Prime Minister and a British Government that have signed out of the North over a long number of years. I contest that since 2010 it has had a thoroughly regressive partnership with the DUP, which has been detrimental to politics in the North. We look at the calibre of the meeting the Taoiseach had with the Orange Order and Féile an Phobail on Friday, but the best of the people in the North get out of Theresa May is a visit to a cow shed in Bangor. Damage is being done.

We have also had to suffer the results of the number of really poor Secretaries of State, who are simply floundering when it comes to a number of issues. To take one example, the vast majority of people in the North, including political parties, want the Secretary of State to take action now to reduce MLA pay. The Secretary of State will not do it because the DUP is telling her not to. A cosy relationship at Westminster is holding it back. This is probably commentary and I am not asking Dr. Byrne for a response. It is a converse relationship.

I do not get some of the commentary on the unity referendum, the tribal nature of it and how it will be polarising. That is politics. Politics is tribal and polarising, but it does not have to be toxically so. If we look at Scotland, anybody who opposed the independence referendum in Scotland said it would divide the country and would be toxic, but it was not. It was the complete opposite. Village halls were full of people discussing what it would be like. We should be careful with our commentary in this regard. At the end of the day, the Good Friday Agreement facilitates the holding of a unity referendum. I am certainly not calling for it to be held tomorrow, but as the Taoiseach and others have said, we have entered into an arena where people are asking these questions. I contest that people are sitting at home at their dinner table at night talking about Brexit. There is a great sense of the unknown about what is coming. To what extent can we get engaged now on the protection of rights when it comes to Brexit, in particular some of the rights laid out in the Good Friday Agreement such as those on citizenship, electoral rights and representation rights? As an Irish passport holder and EU citizen in the North, how do I ensure I will still get to vote in the next European elections? If I want to stand as a candidate in the next European elections how do I ensure I can? I have the same rights as somebody in Germany or France may have. These issues are starting to come to the fore for people in the North. I thank Dr. Byrne for his paper, which I thought was very inspiring.

Senator Niall Ó Donnghaile: I apologise to Dr. Byrne for missing his contribution, as I was in the Chamber for statements on justice, but I read it in advance of the meeting. Listening to the conversation and where it has inevitably gone is indicative of where society, North and South, is at. We are gravitating towards the issue of unity and reunification because of the very obvious political dynamics at play all around us. Mr. Hazzard said far more eloquently much of what I would hope to have said. I do not know if Dr. Byrne would agree but I find this recoil from the debate on reunification is primarily at a political level. I live in and have the privilege of representing one of the most contentious, notorious - or whatever cliché one wants to attach to it - interfaces in the North of Ireland. Touch wood that I am not tempting fate but I do not see any evidence off the back of all of the recent polls, or in the statements going back and forward, of any reversal in the trenches or people being at each other's throats. All of the work done through the flag protest, which was one of the most difficult territories we found ourselves in, has been sustained and is ongoing. Loyalists will attend Féile an Phobail here in a couple of weeks and have debates with their republican counterparts, in the way they have over the past 20 or more years of the peace process. In my experience at civic, community and, increasingly, business and economic levels, people are starting to think about unity in a way they never have before. It is an abdication of our responsibilities and commitment to the Good Friday Agreement if we try to discourage people from doing so. We should be facilitating this type of national dialogue. We should be emboldening and empowering it.

Within this specific question of reunification, where does Dr. Byrne see the role of academia? Does he agree academics have not been as involved domestically, whether through research or whatever, in comparison with some of their international counterparts who are looking at this? What value does Dr. Byrne put on this? It is crucial that we have the world of academia arguing for and against to provide us with the necessary detail and information we will need.

Dr. Jonny Byrne: I think Mr. Hazzard is entirely right. The Conservative Party has no psychological or emotional attachment to the Good Friday Agreement, to be pretty blunt, because it was not part of its development, post-Major, or of getting it to the point we are now. This has an implication in terms of how it sees Northern Ireland moving forward. I am very concerned about the lack of decisions. I have highlighted the policing board which, to me, is one of the biggest critical incidents facing Northern Ireland.

We are running out of a lot of successes of the peace process and policing is one of its headline successes. Many sacrifices were made by communities, the organisation itself and elected representatives to get us to a place where it is a largely representative and legitimate organisation associated with keeping people safe. However, we have not had a public meeting since December 2016, which is a disgrace with regard to where we are moving. I do not know what the logic is for not changing the legislation to put in place elected representatives and independent members, but we need to do something on policing because it is not sustainable. Issues relating to new officers, Brexit, crime and resources are all stacking up and we are not dealing with them. This is directly related to the Secretary of State. This is the big critical incident I see.

