

DÁIL ÉIREANN

ROGHCHOISTE SPEISIALTA AN TSEANAID UM AN RÍOCHT AONTAITHE DO THARRAINGT SIAR AS AN AONTACH EORPACH

SEANAD SPECIAL COMMITTEE ON THE WITHDRAWAL OF THE UNITED KINGDOM FROM THE EUROPEAN UNION

Dé Máirt, 2 Feabhra 2021

Tuesday, 2 February 2021

Tháinig an Romhchoiste le chéile ag 10 a.m.

The Select Committee met at 10 a.m.

Comhaltaí a bhí i láthair / Members present:

Seanadóirí / Senators	
Malcolm Byrne,	
Timmy Dooley,	
Robbie Gallagher,	
Róisín Garvey,	
Tim Lombard,	
Vincent P. Martin,	
Michael McDowell,	
Joe O'Reilly,	
Niall Ó Donnghaile,	
Mark Wall.	

Seanadóir / Senator Lisa Chambers sa Chathaoir / in the Chair.

Engagement with Committee for the Executive Office, Northern Ireland Assembly on Impact of Brexit

Chairman: I remind members to ensure that their mobile phones are switched off and given that we are joining remotely, I ask that they mute their microphones when they are not speaking, please.

Are the draft minutes of the meetings on 1, 2 and 16 December 2020 and the actions agreed in the draft minutes of our private meetings of 13, 20 and 27 January 2021, relating to correspondence and the work programme agreed? Agreed.

Before we begin, members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside of the House or an official either by name or in such a way as to make him or her identifiable. I remind members that they are only allowed to participate in this meeting if they are physically located on the Leinster House complex. I ask that all members, prior to making their contribution to the meeting, confirm that they are on the grounds of the Leinster House complex. Anyone outside of the Leinster House complex may remain at the meeting to observe. Should they have any questions, they may be directed through the clerk and we will have the questions asked on the members' behalf.

For the benefit of anyone watching the meeting online, Oireachtas Members and witnesses are accessing this meeting remotely. Only I, as Chair, and the necessary staff essential to the running of the meeting are physically present in the committee room. Due to these unprecedented circumstances and the large number of people attending the meeting remotely, I ask that everyone would bear with us should any technical issues arise, which they often do.

At the outset, arising from the reports coming from Belfast and Larne ports yesterday and this morning, on behalf of the committee I utterly condemn the intimidation of staff at those ports and wish the workers and their families well. We hope that they are safe and keeping well. We wish the members of the Assembly and the Executive well in dealing with this matter. Of course, they have our full support in tackling these issues which are extremely difficult for all concerned.

I welcome members to today's meeting. The only item correspondence for today's meeting is the Department of Foreign Affairs impact of Brexit on Northern Ireland, which we will note. Is that agreed? Agreed.

I welcome Mr. Colin McGrath and the members of the committee for the Executive Office of the Northern Ireland Assembly to today's meeting. As we are all aware, Brexit has huge implications for the entire islands, both North and South, and I would like to take this opportunity today to explore some of those implications.

I remind Mr. McGrath and other witnesses attending that they are protected by absolute privilege in respect of the evidence they are to give to the committee. However, if they are directed by the committee 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 subject matter of the proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise nor make charges against any person or persons or entity by name or in such a way as to make him or her identifiable. I call on Mr. McGrath to make his

opening statement to the committee, and I thank him once again for being available to us this morning and for this engagement. We are very much looking forward to having this conversation with him and the other members.

Mr. Colin McGrath: I am not able to access Microsoft Teams on the computer in the Assembly here so I am doing so via my iPad. The Wi-Fi connection in this building is not the best so my apologies if it should break at any point, please let me know and I will repeat anything that needs to be said. I thank the Chair and the committee for the opportunity to meet today. We are delighted to meet with the committee, albeit virtually, and look forward to engaging on matters of common interest. The UK withdrawal from the EU has brought about significant issues that require us to put our combined energies together to overcome. The Committee for the Executive Office is responsible for the scrutiny of the work of the department and, as the Executive Office leads on Brexit, this issue has occupied a significant amount of our time. The all-encompassing nature of Brexit means it is a concern not just of our committee but of all the statutory committees, to some extent or other. As a committee, we take a strategic overview and have sight of the work of other statutory committees engaged on these issues for their own scrutiny purpose. In addition to periodic briefing from the First Minister and deputy First Minister, we receive monthly updates specifically on Brexit issues from the junior ministers within the department of the Executive Office. We are also in talks with Westminster, Welsh and Scottish legislators on EU matters. We are pleased to engage with the Seanad Special Committee on the Withdrawal of the United Kingdom from the European Union to share our relative perspectives.

We have heard from wide-ranging sectors as to the challenges Brexit has brought, primarily in terms of interruptions to trade and the loss of EU funding. We will also be vigilant, alongside the dedicated mechanism of the Northern Ireland Human Rights Commission, the equality commission and the Irish Human Rights and Equality Commission, that there will be no diminution of equality and human rights standards following Brexit.

It will come as no surprise to the committee that there are differing views on Brexit within our committee but we are united in the conviction that the transition from UK membership of the EU is undertaken as smoothly and with as little disruption as possible, be that on a North-South or an east-west basis. Consequently, the committee remains steadfast in its scrutiny of the department to ensure that everything is done to minimise any adverse impact in our relative jurisdictions.

I look forward to the conversation today and hope the committee finds it useful for report at the end of March. I remind members of our committee that they are here as members of the Committee for the Executive Office as well.

Matters have taken a significant turn from the past weekend. Confusion has reigned as to the purpose of last week's decision and then the counter-decision. This has not helped the smooth transition and the threats hanging over staff undertaking checks at Larne Harbour are sinister and unwarranted. We need cool heads, calming language and fortitude to resolve the presenting issues. It is my hope that this is what all governments on all sides will be doing and we as a committee would be looking for evidence that that is taking place here

Chairman: I am not sure if I neglected to mention at the outset that Mr. McGrath is the chair of the committee. At the outset, I forgot to mention that we have received apologies from Senators Gallagher and Black.

I thank Mr. McGrath. That was very helpful. I agree with him that we want to maintain all the rights that citizens in Northern Ireland have always had. That is an important aspect of our work. I am glad he pointed out that there are different views on his committee. It is important we respect and listen to all views. Brexit means different things to different people.

We are joined by Mr. McGrath's committee member, Ms Emma Sheerin. I invite her to contribute. I think we might have lost Ms Sheerin. I will open up to questions and answers from our own members. I am sure many of our committee members will have issues they would like to raise. We are happy to take questions on this end as well. It is not all one-way traffic. I call Senator Byrne.

Senator Malcolm Byrne: I thank Mr. McGrath for his presentation. My first question relates to higher education and research. I could not figure out why the UK chose not to continue in the Erasmus+ programme. Mr. McGrath will be aware that the Irish Government is giving the opportunity to Northern students to take part in Erasmus+, but it is also important that we examine ways, in a post-Brexit scenario, to increase all-island research, which has been growing in recent years. How does he envisage we can foster greater co-operation between higher education institutions on this island and between these islands, and the participation of Northern students in Erasmus+, even if there are only a few on the new Turing scheme that the UK Government is going to start?

My second question is more general. How can we as Members of the Oireachtas support the assembly, and *vice versa*? How can we most effectively co-operate in navigating the difficulties we all face?

Mr. Colin McGrath: They are incredibly important questions that impact students throughout the islands. To start in a slightly process-y way, the issue of higher education within the Northern Ireland Executive is dealt with by the Department for the Economy. The specific scrutiny, therefore, of issues pertaining to higher education will have taken place through that committee, although we get oversight of the issues. The Erasmus+ programme provided opportunities for young students to participate in a wide range of programmes and it was always of benefit to their education. Like the Senator, I am a bit shocked that when the opportunity was offered, it was not taken up. It would have provided continuity in the provision of those opportunities for young people. There are other facets of Erasmus+ that we need to explore. There are many connections between young people, not least in youth services. In my prior life as a youth worker, I availed of Erasmus+ programmes to bring groups of young people together. We need to explore whether those opportunities are still available.