The issue of pay was also raised, and there are many other issues with regard to historic inquiries. There are far better academics on Brexit and rights, such as Dr. Katy Hayward, and they are better placed to answer questions on this.

Senator Ó Donnghaile is entirely right that, at times, academics have been a wee bit behind in the subject area. We have seen it on Brexit, where much of the evidence on its implications was lost in the narrative. In the world we live in now, where people on Twitter and other social media try to convey their messages in 150 characters, evidence-based decision-making has gone out the window. I think academia has a role to play in counteracting that. The key is not to pitch it at a level that is too abstract for people to engage with. Academics have to be able to pitch at multiple levels, for example, through Twitter, Facebook, social media, blogs, newspaper articles and academic articles. They need to be able to articulate the same message at multiple levels so that everybody has access to information. We sometimes have a tendency to speak at a certain level. We need to be able to articulate. Universities are in a unique position, especially in Northern Ireland, because their gravitas and neutrality means they are able to approach some of this stuff without an agenda.

Senator Niall Ó Donnghaile: The key point is that they are invested. I agree that we need to communicate and research these matters appropriately. It is important that our communications are not confined to tweets. We can see at bigger geopolitical levels just how damaging that can be. I will not say too much because I am conscious of our audience in the Gallery. Having said that, we need to be careful with the old adage of “fake news”. When people say that a unity poll or reunification would be divisive, it strikes me that partition has proven to be divisive for the best part of 100 years. In saying we need to move beyond such notions when we are having this argument, I do not mean to dismiss people’s real concerns, which should be taken on board and respected. The State and the Government in the South need to move to the next point. Quite rightly, Senator Mark Daly will be in here forever telling us about the State’s constitutional and political obligations under the Good Friday Agreement. I do not know what Dr. Byrne’s view would be on the suggestion that an Oireachtas committee should be established to look at the intercommunity, political, social, economic and other implications of reunification. Unfortunately, some element of recoil has hindered that from happening. I think the central reason we are here is to advocate platforms and articulate political viewpoints. I believe the suggestion I have mentioned would furnish us with the opportunity to engage with all the sectors, including academia, which I stress will have a central role as we move forward.

Dr. Jonny Byrne: I do not disagree.

Senator Frances Black: I apologise for missing Dr. Byrne’s presentation. I will keep it very short. Earlier this year, the Tánaiste spoke at a celebration of the anniversary of the Good Friday Agreement at St. Mary’s College in west Belfast. I would like to hear what Dr. Byrne thinks about something that was said during the subsequent panel discussion, which covered

the implications of Brexit. Both sides of the debate referred to the reality of the benefits of a united Ireland because of Brexit. There was a bit of discussion about that. A very interesting unionist businessman said that nobody had come to talk to him about these matters. He said that in light of the obvious impact that Brexit will have on his business, he was open to discussing the issues involved, but he had not been contacted by anyone to facilitate such a debate. I would like to ask a general question in that context. I hope it is okay. I hope Dr. Byrne understands where I am coming from. Would it be possible to start getting such discussions up and running? Maybe they are taking place, but I am not aware of them because I am down here. Have discussions started with the unionist community about the impact of Brexit on their lives and their communities? What would they like? What are the benefits for them? Are they open to discussing a united Ireland? Would it benefit them? What would be the benefits for them, economically and otherwise? When we were in the Shankill Road, we heard about problems of basic human rights such as the lack of good housing and mental health issues. I would like to hear Dr. Byrne's thoughts on whether the unionist community would be open to having discussions on these matters.

Dr. Jonny Byrne: The debate is widening out now. Brexit is still an abstract concept. There is so much fluff around what will or will not happen. There is a lot of fear-mongering. As I have said previously, in some quarters this issue gets hijacked and it becomes a debate about sovereignty. As significant numbers of people in Northern Ireland voted to remain, as opposed to leave, the debate is slightly skewed towards those who wanted to remain. Naturally, there will be a negative discourse with regard to the implications of Brexit. I know that people like Dr. Katy Hayward have been doing a great deal of work on the implications of Brexit for various industries. In simple terms, I think there are people open to that. We need spaces in which that can take place. That is the challenge. Leadership is required within unionism to facilitate that. There are times when a conversation cannot be imposed on people. It needs to be led by those with whom they associate. It is better to present it in that way than to say, as a *fait accompli*, "We are leaving and that is it." I do not know enough about it, but I suggest that this needs to be facilitated and hosted by leadership within unionism.