A situation like this will highlight the importance of the North-South institutions. An infrastructure is in place through the Good Friday Agreement, which referenced the relationships there would be within the North, and then east-west and North-South. Back in the day, when the agreement was being drafted, obviously we were all part of the European Union and many of the institutions could work together seamlessly, but there is a role for them at this stage to take the lead and provide that continuity that Brexit has taken away. There are opportunities through the North-South Ministerial Council, whereby Ministers, North and South, can come together to iron out those difficulties and try to put difficult decisions at a ministerial level while putting ease of access to services for students at ground level. The Senator referred to the UK scheme, the Turing programme. It was highlighted to me that there could be a difficulty in that some of that will start to become intra-UK. When that was part of a wider European network, there was always an opportunity for somebody in Bristol to look at Barcelona or somebody from Belfast to look at Berlin. Those opportunities were available. However, if we start to see

too much of a focus on a single UK-based programme, we may end up seeing people staying within the UK as part of the schemes. For example, we were part of the European Solidarity Corps, which gives people, particularly young people and often students taking a year out, an opportunity to travel to other parts of Europe and volunteer with third sector organisations. Again, that option is not available now as a result of Brexit. London has said it will develop its own system but that will be intra-UK to such an extent that it will not be recognisable, nor will it meet the aims with regard to travel, language and culture that were part of many of the European programmes. All of those various elements will not be part of the scheme if it is internal to the UK. There are significant challenges for students. I think the institutions in the North should be tasked with dealing with those. What can the Oireachtas do to support that? It can push and ensure that the Irish Government works with Northern Government to make sure that these institutions are operational, which might require a fair bit of pressure at times.

Senator Michael McDowell: What, in the view of the members of the assembly committee, can be done to counter threats at Larne and all of the rest becoming a bigger issue? What I have in mind is this. Obviously, one can condemn it but we do not want public support growing. It seems to me that there is some room for tweaking practice between Great Britain and Northern Ireland as regards, say, stocking supermarkets. I hope that the difficulties of paperwork and so on will be reduced to the absolute minimum to ensure that the shelves in supermarkets look more or less the same now as they used to before January. I say that because little things like that could seep into a widening of support for a boycott of the customs inspections. There must be room for pragmatic co-operation to ensure that teething problems are overcome and normal trade between Great Britain and Ireland is maximised, especially as it affects most people in their daily lives.

Chairman: I suggest that Mr. McGrath respond to the questions posed by Senator McDowell, after which we will hear from Ms Sheerin and Ms Anderson.

Ms Martina Anderson: I cannot hear anyone. Can anybody hear me?

Senator Michael McDowell: Yes.

Mr. Colin McGrath: There is quite a bit of interference on the line. Ms Sheerin can join me in answering questions, much to my relief. As I said in my opening remarks, the threats to staff at Larne are absolutely deplorable and are to be roundly condemned by politicians of all shades. The leadership that can be shown by politicians is critical. As ever, and has been experienced right through the years here in the North, all politicians must be very careful about their communication. A communication or miscommunication from a politician could be considered as a heads-up for people to engage in certain behaviours within the community. We need a cool and calm approach to this.

In the context of the issues at Larne, Warrenpoint, Belfast and other ports, there are going to be significant teething problems. The UK has exited a major institution that was a part of almost every element of its trade. The majority of the people in the North did not support Brexit. It was not our choice to leave the European Union. We want to remain part of the European Union but we are also pragmatic that at this exact moment in time, that is not the case. Of course we do not want to see trade stop between east and west. We understand that many businesses rely heavily upon the trade that moves from east to west, and therefore we must try to make that process as simple as possible. We also need to have a reality. It is interesting that many of those who are arguing about what is happening along the border in place in the Irish Sea are the people who were the proponents and supporters of Brexit. It is not the protocol that

is causing these problems, it is Brexit. As we exit the European Union, there will be substantial problems somewhere and the easiest place for these to happen is in the Irish Sea. That is where they are happening. Yes, the first year will be difficult. I do not believe that in six month's time we will face many of the difficulties we are facing at the moment. There does need to be a thorough assessment. People need to determine what paperwork is necessary, if it is absolutely necessary, if it needs to be there and how the processes can be streamlined to be more effective and supportive of businesses.

I would say to those who have issued threats to the people working at the checks in Larne that if the staff are not there, then they will not be able to determine how the process can be made easier and more seamless. Those issuing threats have been counterproductive. The requirements will still be there, the border is still down the Irish Sea for trade, but nobody will be able to go in and fix it because they have been threatened and have had to be taken out. I ask those who have issued the threats to actually take a step back and think if what they have done is counterproductive. I will pass over now to my colleagues to add to that.

Chairman: I remind other members to mute their devices when they are not contributing and to then unmute them when they come in to speak. I now invite Ms Emma Sheerin, MLA for Mid Ulster, to speak.

Ms Emma Sheerin: I thank the Chairman. I apologise for my technical difficulties. As a rural MLA, nothing proves my point about broadband more than being dropped off about five minutes into a call. I apologise for missing a short bit of the meeting as a result. Following on from the question that was asked about the overnight threats at Larne and the issues arising, It is incumbent on political unionism to show leadership and to stop hyping things up at the minute. It is, however, also important for all of us to take the worries and concerns of people seriously, be they from the Protestant unionist and loyalist communities, and to listen to what they are saying and to engage with them. There is no threat to their identity and there is no threat to their place, wherever they call home. Nobody is threatening that. As the Chairman of our own committee has rightly pointed out, this is a result of Brexit. People are pointing to the protocol when there would not have been a protocol had it not been for Brexit. There were always going to be issues with leaving the EU, especially in the way that we did. Rather than going over old ground, I think we are better to recognise that we are where we are and to try to see how we can minimise the difficulty and the impact on the local communities that we represent.

The issues that have arisen at the checkpoints in Larne and Belfast are one part of that. We need to engage with unionism, we need to engage with the people on the ground, recognise the concerns they have and try to work through that. We are now in a position of constitutional change and, as we move down this track and as we move into a place where we are talking about a unity referendum and we are having these conversations, we need everyone to know that they are not going to be threatened, and that they are safe to live their lives and be in the home they have called home.

I welcome this engagement. It would be brilliant if this is a long-standing commitment and if we had these meetings more frequently. It is a great opportunity for us to engage with each other. As a representative for Mid Ulster, I represent south Derry, which is a rural area with a great deal of manufacturing, agriculture and other things that are being impacted upon by Brexit. Constituents are coming to me with issues all the time. It is important that we have this opportunity to have conversations with each other to see if there are opportunities within the island.

In recent weeks, people have raised issues with me that I was not aware of in the past. For example, if someone buys eggs in the North, none of the chicks that laid those eggs were born anywhere on the island of Ireland. They all come through England but originate in mainland Europe. That is something that was never an issue before. However, we have to think about the fact that egg producers in Ireland import those chicks from other countries. It is about trying to see if there is a more efficient way of doing this, both in terms of cost and the environment, and there probably is. We need to use this time to look for the solutions locally, so we are doing these things in a more sustainable way in the long term. This is a great engagement and it gives us a great opportunity to look at those solutions for the long term. Go raibh maith agat.

Chairman: I thank Ms Sheerin. We would all be in agreement that more of these types of meetings would benefit everybody. I am looking forward to greater engagement, North and South, across all committees and bodies. I call Martina Anderson, MLA for the constituency of Foyle. I hope she is back online.

Ms Martina Anderson: Go raibh míle maith agaibh go léir. I thank everybody. I am delighted to be here. Unlike Ms Sheerin, who is in rural constituency, I am in the heart of what some people think is the mother of democracy in the North, namely, Parliament Buildings, and we still have technical problems. We actually have more technical problems in this building than people have in Mid Ulster, which is saying something. It is fantastic to get an opportunity to engage with everybody today. I apologise for missing the beginning of the meeting. I am now on my own device. I have given up on the Parliament Buildings one because I could not hear anything that was being said.

Listening to Ms Sheerin, I picked up on the question about what happened last night. Anyone with a titter of wit in terms of understanding the implications of Brexit knew that, unfortunately, there were going to be consequences and there was going to be a border somewhere. We all live very close to the Border and the people of the North of Ireland realised what a hardening of the Border in Ireland would do to our political process, to the all-Ireland economy and to the Good Friday Agreement in all of its parts. We have had a border in the Irish Sea for many years. We knew the hardening of that would be a consequence because there was going to be a border somewhere.

Throughout the process, we heard political unionists telling us that they would prefer a harder Brexit so long as there was Brexit. We tried to explain that it was going to be an unmitigated disaster. As well as leaving the EU, there are, as the Chairman and Senators will all be aware, 759 treaties with 168 other countries, and Britain needs to renegotiate all that just to stand still. At this stage we need calm heads. Listening to the news reports quoting the PSNI this morning, there does not seem to be a loyalist threat. There seems to have been graffiti. Lots of graffiti has gone up on the walls in recent times. The PSNI has not given any confirmation that these threats, insofar as it would categorise them as threats, are coming from loyalists. There are lots of dynamics at play here. We had a LucidTalk poll just in the past few days that would speak to unionism as to where its people are at and where people are looking to, whether it be the Alliance Party, Traditional Unionist Voice, TUV, or others. There may be other reasons people are reacting as they are. They have been calling for Article 16 to be revoked and to be triggered, as we know from the past few weeks, and unfortunately, the statement from the Commission was a disaster insofar as it was not thought through. Could the Chairman impart some information to us as to whether it was red-flagged with her end? I mean the totality of the Parliament in Leinster House because the South has a Commissioner, Mairead McGuinness, who would be in receipt of at least a note, as Commissioners are, informing them as to what the Commission's

position would be. Was the Irish Government in any way informed about this beforehand? While some members may have been, was the Government informed about it before it was referred to? We need that kind of information flow. While Sinn Féin has one MEP there now, obviously people are not on the ground in the European Parliament any more than Deputies and Senators are on the ground in the building. We see in the North that democratic deficit by not having an MEP in the European Parliament.

The British Government and the EU made declarations in December when they signed off on what is in effect an association agreement. It is not a free trade agreement. It is not the deep and meaningful comprehensive agreement that was promised. It is only an association agreement and anyone who understands what that means in Europe will understand that it is very light-touch. We also know they made a declaration that forbids the British Government from asking for an extension to the grace periods. We have three-month, six-month and one-year grace periods, that is, three months for retail trade, six months for frozen food and so on and one year for medicines. We need to ensure we use this grace period wisely if we do not want to end up on a cliff edge. Even though, personally and politically, we would have a lot of sympathy for the argument that these periods need to be extended, we tried to get the transition extended and we could not. There is a lot of sympathy for the extension of those grace periods and for trying to get derogations but given that both have said in the declaration that the British Government then needs to implement the EU *acquis*, what we would benefit from would be an understanding from the South's end as to what has happened at its ports in order that we can have a learning experience and perhaps be able to share that when, for instance, hauliers, traders and others engaging with us point to what is happening in Dublin. As much as the Chairman is pointing to what has happened here, I think Border Communities Against Brexit, BCAB, has been directing people towards Warrenpoint and Dublin because they are saying that perhaps Larne or Belfast needs to close, whether temporarily or otherwise, until this is sorted out. We know that people are looking to the South as a supply chain and that businesses are pragmatic when it comes to doing business, and rightly so.

I will say to the chair of our own committee that we would benefit from some understanding on the Seanad committee's end as to what is happening at Dublin Port, which we could relay to people here. We must ensure that we do not waste the grace period and that we try to put preparations in place in order that what happened in Britain at the end of the transition period is not visited upon businesses, including traders, in the North. The sharing of information is important. I agree with Ms Sheerin that this is a great opportunity to engage with the Seanad committee. I hope that this is one of many such meetings going forward.

Chairman: I thank Ms Anderson, who raised important issues. As I told her committee's chair at the outset, this is a two-way street. Some members may wish to contribute again. I will wait until others have made their first contributions before I ask questions on my own behalf. I suggest that, after my committee's members have made their contributions or asked their questions, I will turn to Mr. McGrath, but if he would like to direct other members of his committee to answer, there would be no difficulty with that. I will leave that to him.

On my side, Senator Ó Donnghaile is next, followed by Senator Wall.

Senator Niall Ó Donnghaile: I thank Mr. McGrath for his presentation and opening remarks. I do not have many questions at this stage but I will make a couple of observations and proposals.

I agree with what Mr. McGrath stated, and what my colleagues in the Assembly said, about

the importance of tempering our language, given the events of the weekend. That is key. Approaching it in a sincere spirit, my Seanad colleague, Senator McDowell, and I raised this matter in the Chamber yesterday because there are fundamental questions that need to be asked and there are important answers that we need to get. Ms Anderson has raised some of those questions to see whether we could shine a light on matters on our end. I will pursue them as much as I can in Leinster House.

Regarding the news last night and this morning about threats to workers at the Port of Larne, we must ensure that a clear message goes from both our committees that we send our solidarity and support to them. The PSNI needs to pursue the threats vigorously. I agree that, at the heart of this, the protocol and the withdrawal agreement have to be protected. As imperfect as they are, they take priority in this context.

It has been touched on by a number of colleagues that we should probably task officials from both committees to arrange follow-up meetings on these matters, given that there is a great deal of detail and the sharing of a considerable amount of information is required. My colleague, Mr. Jim Gibney, who works with me in the Seanad, says that he prefers to light a candle than curse the dark. We need to light a candle regarding some of these issues in order that we can share information.

With the Covid restrictions, this is probably an ideal time for our committees to engage and work together more regularly in the same way as we are today. To Mr. McGrath, I suggest that we take on the issue of continued access for citizens in the North - by "citizens", I mean all citizens - to schemes like Erasmus+ and the European health insurance card. A proactive approach needs to be taken by the Government in Dublin to ensure that, through committees like Mr. McGrath's, the institutions in the North, the all-Ireland institutions and its own secretariat, people in the Six Counties get information on what all of that means. It was rightly welcomed and much lauded that some of these entitlements would be protected. I am extremely disappointed that other entitlements, like access to voting rights and seats in the European Parliament for citizens in the North, were denied to us when the Irish Government had the opportunity to keep them, but sin scéal eile.

From our end, we need to ensure that the Irish Government is engaged in a proper communications strategy and engagement process. I understand and appreciate the Covid dynamics, but it is really required. There is no point telling young people in Ms Sheerin's or Ms Anderson's constituency that they will have continued access to the Erasmus scheme and not tell them how they can avail of it. Similarly, once we get through all this, people will have access to the European health insurance card, EHIC, but they do not know how that system will work. We have been told loosely that people need to keep receipts and all of this kind of stuff. It is important to ensure that we encourage the Department in the South to carry out that piece of work.

People lead busy lives, not least in the current climate, and we often say that we need to follow up, engage and meet more regularly. If we do nothing else, this should be a formal ask coming out of this meeting today and that a particular period of time should not be allowed to pass. As Ms Anderson rightly said, this window of the grace period is a very live issue. It is a moveable feast almost every week. It would do absolutely no harm for us, as members and committees, but more importantly for the public, to engage more regularly and light a few more candles going forward.

Senator Mark Wall: I support the condemnation of the threats issued last night. It is important that we all say that and voice our support for the workers in the Port of Larne. I also

support Senator Ó Donnghaile's calls for continued meetings. It is an excellent idea. As has been mentioned by the Senator and other speakers, it is most important that that is continued over the coming weeks. I am glad there are problems with broadband in rural Derry as there are in rural Kildare. Unfortunately, it seems to be an all-island issue. Perhaps it is something that we can discuss further as we continue to meet.

The question I wish to raise is probably more specific for Ms Sherrin, Ms Anderson and Mr. McGrath. It has also been touched upon by Senator Ó Donnghaile. It concerns the cross-border healthcare directive. It is important to many groups down south, including the Defence Forces, who have great relationships with hospitals in Belfast etc. Has there been any chat about that? I am hearing that our own Government is in talks with Northern Ireland in respect of continuing on that directive. I would be interested in hearing Mr. McGrath's interpretation of that issue. I thank the witnesses and hope they continue their good work.

Mr. Colin McGrath: The health connections that existed across the island were very well received and were well used. People feel like something has been taken from them which allowed them to access life-saving treatment. In the many and various conditions which people might have, there is not the critical mass of people within the North, and sometimes within the South, to be able to provide the right level of clinics and support. If we can bring our communities together, we do get that critical mass of people who can detail and use the services. I am thinking, for example, of the children's heart surgery that many people in the North used in the South. It makes common sense for families to be able to travel and for support to be provided, so that people can use and access those services across the island, rather than having get on aeroplanes and fly to other parts of the UK through what can be a traumatic and frightening time for people. I would like efforts to be made to bring those services back online. I am sure Ms Anderson and Ms Sheerin will attest to the fact that it was an issue on which many people contacted us, wishing to know whether they would be able to access those health services. Those who contacted us knew of other people who were able to get help and assistance a bit more quickly. That is something on which our committees could shine a light, be it candlelight, full torchlight or whatever. It is something that our committees can do and on which we should continue to come together.