Senator Frances Black: What does Dr. Byrne mean by leadership? Is he talking about the DUP or about leaders who are quite strong within their own communities? Is it more about leadership within certain communities?

Dr. Jonny Byrne: Yes, absolutely. Not everybody within the DUP would agree with this narrative.

Chairman: Is there a sense that people are uncomfortable with raising the issue of Brexit? People voted in favour of leaving the EU for various reasons. Since the decision was made, a great deal has emerged about the potentially disastrous effects it will have. It appears that no real debate is happening. As Dr. Byrne has suggested, it is probably coming from one community or one side. Those who are in favour of Brexit are staying out of the debate, to a large extent.

Dr. Jonny Byrne: It is happening in Westminster. The best way I can describe it is that politics in Northern Ireland always seems to get taken to the cliff but never goes over it. We are told that if the Executive shuts down, no money will be left for the budget. We always get taken to a certain point but then we manage to keep the show on the road and keep moving. The same point applies to Brexit. It keeps going without much change, if that makes sense. My personal position, having observed the situation in Northern Ireland since 2005, is that we always seem to be told that something is bad, and that we need an agreement on this or a signature on that. It

is suggested that if we do not have a Government or First Minister in place by a certain date, the world will come in around us, but that does not happen. People's lives carry on and the world keeps spinning. We are very good at that.

Senator Frank Feighan: Senator Lawless and I were in Westminster for the last two days. We met the All-Party Parliamentary Group on the Irish in Britain to discuss the extension of voting rights to Irish emigrants. The huge level of goodwill towards the island of Ireland in Westminster is to be welcomed. I would like to ask the witnesses about a speech that was made at Queen's University Belfast by the former leader of the DUP and former First Minister, Peter Robinson. Was he showing leadership when he said it would be helpful to hold generational Border polls as a way of stabilising politics in Northern Ireland? Do the witnesses agree with me that his remarks represent a serious change in direction?

Dr. Jonny Byrne: It depends on whom he is speaking for and on the level of authority or legitimacy he has within his constituency. I think he also said that a Border poll should not be determined on the basis of 50%+1. I think a Border poll would be divisive and not helpful.

Mr. Chris Hazzard: There is some discussion on it. Peter Robinson said two interesting things. He recognised that change would require 50%+1 in a Border poll. That is exactly what is provided for in law. What Mr. Robinson is flagging up, which to be fair to him is relevant and is relevant to today's discussion, is that we need to talk about this. It will be 50%+1, or whatever the result might be, so we need to talk about the process. That goes back to my earlier point that we should not be afraid of this conversation. Here we have Peter Robinson, former leader of the DUP, saying we should talk about this. It shows strong leadership to say to the unionist community that this is happening and that we should talk about it and the process. Mr. Robinson is to be commended on that. Much of the discussion since his speech has been on the generational issue but the focus of his speech, which people picked up on keenly, was the idea of talking about the process.

Senator Mark Daly: Peter Robinson's comments were interesting and reflect the kinds of comments being made in the golf clubs and garden centres. Brexit has stirred up this debate in which it is suggested that a united Ireland would be better than a Brexit Britain given that the sum of what the Brexiteers want would be a disaster for all the people of Ireland, regardless of tradition. That goes back to the point Dr. Byrne made about the way in which society is structured and the political system fractured at the moment, meaning that no preparation or groundwork is being done. There will be a referendum at some stage. That is just logical. David McWilliams has been talking and writing about this for two years. He has written about the economics of Brexit, but also the reality of a referendum. There has been no preparation done in the North and I cannot see how it could be done until Stormont comes back. Someone like Peter Robinson needs to lead that discussion and point out that this is the reality of the world we signed up to in the Good Friday Agreement.

The agreement allows for change on the basis of a 50%+1 outcome in a Border poll. The Tánaiste and Minister for Foreign Affairs and Trade, Deputy Simon Coveney, appeared before the committee after the Taoiseach stated that an outcome of 50%+1 would not be sufficient in a Border poll. In an ideal world it would be great to achieve an outcome of 100%, but the Good Friday Agreement makes clear there is no difference between 50%+1 and 100%. The reason Northern Ireland is in the UK is that the majority of people want it to be in the UK, regardless of whether that majority is 50%+1, and the reverse should be true for a united Ireland. One of the recommendations we made was to have a second New Ireland Forum at which all the issues of health, education and whether Stormont would remain after a referendum would be discussed.