It is good to see Senator Ó Donnghaile again. He probably lives only just down the road from me but we normally only encounter each other at events such as this. However, these events have not been taking place recently. Covid does-----

Senator Niall Ó Donnghaile: There is a lighthouse in Killough in Mr. McGrath's constituency, so he has all the light in the world to shine on issues.

Mr. Colin McGrath: I can make sure it is shining brightly on these issues. If it helps people and delivers services for people on the island, then I will absolutely do so. Senator Ó Donnghaile is correct that Covid has provided an opportunity. Even taking this meeting as an example, rather than involving significant organisation and time commitment with people having to travel for several hours to spend an hour or 90 minutes at an in-person meeting, it can now be held online, as has become second nature as a result of Covid. It does provide that opportunity.

I wish to provide a small health warning and challenge to the committee. I am conscious that no unionist representatives are taking part in this meeting. I appreciate that two such representatives frequently attend meetings of the committee. I know that one of them is not too well. I am not sure where the Deputy Chairperson of the Committee for the Executive Office is. I will

take their absence as a challenge, rather than anything else, to see if we can get them to engage. If we are able to highlight a work plan in terms of what our committees, coming together, could do, that would be of benefit to everybody.

We need to highlight the importance of unfettered access east and west as well as the fact that we do not wish to remove or reduce anybody's culture or identity through any part of this process. Rather, we just want to get the practicalities sorted out so that life after Brexit is equal to life before Brexit and citizens do not notice any impact of it on their daily lives. I will certainly take that on the challenge of trying to engage our unionist friends and colleagues to be part of these conversations going forward.

Ms Emma Sheerin: On the issue of the absence of unionist representatives, we must be mindful of the fact that the assembly is currently ongoing, which may excuse some of the other members of our committee. I think that it goes back to the conversation we had about the threats that were made last night. We need political unionism to come to the table, show leadership, talk, engage and get involved in dialogue.

I refer to the health consideration raised by Senator Wall. I am Chairperson of the assembly's Ad Hoc Committee on a Bill of Rights. We do not have a bill of rights in the North. It is one of the things that was supposed to come out of the Good Friday Agreement in 1998 but it never did because of a lack of political agreement across the board, as well as the British Government wanting good relations to trump having a bill of rights. One of the things constantly discussed by my committee in terms of rights, particularly socioeconomic rights, is the right to healthcare and how best that can be achieved. We constantly see that people have certain rights under legislation but cannot access them because of practicalities.

In the context of cross-Border initiatives, the unit at Altnagelvin Area Hospital in Derry, Ms Anderson's constituency, is an example of practical thinking and trying to find a solution to work for people. My mum is from Donegal. It does not make sense for anybody from her family in Donegal to travel to Dublin for treatment when they could travel 30 minutes up the road to Derry. Initiatives such as that are an example of using a sensible approach to deliver rights. Obviously, there are rights concerns arising from Brexit. For example, people do not know the situation for dogs for the blind community when it comes to crossing the Border, and there are issues with medication. All of these things have to be worked out. They have real implications for people's everyday lives.

Ms Martina Anderson: I wish to pick up on the point relating to the cross-border health directive. I have been dealing with a constituent. Indeed, I dealt with several of them prior to the transition period ending. Constituents in the North were obviously able to avail of the cross-border health directive. For example, a number were able to go to Navan and other hospitals in the South.

EU law, policies and funding have touched on almost every aspect of life in the North. Brexit has also touched on many aspects of life as a consequence of us being dragged out against the majority, who voted to remain. That is one of the things we have lost. While we have an area of co-operation in the Good Friday Agreement for health, we will have 151 areas of EU laws intersecting with the assembly's competency and with the Houses of the Oireachtas on an all-Ireland basis.

There has been some scrutiny of the kind of engagement going on at the moment around Covid-19 in terms of the areas of co-operation around health. We have heard about the memo-

randum of understanding. We know we had challenges, if not difficulties, around the implementation of that area of co-operation. We know on an all-Ireland basis, unfortunately, we have had two different operations with the rolling out of Covid-19.

The loss of that EU health directive is very much impacting on resident citizens in the North who can no longer avail of it. That was one of the ways they were able to look at paying some contribution towards their care, because they were able to get 50% paid for by this directive. Now, that is not the case. While discussions are taking place I do not believe that the kind of priority given to an all-Ireland approach to this issue has been materialising on the floor given the questions the three of us in this room have been asking the Minister of Health in the North and the Minister for Health in the South and the collaboration that is required and how we need an all-Ireland approach.

We have heard from Gabriel Scally - as well as many other professionals - who looked at New Zealand and other places in the world to show us the only way that we are going to tackle the virus. We cannot confront and tackle what we cannot see and we have to go about doing this on an all-Ireland collaborative basis.

Based on what is happening in the North, there has been considerable focus and attention given to trade, and perhaps rightly so. That was happening even during the transition period and during the conversation about the impact of Brexit.

Article 2 was picked up on. We had An Taoiseach, as he was at the time, Deputy Varadkar telling the people of the North that no Irish Government would ever again leave us behind. One of the first things that I believe the southern establishment could have done, because it was within its gift, related to the three electoral seats given to the South when the MEPs from the North and Britain were kicked out of the EU. It could have allocated them to the North. This was the first signal to us that the democratic deficit was not only not going to be honoured but that we were being left behind. Article 2 in the withdrawal agreement and in the protocol relates to our rights. We are Irish. As a former MEP, I had not one but two Irish passports, which I cherished. I had a diplomatic Irish passport. It says on our passport that it is the right and entitlement of everyone born on the island of Ireland to be part of the Irish nation. I know we have people here who are British and I respect the fact that they are British and that they want their rights upheld. In fact, I was the only MEP when I was there to take the unionists over to meet the Commission to ensure that there would be an equivalence of rights across the North and that we would not have a situation whereby because we were Irish passport holders, it would not give us some additional rights compared with other people.

We want rights across the board. We have had before us at a hearing the Irish Human Rights and Equality Commissioner. She is very focused on the equivalence of rights across the island. We have an all-island charter of rights coming out of the Good Friday Agreement. Just as we do not have a bill of rights, the all-island charter of human rights has not materialised either. There is work for us to do to make sure that we protect everyone here regardless of our religious denomination or the colour of our skin. We need to truly engage with each other. Even though there will be bumps on the road ahead as we walk towards a future that, I think, will result in constitutional change, we need to do so mindfully and respectfully of the differences that we all say were so carefully fostered unfortunately by an alien government. We need to be mindful of our language. Sometimes we have had to be tough and sometimes we have had to call it for what it is and what is happening around us.

Some things have been lost to us in the North and one of those things that has been lost

across the island is the cross-border health directive for the North. In the South, people have opportunities to go elsewhere in the EU. In the North, people do not have any opportunities at all now because of Brexit. That is one of the many losses we have had in North.

Chairman: I thank Ms Anderson. The next speaker offering is Senator O'Reilly.

Senator Joe O'Reilly: I thank the Chairman and Ms Rachel Breen for their assistance. I was having difficulty connecting at the start. I appreciate their patience and help. I thank the Chairman for calling me even though I have been missing for some of the meeting. Like Senator Ó Donnghaile, I want to make a few comments rather than ask direct questions.

I join colleagues in welcoming our guests or, rather, our colleagues from the Northern Assembly. They are very welcome. It is important to have this exchange and I hope it will be one of many. I join colleagues in saying we are delighted to engage with Mr. McGrath, Ms Anderson and Ms Sheerin to work together on the issues. Like Senator Wall, I condemn the threats to the workers. We must all be unequivocal about that. There is no ambiguity in that regard and neither should there be.

To move on, it is important we maintain the areas of co-operation and as much of the pre-Brexit normality basically as can and, in fact, more. Health co-operation is one such area. I come from a Border constituency and that is one of the reasons I appreciate the opportunity to contribute today. Coming from a Border constituency, I am very aware of what the cross-Border health initiatives have meant. These are very important. There were opportunities for people from the South to access a number of treatments in the North and *vice versa*.

The point Ms Sheerin made about Donegal, Derry and Altnagelvin hospital is eminently sensible. Practical health co-operation, joined-up thinking on health and joint services are matters that transcend politics, on which we can build good relations and that is a tangible thing. A number of people who have gone to Northern Ireland - to Belfast - on foot of the cross-Border schemes. I have been involved in helping some of them with the process of making their applications and completing forms, as, I am sure, other colleagues have. Quite a number of people in Cavan have made such applications. I am sure they benefited from having their treatment in Belfast and meeting people there. It all adds to a good picture of relations. I fully agree with the points made about the health services. I also agree with the point about the Erasmus programme and the need to maintain normality in that regard.

Fundamentally, our challenge, as two committees working together and in our own individual capacities, is to try to maintain the best level of co-operation and interaction that we can and to maintain the highest level of pre-Brexit normality, if you like, and build on it. The point was well made earlier - I think it was by Ms Anderson - that blaming the protocol is wrong. The issue is not the protocol; the issue is with the difficulties that are now arising. The difficulty is actually the Brexit vote *per se* and the decision to go ahead with Brexit. Our Northern Ireland colleagues are in the invidious position of suffering the effects of Brexit without wanting Brexit in the first instance.

This is a wonderfully welcome exchange. As a Border representative, I want to be associated with it. We really have to build on joint services and the health service is an obvious one. Supporting Erasmus for students from Northern Ireland and keeping an information flow there is also important. It is a very worthy discussion and one has no more function than to support and echo it. I hope we can build on it. I have no doubt that the Chairman will seek to do so.

Chairman: I thank the Senator. All the members who indicated that they wished to speak in the first round have done so. I have a couple of questions for the witnesses, after which any members who want to come in on a second round might put their hands up and I will let them in.

I thank Mr. McGrath, Ms Anderson and Ms Sheerin for their candid exchanges with us. They are really painting a picture of the challenges for Northern Ireland and for the island as a whole. This issue impacts all of us and it is in all of our interests to deal with it. As Ms Sheerin said, we are where we are but we must try to make it work, because we have to make it work. My first question relates to the consent mechanism in the Northern Ireland protocol. I raised concerns around that at the time it was agreed. We know that in four years from the end of the transition period, the people of Northern Ireland, and the witnesses and other public representatives, will be asked to vote to maintain the Northern Ireland protocol, maintain what is now the *status quo* and continue with the Brexit that we now have. That includes what is, in effect, a trade border between Northern Ireland and Great Britain.

I am concerned by the tensions that we are seeing bubbling away at the ports of Belfast and Larne. I agree with Senator McDowell that we need to put a stop to that as quickly as we can, bringing all sides on board. My concern is that if the likes of that were to continue and if Brexit were not to be working as best it can for Northern Ireland and for the whole island, that the witnesses will have difficulties in four years' time when the vote comes up. I made the point when the consent mechanism was agreed that it is not a *fait accompli*. If it were, it would not need to be written into the protocol in the first place. We can never underestimate or take for granted what the outcome of that vote might be. While we can be fairly certain at the moment, on balance, that it will be a vote in the positive to maintain what we have, we must work proactively together across the island to make sure that happens.

We need to plan, North and South and as an island, in advance of that vote. We need to be proactive about it and we need to acknowledge that we cannot take it for granted. We need to find mechanisms to deal with the issues we are seeing for Northern Ireland, including in regard to supply chains and the threats to workers at the ports. All of that needs to be dealt with. It is incumbent upon the Government here in the Republic, the European Union and the British Government to work together to fix this. I do not have full solutions yet but we need to ensure that the difficulties that are there are addressed for the people of Northern Ireland and for the island as a whole. My first question, then, is around the consent mechanism in the Northern Ireland protocol and what the witnesses' thoughts are on it at this early stage. We have a number of years to go on it yet.

On the invoking of Article 16, Ms Anderson asked questions around what the Government knew and what Commissioner McGuinness knew. No member of this committee is in a position to answer those very valid questions. I have no doubt Commissioner McGuinness was instrumental in resolving the matter quickly. I know the kind of work ethic she has and that she has Ireland's interests at heart. There is no doubt the attempt to invoke Article 16 was a poor decision, which has had implications. It is no surprise that the other side is arguing that Article 16 should be invoked because of the supply chain issue. One could see that coming. The European Union is responsible for that because it has allowed that discourse to happen. Article 16 should never have been invoked. That was not the way to do it. That is not what it was intended for.

From what I have read, I think there was panic over the vaccine programme and that it was an oversight, but it was a really unfortunate one that we now have to deal with on this island. I think we would all agree that should never have happened. I am really pleased the Taoiseach in-

tervened, as did the entire Government, to stop that and to row back from it. As with anything, there are consequences and we have to deal with those. I hope we never see that happen again.

I do not know the thoughts of the witnesses. Do they think Northern Ireland now has the best of both worlds? For the most part, it has full access to the market in Great Britain and being part of the UK, but it also has access to the European Union market as well. Do they see potential for Northern Ireland in terms of foreign direct investment, growing industry and entrepreneurship and that it might be a fantastic haven for business because of the access to both markets that nowhere else has? There are positives and opportunities here for the North which are deserved and long overdue. That is just my opinion.

Mr. McGrath, as Chair, acknowledged at the outset that there are different views on the committee, and that they may not be expressed at today's meeting. I acknowledge that the DUP members of the committee would probably have a different view from the one I am expressing today. We respect those views. We are not in any way attempting to gloss over them. We fully accept and respect that there are different views on both sides of the issue. They are my three points. I will hand back to Mr. McGrath and to the members of the committee, Ms Anderson and Ms Sheerin.

Mr. Colin McGrath: Thank you, Chair, for the three questions. It could take three or four hours to answer all of the points raised because the questions were so comprehensive.

There is always a difficulty in Northern Ireland that any issue we take instantly becomes green or orange and is one side of the community or the other. The motivation for some of the contributions is in the interests of people's culture and identity rather than the practicalities. Reference has been made on a number of occasions to a cool, calm, collected approach. The bottom line is that for the sale of a potato or pencil, it does not matter whether it is a unionist or nationalist buying it, it is about making sure that the potato or pencil can get from one place to another and not create additional costs for the business selling it. It is about keeping matters streamlined. Something like Brexit creates so many problems, but the solutions are always there. They need to be hard worked for, but they must be found and then delivered. When people have the solutions and they realise it is not having a massive detrimental impact on their business and trade practice they will settle and be happier. At that stage, they can start to look towards the opportunities mentioned by the Chair. Recognising that we are in a new dispensation may provide certain opportunities and we can go and embrace them. If some politicians constantly intertwine identity and culture with those issues, we will move into very dangerous territory. When people's culture or identity is threatened, they react in a particular way. The bottom line is that we do not need to intertwine these issues whenever we are dealing with issues of trade.

There is a democratic deficit. Ms Anderson referred to it earlier. There was a potential for us to have some representation but that is not available. Where there can be a difficulty in that respect is with the changes that might take place in 12 months, two years or five years. Those changes may take place at EU level in Brussels or in conversations at a UK level in London. While the Dublin Government clearly has a voice at the table in Brussels, the way the landscape has been set up through various committee means we are not guaranteed that voice here through the negotiations and discussions that will take place from London. Our businesses and communities will be impacted by these decisions. We need to be able to bottom out how we make sure that our voice is heard.

I refer to the formation of any policies going forward, not just when a policy is implement-

ed, and we are told what is going to happen and see the problems that happen. The potential under the consent mechanism in the protocol was mentioned. There is a fear that even assembly elections could be fought on whether the protocol should stay. In some quarters it may be to their benefit to make sure it never works because they can then use that opportunity to try to gain some sort of democratic benefit. We have to be very careful to keep the situation separate. It is a trade issue. Let us deal with it as a trade issue and make it work. If somebody has a cultural issue, let us address it as a cultural issue and try to persuade people on that front. When absolutely everything is tangled up we get ourselves tied up in knots and confused.

In terms of the best of both worlds going forward, there are some potential pitfalls because while the UK may be able to discuss trade deals with other countries on a technicality, we in the North should be allowed to benefit from that because of the connection to the UK. The protocol means that some of those products and trade impacts will not benefit the North. There will be the potential for some confab there. For example, if there is some form of trade deal with Argentina over meat or Brazil over coffee, those goods might be able to come into the UK, but the question under the protocol is whether they will be able to move into the North. There is a chance that we may not benefit from trade deals in the future and that may leave us with a deficit.

The very valid point was made that if these decisions are to be taken in two, four or six years' time, now is the time to do the planning. We saw what happened in the negotiations when a decision was eventually taken on Christmas Eve which gave businesses seven days to prepare for what was coming. That is no use to businesses. They need binoculars to be able to look a year or two ahead in order to get their systems in place. Therefore, it is incumbent on everyone, when they look at problems and issues in the future, that we start to plan for those changes today.