There is a lack of preparation, North and South. There is another court case coming up on 3 July in which the Irish Government is being asked to produce its policies-----

Mr. Chris Hazzard: How many court cases are there?

Senator Mark Daly: I am not involved in them; I just attend them. There are two cases, both of which are being taken by a unionist, Mr. Raymond McCord, whom Senator Ó Donnghaile will know well. The judgment on the case in the UK High Court in which the Secretary of State is being asked how it would be determined that the majority of people are in favour of a Border poll is due on 26 June. It will decide whether the Secretary of State will be forced to announce a policy on holding a Border poll. Will the decision be based on opinion polls? As Dr. Byrne pointed out, three opinion polls have shown entirely different results. The key factor in the case before the UK High Court was that the Secretary of State alone decides who votes in any referendum. We should bear in mind that if those aged 16 years and older are eligible to vote in a Border poll, the outcome will be different from a poll in which only those aged 18 and older are eligible. The result would also be affected if voting was restricted to British passport holders or UK residents or if it was open to EU citizens. Even on that issue, eligibility is not clear. In the run-up to a referendum, that issue would be open to challenge in any court and would be a disaster. There would be doubt and a lack of clarity. Information has not been provided, even on these most basic issues. My fear is that everyone will revert to their corners.

Dr. Jonny Byrne: I do not disagree. There is a lack of debate. Sometimes I think people have only woken up to what the Good Friday Agreement said and to what people signed up to. It is about a combination of factors. We are kind of advice-centric in terms of Belfast or communities, but if one looks at a combination of factors, from flag protests onwards, there is a narrative and perception that people did not realise the implications of what the Good Friday Agreement actually set out. That has had an effect. If we do not have evidence-based policy-making and healthy debate around a united Ireland, a Border poll or what the questions will be, it will inevitably come back down to basics.

Chairman: Dr. Byrne raised the issues of bonfires earlier. With regard to the current debate, those who are in favour of bonfires argue that they are part of their cultural identity, who they are, their tradition and so on. In the South, many communities are trying to eliminate bonfires, particularly around Hallowe'en and in working-class areas. They are concerned about the impact they have on criminality and so on and the danger they pose to children. People just do not want them. In many areas in the North it seems people just do not want bonfires either because of all that surrounds them. There is an idea that if people self-regulate on the issue of bonfires, they will be able to sort out the matter themselves. Senator Daly spoke about the placing of an effigy of the late Martin McGuinness on a bonfire last year, but it was not just an effigy. It was supposed to be Martin McGuinness in a coffin. That was insulting. There were also religious statues, images of political opponents, flags and so on. The criminality that surrounds bonfires is also an issue. People are afraid to speak out. This issue is facing us as we move into July and I do not see it being resolved at the moment. While people have spoken of having more managed bonfires, the number of bonfires does not seem to be reducing. In fact, there are probably more of them. There is a body of work to be done on that. What would Dr. Byrne suggest in that regard? Does he have any ideas on how to resolve that issue?

With regard to policing, Dr. Byrne stated that much of the evidence suggests that “policing more generally has not yet been embedded within the broader nationalist-republican community and requires systemic change at the local level if this is not to become a critical incident, as composition is of significant importance for the PSNI”. Again, when one talks to people

from loyalist communities, one does not find a great deal of support for the PSNI either. I refer not only to loyalists but people living in loyalist communities. The reason for the lack of support is a lack of delivery, particularly around criminality and drugs. That seems to be the message coming across not only from nationalists but also from unionist areas. That is where the PSNI needs to step up. It will argue it does not have sufficient resources and so on. There are regular meetings between political representatives and the Chief Constable but there is still the democratic deficit which Dr. Byrne mentioned. People invested heavily in a new beginning for policing and it has not delivered for communities. People will say that other things have not happened - we have not seen the peace dividend and so on - but the people see this as very much part of the peace dividend and policing is not delivering to that community. Does Dr. Byrne have any views or academic insight?

Dr. Jonny Byrne: The Deputy has raised two easy issues - bonfires and policing. In terms of policing, the work which Deloitte did last year also highlighted the issue of recruitment from working-class Protestant communities. That was acknowledged. I might contradict the Chairman a bit.

Chairman: By all means, it happens all the time in here.