Ms Martina Anderson: I will respond directly to the matter of consent in the protocol. The protocol was an ugly compromise. There was nothing perfect about it. Therefore, we all had views on the consent built into it. As Mr. McGrath said, it will be played up as we head towards the next election as, unfortunately, a green and orange issue. Nothing could be further from the truth when it comes to what has happened in the North as a consequence of this.

It has been played as a green and orange issue in what was said about the Commission making a mistake. We all acknowledge that it was a strategic blunder that should never have been made at the highest level in the Commission. Let us not confuse that and think it has now caused others to call for Article 16 to be invoked because it was already being called for. Those who were calling for it and then became outraged and offended that the Commission had made such a blunder, utilised that blunder to do the very thing that they had already jumped on the bandwagon in calling for it previously. It certainly did not help.

What Brexit has done for us, in the North, is certainly not the best of both worlds. We have lost hard-won rights. There is no guarantee for workers' rights, consumer rights, commercial rights - things that we have all taken for granted and hard-won rights that needed to be built upon. We all know, as people living in the North, what the British establishment is like when it denies one rights. This establishment wants to ensure that global corporations, oligarchs and elites are serviced and that workers' rights will be thrown under the bus as a consequence, whether they are paternity and maternity rights, and all the rights that we require and that are the floor upon which these rights are built under EU law. We are in for quite a rocky road and will, perhaps, have those rights stripped from us. That is why we are keen that a conversation and focus are given to Article 3.

What Brexit has done in exposing the folly of partition has also ignited a reasonable, calm and logical conversation that has taken place across society about what the form and shape of a new Irish State would look like. We, in the North, are dependent on SMEs for our employment and labour market. Our labour market is mainly made up of SMEs. Approximately 80% of our SMEs trade on an all-Ireland basis. Many of the people who live here are aware of some of what is happening at the moment and I do not diminish any threats that have been made. It is appalling if that is the case.

The Northern Ireland protocol was being targeted and focused on to camouflage a strategic blunder by political unionism who walked their people into the unholy mess in which they find themselves. These threats need to be removed. If people are making threats on social media, that needs to be pursued. If people are taking the registration numbers of cars, they need to be arrested. Unionists, like us all, need to call on those people to stop making the threats. I refer to what is happening at the ports and what is happening with the protocol. We are telling people to be calm, encouraging them to keep calm heads and all that. However, we also need people to be strategic, analyse the situation and not to be dragged into a fool's paradise with what is happening here. With Brexit, right up until December, we were told that people could live with 44,000 jobs being lost here. That is what political unionism was saying : "Go to the chippy" and "the harder the Brexit, the better, as long as we are out of the EU". This is a consequence of all of that. We need to ensure that all-Ireland supply chains are opened up where possible, and the work that can be done to make sure that businesses and workers can be protected, is done. We must ensure that we do have the kind of co-operation that is taking place. I do not agree that it is the best of both worlds, because our world and our rights have been stripped away. That will be the case and that is the trajectory we will be on unless we build on the conversations taking place about a better, new, united Ireland, however long it is going to take. Let us plan and prepare for it. Let us not be ostriches and put our heads in the sand because the people are way ahead of us. The people are already talking about it and already doing it. There is job of work to be done and this committee needs to be engaging with unionism on what kind of a new Ireland is possible. Will it be an Ireland that will facilitate Orange parades? Of course it will. Will it be an Ireland that is going to acknowledge people's British identity? Of course it will. It will never be an Ireland in the manner of the North, where we are sitting in a Parliament but the only thing Irish or Republican in that Parliament is unfortunately a photograph of the late Martin McGuinness hanging on the wall.

Chairman: Does Ms Sheerin want to come in?

Ms Emma Sheerin: Thanks but I do not have an awful lot to add. Ms Anderson has covered a lot of the questions that were posed, particularly around the four-year period and the consent mechanism under the protocol. We can see already that Ms Arlene Foster and political unionism have referred to that, as have various commentators, as a sort of mini-Border poll or unity referendum. To my mind we are in a period of constitutional change; Brexit forced that. It forced a situation where the people of the North are no longer in the arrangement they previously enjoyed, when they were dragged out of the EU. While we are in this period of flux, obviously the dominance of political unionism within the Assembly is gone. That majority has now been removed. There are very significant and valid calls for the British Government to start planning for and putting in place the processes to hold a unity referendum, as per the 1998 Good Friday agreement. That agreement provides that the British Secretary of State can call such a referendum whenever it is felt there is an appetite for it. Successive polls are now showing that there is such an appetite and we are in that space of constitutional change. I would reiterate that the most important thing at this time is dialogue. We need cool heads. We need

to have conversations to work out how we are going to operate this. I am sure I do not have to tell committee members because they already understand that the British Government has a very bad record in Ireland. People talk about the best of both worlds but while we are still under the control of the Westminster Parliament, we are not in the best of both worlds. People had to adapt and make arrangements. Businesses grew and operated in the system they were in because that was the place we were in but going forward it makes much more sense for businesses to be operating on a North-South basis than it ever did on an east-west basis. That is my contribution to the discussion on that issue.

Chairman: Thank you Ms Sheerin. A number of Senators are offering, including Senators Gallagher and Martin. I will go to them, revert to Mr. McGrath and then call Senators who wish to contribute to a second round of questioning. Senator Gallagher appears to be having technical difficulties so we will go to Senator Martin next.

Senator Vincent P. Martin: The ground has been well covered already but the recent mistake was colossal. That is clear from the unified assessment of it by a collection of different voices, North and South. Notwithstanding that, I am deeply concerned that this will be used in the forthcoming Assembly elections and we must address that. I would like to hear from our friends across the Border about how best to calm the jets. I expect we will have an inquiry in due course about how that decision was reached but there would be more consultation before reaching a decision in a local gardening or bowling club than that engaged in by the European Commission. It seems that the Irish Commissioner was out of the loop. A member state, the Republic of Ireland, was not consulted. That will mend in due course and we will learn from the mistakes, but how do we take the steam out of it? How do we reach out? My fear is that it will be like years ago where an issue would become a hot potato in an upcoming Assembly election. I have a vested interest. I love moderate voices such as those of the Green Party in Northern Ireland and of the Alliance Party. With no disrespect to the bigger parties, I feel that a voice of moderation in the middle is the future and I feel those voices will be squeezed if an election is dominated - I will not use the word "hijacked" - by the protocol issue.

I respectfully agree to disagree with what Ms Anderson said about "the best of both worlds". I know from where my colleagues in Northern Ireland are coming when they say that they want a shared island but accepting the Brexit we have, although our guests might not be jumping up and down about it, it is as good as was feasible or could be expected as the best of both worlds. Perhaps the solution is if the people of Northern Ireland could benefit financially and culturally from the best of both worlds through something like the Erasmus scheme. Is that how we can take the steam and sting out of these matters? Like other speakers, I am concerned that this issue could get out of control in the medium term unless we reset things.

It is fortunate that, largely speaking, our guests are talking to a converted audience. We have representatives of the SDLP and Sinn Féin from Northern Ireland in this meeting. How do we get through this and get us back on track? The solution I referred to a moment ago is one suggestion I have for the people of Northern Ireland. No one wanted Brexit and I know it is not the best of both worlds that our guests wanted, but we are where we are and in that difficult circumstance with their backs against the wall, I feel it was perhaps the best that could be achieved although no one wanted it to happen. I would love to hear a constructive and concrete strategy in due course to take the tension out of the air in both the short and medium term. The last thing we want is for this to be the number one issue in an Assembly election that should be about health and a more normalised society. Perhaps we should be aiming towards a border poll at the right moment when the tension is out of the air and people can make that democratic

decision. How do the experienced politicians at this meeting think we can take the temperature out of things?

Chairman: I think Senator Gallagher is back on the line.

Senator Robbie Gallagher: Good morning, Chair. Can you hear me?

Chairman: We can. Go ahead.

Senator Robbie Gallagher: I had a technical problem. I would first like to issue a warm welcome to our colleagues from the North; it is great to hear their voices. It is somewhat unfortunate that the development of last night seems to have dominated the discussion this morning, and rightly so. We would hope, when temperatures cool, that the issue can be resolved to the satisfaction of all concerned.