Dr. Jonny Byrne: We have a big problem with policing composition moving forward. The fact that we are stuck at a figure of 30% is because those who are retiring are not of a Catholic background. This is something I am particularly interested and passionate about. I believe that we collectively need to do more as a society. The police can only do so much, and when they do not do it they need to be criticised. As I was coming down in the train I was trying to think, from the workload we have been involved in over the last five years, what the issues that impinge on it are. I come from a nationalist background in south Down and policing is still a taboo topic with some of my friends. I have been trying to work out in my head what the issues were around the work we are doing and I have touched on about seven. The legacy of the conflict and policing is still an issue. There is a historical view of policing in some quarters. It is not embedded within nationalist and republican communities in that it might be seen as a normal occupation that one would apply oneself to. Armed groups target Catholic officers, specifically. There is a lack of knowledge about policing in Catholic, nationalist communities, in terms of, historically, what policing is about and what is its role and function. Within the Catholic, nationalist, republican community, if one joins the police, one has to give up more of one's networks and friends. One has to move away, particularly from one's area and particularly if one is embedded within a particular community. There is a general malaise around personal safety. All of those issues cannot be resolved by the police alone. Collectively, we all need to be part of trying to move that forward.

I do not have the answers to what that looks like, but too much work and effort was put into getting policing to where it is now for it to fall apart. We do not have a policing board and we have an issue potentially around recruits that is not being addressed. It is not even being examined. We were too quick in 2011 to stop the 50:50 policy. I understand why it was stopped after we hit 30% and I believe it was important. We did not have a consultation or a conversation. Essentially, it just stopped. That is something that we need to be very careful about.

The number of bonfires is decreasing. Social media has played a big part in this; it would take three or four particularly high-profile bonfires where there was a lot of negativity and issues potentially around sectarianism and for there to become an accepted norm of what bonfires are about on 11 July. Yes, there are bonfires across Northern Ireland where there is negativity and issues around sectarianism and potential hate crime. There are a significant number of bonfires,

however, where nothing happens, where there are communities of families and young people, entertainment and festival-type events. In the conversation around that and with Belfast City Council there are going to be ten bonfire beacons this year. There is a move to try to transform that commemorative event on 11 July, and it is slowly changing. This is about trying to make a 300 year old tradition fit for purpose in 2018. That is difficult. Trying to make any cultural event - the committee discussed centenary commemorations - fit for purpose in 2018 can be uncomfortable. I am not advocating or supporting it but, looking at the bigger picture, there is movement, transformation and some form of self-regulation across sites. Belfast is where these will mostly be taking place but there will be possibly 300 bonfires across Northern Ireland.

Senator Frances Black: I have a final question. From the witness's perspective, what does he think we as a committee could do? Has he any suggestions? He talked about more debates between the two communities, and society getting more involved. Can he give a couple of suggestions that he thinks we should be working on or that we should be doing more of? We want to get active on this. We want to do something that will make a difference.

Chairman: Just before that, does anyone else have any supplementaries?

Dr. Jonny Byrne: I believe the committee has a very good reputation, as it stands. Many people whom I engage with have met the committee and the committee has attended some of their community events; members have been out and about and have a presence, particularly in Belfast. The committee is not seen as an abstract one, which is the first point I would make.

Any of my conversations about this in any of the communities that I engage with have revolved positively around the reception they have received and the opportunity they have had to contribute. If we go back to basics - more so now because of Brexit - it is about how we shine a light on the Good Friday Agreement, about which many people have forgotten or to which they have just woken up. It is one or the other. This committee has an opportunity to try to get free of all of the legislative issues and get down to what we actually signed up to in addition to the responsibilities of the British Government and the Irish Government towards that. If weight can be placed on that, that is really important. In the absence of anything functioning in Northern Ireland, we need all of the help we can get.

Chairman: I thank Dr. Byrne, who will be invited back after that praise of the committee, no doubt. I really appreciate him giving his time to come here today. It has been very interesting.

I propose we now go into private session to deal with committee business.

The committee went into private session at 3.26 p.m. and adjourned at 3.41 p.m. until 2.15 p.m on Thursday, 18 June 2018.

As to bonfires, they are decreasing. Social media has played a large role in this. Social media, all of a sudden, will take three or four particularly high-profile bonfires where there is a lot of negativity, and a lot of issues potentially around sectarianism or negative things and it becomes out there, it becomes the norm as to what bonfires are about on 11 July. Yes, there are bonfires across Northern Ireland where there is negativity and issues possibly around sectarianism and hate-crime. There are a significant number of bonfires where nothing takes place ^^^^Seirbhísí Oideachais Leanúnaigh agus Scileanna#954D8D10F8CF6FA780257BCF0045A C1C^#2BE489992BFF01A280257F7700566578^.,pj;ls, community festivals with families, young people, entertainment events,.ytiuonaroun that