Like Senator Joe O'Reilly, I too come from a Border constituency. I was born in Donegal and now live in Monaghan. We have a unique understanding of what life was like for those of us who have lived on the Border all our lives. I am somewhat disappointed that we do not have any unionist voices on the call this morning. That is the first challenge that this committee faces. We need to encourage all voices to join in. I see this particular process as a threat to no one. We are public representatives who represent the people of all the island on issues such as health, education, transport or whatever. One of our Northern friends, I think it was Ms Sheerin, made reference to the relationship that is ongoing between Letterkenny University Hospital and Altnagelvin Area Hospital in Derry. That has been going on for a while to the benefit of citizens on both sides of the Border and is working very well. I would like to see such schemes rolled out in more detail across various parts of the North because that is the kind of co-operation that is needed, whether it be in the areas of education, transport, environment or whatever. We all live on a small island and have the same difficulties. This committee can progress any of those issues. It would be doing a good day's work if it were to do so.

On the issue of the lack of unionist voices, I know the Chairman outlined that this is our first meeting with our colleagues from the Northern Ireland Assembly and it may be conflicting with other meetings. I would like a big effort to be made to encourage all voices to participate in meetings of this committee. As I stated, the committee is not a threat to anybody.

I think Senator Wall was the first attendee to refer to the cross-border healthcare directive. It is another example of cross-Border co-operation that has benefitted the citizens of the country, that there would be people from the South travelling to the North or people from the North travelling to the South. Although there is a transitional arrangement in place from now until the end of the year, which I welcome, I see it as a window of opportunity for us to expand on that and put a more long-term process in position. I am confident that we will manage to do so. We, as a committee, could shortlist two or three issues that we can see progressed. A cross-Border healthcare agreement would be No. 1 on such a list because it is the kind of seamless co-operation that people need. People in need of healthcare are able to access it and they do not care where they have to go to do so. I have spoken to people from as far away as County Kerry who went to Belfast to get an eye procedure. It was the first time the individual from County Kerry to whom I spoke had ever been in the North. I am sure there have been similar situations in Northern Ireland whereby people who may not have previously been to the South went there to receive treatment for a health issue. That is very positive and the more of that we do, the better.

I will not keep the witnesses too long. We have covered a significant amount this morning.

It has been a very good and worthwhile exercise. It is one I would like us to carry out every quarter or perhaps three times per year, depending on what members deem suitable. I would like every effort to be made to ensure that all voices would be represented on the next occasion. I know we have spent a lot of time this morning looking back and discussing how we got to where we are this morning. None of us can change the past, but we can help to shape the future. I think the efforts of this committee should be directed 100% in that area.

Chairman: I thank Senator Gallagher. Members have come in for their first round. I will revert to Mr. McGrath and the other members of the Committee for the Executive Office to see whether they wish to respond to Senators Martin or Gallagher or whether they have any questions for the committee. They have already heard from all Senators on this side and those Senators will be coming back in for a second round. I will revert to Mr. McGrath and his colleagues.

Mr. Colin McGrath: I thank Senators for their questions. So many issues have been raised within those questions that it would take a long time to respond on them all. Senator Martin asked how we can take the heat out of this situation. We do so by dealing with facts. Unfortunately, as a result of knee-jerk reactions on social media, people can be very quick to take a slant on an issue and that can very quickly grow to become a narrative. There is a line right back to the remarks of Senator Ó Donnghaile in respect of getting clear facts out to people about what they can and cannot do. If people understand that, they are very quickly able to make their own determination on an issue but if a void is left, that is filled with social media armchair commentators, confusion and misinformation. If we take it right down to the actual problems, it is not about nationalists and unionists or British and Irish. It is about how one gets a lorry from Stranorlar to Larne as seamlessly as possible. If we focus on that as the issue, rather than window dressing it with everything else, there might be an opportunity to move forward. It is incumbent on all the governments on these islands to be able to get the correct information to people as clearly and concisely as possible.

On the issue of Brexit, for me it was happening when the vote was declared on that day in June. There were various ways and means to try to prevent it, but a democratic decision was taken by primarily English people that they wanted to leave the EU. We wasted far too much time from then to now, but that was a victim of circumstance. We all know how politics can be massively impacted by circumstance. The protocol was the least worst option available. Other options were available, but they were just dismissed, primarily by the DUP. Time and again they were not supported, and we would not be where we are today if some of those other options were explored several years ago. For people to say that the protocol, which was all that was left on the table, needs to be dismissed to bring us back to a scenario where there is nothing on the table, does not bring us forward. It just moves us backwards. If we have learned anything in this process, it is that we all need to work together and move forward, rather than take big steps backwards.

If we can stick to the facts, if people can accept that we are where we are and if they can stop intertwining identity and culture into trade matters, we should be able to take the heat out of it. That will require political leadership rather than political opportunism. I worry because I do not think that unionism is in a good place at present. All that it has for a certain amount of survival is opportunism, and perhaps it is going to lurch towards that. It is incumbent on the rest of us not to allow unionism to have that heat brought into the conversation. We should do everything we can not to rise to any of the bait it throws out.

Ms Anderson or Ms Sheerin might wish to continue.

Ms Emma Sheerin: To follow what Mr. McGrath said, I said at the meeting that I feel almost as if we are being admonished for the lack of unionist representation. This, in itself, is the point that I have been making all along. Political unionism needs to come to the table and engage. The Assembly started at 10.30 this morning, but there was half an hour before that. There are unionist representatives on this committee who have not engaged. Perhaps they have other engagements and that is the reason they are not here. I do not know. However, it almost proves the point we are making here that we need conversation to flow both ways. Regarding the events last night at Larne, we are now finding out there was no formal threat and that the DUP Minister withdrew staff without an actual threat. One can make one's own assumptions on the rationale behind that. The point is we need to engage. We need a calm response from the unionist leadership and we must have conversations with people on the ground who feel that their identity is being threatened or that there is something to fear from what is now the formal border down the Irish Sea. The Irish Sea exists. It is a geographical reality.

Mr. McGrath spoke about intertwining trade matters with identity matters. I am an Irish republican, so I want to see things happening on the island of Ireland. I want to see Irish unification. There is no shock in that regard. However, I have constituents who have no political affiliation whatever and could not care less, but because of the situation we are in and the fact that we are part of the UK they made their business fit to that and they traded with Britain. Now that we have been taken out of the EU and those things are made difficult, they are looking for alternatives and another arrangement. Incidentally, it works out to be more efficient and sensible. Logically, it makes sense that someone who was previously buying cattle in Scotland would now buy them in Monaghan. This is about exposing those kinds of things, trying to find solutions to the problems which have arisen and protecting the protocol as a means of protecting our businesses. We cannot force unionism to engage with us, but we can open the door and ask it to do so. We are doing that, and I do not know what else we can do in that regard. From my party's perspective, we have been clear about that aspect. We are not threatening anyone, and we do not want threats or violence or to have this situation hyped up. We want to have dialogue and conversation, and that is the sensible way forward.

Ms Martina Anderson: My appeal for the members of the committee is to do what they would do in any situation, namely, to assess the facts and not to get caught up in hysteria or to believe that because an action is taken, that action was based on an actual threat. If it is based on a threat, then that is appalling and disgraceful and needs to be condemned. My appeal and that of Sinn Féin is for that assessment to be done. I live in Derry, and we have long heard about the radiotherapy unit in Altnagelvin Hospital. I am aware of how long and hard people in Donegal and the north west have fought to have access to the hospital. I am closer to Donegal than I am to Strabane, geographically and literally, and to everything in that regard.

My heart is at where my heart is at. I am minutes away from having one foot in Donegal and the other foot in Derry. I assure the committee that this is not just my opinion which I am expressing regarding trying to convince the people of the North in this respect. We have been dragged out of the EU against our express wishes. Things will happen which will have EU law attached to them, and we will have no say about the form and initiation of such undertakings because of the democratic deficit. In addition, we had only just been taken out of the EU when the British Government announced two weeks ago that it was doing a review of workers' rights. I refer to those rights being under threat, such as the 48-hour week being re-examined. In that context, we are being told that our employment rights need to go, and we must now also have car insurance green cards to travel from Derry into Donegal. Those are some of the things which have been lost as a consequence of Brexit.

We have also been told that it is okay for the British Government, through the Internal Market Bill, to change the protocol and to strip powers from Ministers in the North and give those powers to British Ministers. Those Ministers could then override decisions taken by Ministers in the North regarding the budget. We in the North would have no democratic scrutiny of that process and would not be party to decisions that might be reached by British Ministers. I refer to actions such as an outreach initiative to a particular firm in the North, for example, which may not be part of the budgetary programme or programme of work here in the Assembly.

With all due respect, when I listen to suggestions that we have the best of both worlds I refer to all those things we have been stripped of that I have just outlined. The people I represent are being stripped of all those things. Sometimes we do not know what we have until it is gone. Day after day, we hear more examples in this regard. A constituent was in contact with me last week because she wanted to get access to cross-Border healthcare. She did not realise that she could not make that application anymore because of Brexit and that option was now lost to her. The realisation caused shock waves for her. I refer to Brexit not just being about trade, the customs union and the Single Market. People did not really understand the full implications. Workers are talking to us as well and asking how their rights will be upheld in this context.

Our appeal to the members of the committee concerns the need for serious EU reform. I believe we can bring about that reform if we engage with the EU and that it can be a better EU, depending on the representation which is sent to those institutions. After losing all those things I have spoken about, we are now being told that the time is not right for us to get our pathway back into the EU. The Good Friday Agreement has offered us a democratic pathway back into the EU, and that might be via the reunification of Ireland. Many people, regardless of whether they come from a nationalist or republican constituency, feel European as well. They feel Irish, they feel British and they also feel European. There is a challenge to the South in perhaps moving itself, as we all have to do, out of its comfort zone that this is not the right time. That is not the way life works. As the saying goes, "Man plans and God laughs." Life does not allow us to go in when we think it will be the best possible time. The conversation is already happening. I have been in halls where DUP representatives have told the audience there was no conversation about Irish unity taking place in their constituency only for someone from the Orange Order to stand up and say, "That is not quite true, Jeffrey." They want to know whether they will be able to have orange parades. These are the kinds of questions that will arise among ourselves. I would like members in the South to understand the extent of the impact of being dragged out of the EU and what it means. While the focus is on ports and trade and cattle and sheep, cattle and sheep have more rights and protections than human beings in the North at the moment. That is a role of this committee, which should be concerned about protecting the rights of the people of the North regardless of what community they come from.

Chairman: We have two further contributions from members who have already spoken. I will take Senators Malcolm Byrne and Niall Ó Donnghaile together and then go back to Mr. McGrath for perhaps a response and some closing remarks. We have to bring the committee to a close by 12 noon. Due to public health guidelines, we cannot be more than two hours in the committee room. I therefore ask Senators Byrne and Ó Donnghaile to be as brief as they can.

Senator Malcolm Byrne: I was conscious when Mr. McGrath spoke about potatoes and pencils and not knowing the identity of the person buying them, although Jacob Rees-Mogg seems to know the identity of fish at this stage.

In response to Ms Anderson's question about ports, I come from Wexford, and Rosslare port is booming. Year on year, trade with continental Europe is now up by 446% even though trade

with Britain has halved. There are now 16 direct sailings to mainland Europe, and increasing numbers of hauliers are coming from the North, straight down the M1, which is motorway nearly the entire way down if one is coming from Belfast. In Gorey, where I live, we now have a Covid testing centre for all the hauliers just outside the town, so the possibility of using Rosslare as well as Dublin needs to be considered.

Regarding identity, the point has been made that there is no one on this call from a unionist tradition or who would subscribe to neither the unionist or nationalist tradition. It may be useful that on a future call, and talking about the constitutional relationships on this island, we look at engaging with some of our colleagues who are looking at this issue, for instance, in the Scottish Parliament - obviously, fish is an issue and it is a big issue in Scotland - but also in Westminster and the Welsh Senedd. Setting this discussion in that broader context may be useful.

Finally, I will take issue with a little of what Ms Anderson said because it is important that issues surrounding identity and culture and trade are kept separate. I would say I am Irish. I aspire towards a united Ireland but I am also a committed European and have consistently been so. I do not want an argument on European identity and membership of the EU being divided into green and orange and the notion that if people are green, they therefore support the EU and if they are orange, they are pro Brexit. I do not want the European project to be dragged into that sense of tribalism. There has not been enough recognition of the importance of the EU in underpinning the Good Friday Agreement and co-operation on these islands. That has to be recognised. It is important in any of the language we use that it be inclusive and we are not seen as dragging the question of a European identity into arguments around green and orange.

Chairman: I thank Senator Byrne for his brevity. I ask Senator Ó Donnghaile to be as brief as he can.

Senator Niall Ó Donnghaile: Although I am proudly green, I am much more than just green. It does a great disservice when we reduce people to those one-dimensional labels, and I am not doing so from the perspective of my party or my politics. The main point we must remember is that the majority vote to remain was not green or orange, it was multicoloured. We had the great advantage in the previous Seanad and on this committee of the membership of then Senator Ian Marshall, a proud unionist from a unionist tradition who was also clear in being anti-Brexit. This Oireachtas could have returned him to the Seanad and our committee but it did not do so. As such, perhaps colleagues in the Government parties might question how to involve unionist parties in this institution. The great strength of the Seanad is that it can be nationally representative of all of our different colours and traditions.

As committee members here will know, the Joint Committee on the Implementation of the Good Friday Agreement experiences the same problems. We do a great deal of work in trying to encourage our unionist colleagues to attend meetings, although it seems only one party ever gets criticised for its abstentionist policies. I agree with the sentiment that we need to do more to hear unionist voices. There might be legitimate reasons for some of our colleagues not to be present today. That is fair enough, but it emphasises the need for more meetings to try to give them the space and encouragement to come along.

The constructive strategy that Senator Martin argues for is 23 years old. It is in the Good Friday Agreement and we need to look towards it. While I am delighted and greatly encouraged to hear our Chair and the assembly committee's chair advocating for preparations in advance of potential upcoming votes on the protocol, I hope that applies across the board. I will ask that it be applied in respect of other potential votes, namely, those contained in the Good Friday

Agreement that allow a pathway out of this damaging Brexit, which has been inflicted on us all.

There is a notion that people can be told how an election should be fought and a presumption of the grounds on which they vote. That comes from a place of supreme privilege, if not arrogance. I go into republican heartlands all of the time. They vote on issues of health, housing, welfare and so on. Brexit has upended all of those issues. It impacts every aspect of our lives. Of course it will be a factor in how people consider their future options. My opening point was that we needed to be calm, level headed and measured in this period and that remains my steadfast position. We must also be careful because people are not one-dimensional. I know people from within the nationalist and republican traditions who are indifferent to all of this. I know people from unionist and loyalist traditions who are asking fundamental questions and re-evaluating fundamental beliefs they have held for all of their lives. This is our current dynamic and we cannot tell people how an election should be approached or how they should vote or presume to know that they vote on one issue and one issue alone. That has not been my experience of voting or of engaging in elections for a long time.

I am glad about today's discussion. It has been helpful and I think that we can do more. I hope to see colleagues from different parties attend the next meeting so it is crucial that we get that date in the diary as soon as possible.

Chairman: We are down to the wire so we will return to Mr. McGrath for some closing remarks.

Mr. Colin McGrath: Many of the issues raised towards the end of the meeting are probably better explored in the future. That may lead us to the point of bringing recommendations about future opportunities to meet to our respective committees. Would it be fair to say that there is consensus among the special select committee and representatives from my committee to continue this engagement? Maybe we could ask for our clerks to meet, advise us and plan for that. We could take away our thoughts, notes, issues and concerns and pick them up in our future engagement.

Chairman: That is a great idea. What we have garnered from this morning's discussion is that far more unites us than divides us. There is a desire across all parties and none for continued and further engagement. There are many issues to delve into and it is difficult to deal comprehensively with all of those in a two-hour timeframe.

I thank Mr. McGrath, Ms Anderson and Ms Sheerin on behalf of our committee for being available this morning. It is much appreciated. I thank both clerks for all of their hard work behind the scenes to make this happen. I suggest to Mr. McGrath that it might be easier for us to go to his committee next time. If his committee would like to extend an invitation to us, it might make it easier for us to engage with all colleagues on his committee. I will leave that with him because obviously he will want to run that by his own members to get agreement. I have no doubt that that would be agreed on our side. We would love to reciprocate what Mr. McGrath has facilitated this morning. We will leave it to the clerks to engage on that and await Mr. McGrath's response.

The select committee adjourned at 12.02 p.m. until 10 a.m. on Tuesday, 9 February 2021.