



**Tithe an
Oireachtais
Houses of the
Oireachtas**

An comhchoiste um Fhorfheidhmiú Chomhaontú Aoine an Chéasta

**Na hImpleachtaí atá ag Brexit do Chomhaontú Aoine an Chéasta:
Príomhchinntí**

Meitheamh 2017

Joint Committee on the Implementation of the Good Friday Agreement

The Implications of Brexit for the Good Friday Agreement: Key Findings

June 2017

32/JCIGFA/01



**Tithe an
Oireachtais**
Houses of the
Oireachtas

An comhchoiste um Fhorfheidhmiú Chomhaontú Aoine an Chéasta

**Na hImpleachtaí atá ag Brexit do Chomhaontú Aoine an Chéasta:
Príomhchinntí**

Meitheamh 2017

Joint Committee on the Implementation of the Good Friday Agreement

The Implications of Brexit for the Good Friday Agreement: Key Findings

June 2017

32/JCIGFA/01

Contents

Chair’s Foreword	2
Executive Summary	4
Stakeholder Engagement	6
Introduction.....	8
Chapter 1: The Good Friday Agreement and Brexit	9
Background to the Good Friday Agreement	9
General Implications of Brexit for the Good Friday Agreement and its Institutions.....	10
Commitments of main stakeholders in relation to the Good Friday Agreement.....	12
Chapter 2: Cross Border Cooperation.....	17
North South Ministerial Council.....	17
North South Bodies	19
Cross Border Infrastructure Cooperation.....	19
Environment.....	19
Chapter 3: EU Funding.....	21
Special EU Programmes Body:	21
The PEACE IV Programme	21
The INTERREG VA Programme	22
Chapter 4: The Border: Trade, Free Movement and Security	27
Cross border and all island trade	27
The Agrifood Industry.....	29
Common Travel Area.....	30
Security Issues	30
Chapter 5: Constitutional Issues	33
Chapter 6: Reconciliation and Identity	34
Reconciliation	34
Identity	35
CONCLUSION	38
Annex 1: Terms of Reference	39
Annex 2: List of Committee Members and Participant MPs.....	40
Annex 3: Glossary	42

Chair's Foreword



**Kathleen Funchion TD
Committee Chair
(SF)**

On 23 June 2016, the people of Britain voted in favour of leaving the European Union with 51.9% voting to leave and 48.1% voting to remain. In the North, 55.8% voted to remain and 44.2% of the electorate voted to leave.

The results have brought sharp focus to the implications of Brexit for the Good Friday Agreement.

Brexit threatens some of the key relations and principles set out in the Good Friday Agreement. It is recognised that the EU, from the outset, has played an important role in the peace process.

Common membership of the EU is referenced throughout the Good Friday Agreement. EU financial support has been indispensable and transformative. Uncertainty of what Brexit is, and its potential impact, makes any assessment of challenges very difficult. The results of the recent UK general election, with a proposed coalition agreement including a party from Northern Ireland, gives rise to further concerns pertaining to the implications of Brexit for the Good Friday Agreement.

The Joint Committee on the Implementation of the Good Friday Agreement agreed that consideration of Brexit and its potential implications for the Good Friday Agreement necessitated examination. The Joint Committee is resolute in its dedication to the protection of the principles of the Good Friday Agreement and towards the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of human rights of all.

This report focuses on hearings undertaken by the Joint Committee with a wide range of stakeholders. A number of key findings and recommendations arose from the meetings conducted, and the written and oral contributions made to the Committee.

The Committee acknowledges that it was not possible to include all stakeholders and all themes but recognises that the challenges of Brexit will become clearer as negotiations take place and there will be a need for further consideration and reports.

I would like to thank all those who participated in the Committee's meetings and made contributions on this issue.

The Committee agrees that it is incumbent on all parties in the negotiations to be ever mindful of the Implications of Brexit for the Good Friday Agreement and to ensure that the institutions and principles in the Agreement are respected, protected and promoted.

Kathleen Funchion

Executive Summary

The implications of Brexit for the Good Friday Agreement have been explicitly recognised as one of the most important matters to be resolved in the Brexit negotiations which have just commenced.

The EU placing the matter of the land border on the island of Ireland front and centre as one of the three initial issues to discuss in the negotiations is indicative of just how serious Brexit is for the future of north-south relations in all aspects.

The Committee welcomes the progress made by the Government to date in ensuring that the central importance of safeguarding the Good Friday Agreement is fully appreciated and recognised at EU level.

However, as this report outlines, there is no room for complacency and the implications for the Good Friday Agreement are both complex and multi-faceted.

This report, based on 12 hearings held over 10 days, outlines how Brexit affects the following aspects of the Good Friday Agreement:

Cross Border Cooperation: The Committee heard about the important EU aspect to the work of the North South Ministerial Council and how this will need to be addressed; the concern about the future of North South bodies and their EU role; the need to develop north south infrastructure and the need to undertake comprehensive impact assessments in regard to potential changes to EU directives and regulations in Northern Ireland.

EU Funding: The Committee heard of the serious concern around the future of EU funding beyond 2020, particularly the PEACE and INTERREG programmes which have contributed so much to the peace process. The importance of maintaining these programmes was emphasised. In the event that these programmes cannot be maintained, establishing comprehensive successor programmes is essential.

The Border: Trade, Free Movement and Security: The Committee heard that clarity is urgently required on the manner in which it is intended to avoid a hard border. The Committee underlines the crucial importance of maintaining an open, free flowing border allowing for the continued development of the all island economy in all respects. The Committee found that no other model can be transposed to Ireland and that a tailored solution based on geography, relationships, politics and people must be developed. Infrastructural needs, agribusiness, cross border businesses and industries, including the retail sector, as well as SMEs, all stand to be adversely affected by Brexit. The Committee further heard that concerns around potential security issues at the border must be carefully monitored.

Constitutional Issues: The Committee welcomes the EU's declaration providing legal certainty that the entire territory of any future united Ireland would automatically become part of the EU in line with the Good Friday Agreement's principle of consent.

Reconciliation and Identity: The Committee heard of the less tangible but very serious concerns around the impact of Brexit on reconciliation and identity. The psychological impact of Brexit in a still fragile post conflict environment must be a central consideration. The Committee calls on the Government to continue convening the All Island Civic Dialogue throughout the negotiations and for a detailed study on the implications for reconciliation to be carried out.

In its Conclusion to this report, the Committee undertakes to monitor developments closely insofar as how they impact on the Good Friday Agreement and to hold further meetings with stakeholders as the negotiations develop.

Stakeholder Engagement

27 September 2016

Mr. Charles Flanagan TD, Minister for Foreign Affairs and Trade

Mr. Máirtín Ó Muilleoir MLA, Minister for Finance, Northern Ireland

20 October 2016

Mr. Anthony Soares, Deputy Director, Centre for Cross Border Studies

Mr. Peter Sheridan, Chief Executive, Cooperation Ireland

17 November 2016

Mr. Brian Gormally, Director, Committee on the Administration of Justice

Ms. Gina McIntyre, CEO, Special EU Programmes Body (SEUPB)

Mr. Shaun Henry, Director of Managing Authority, SEUPB

Mr. John Greer, Head of Unit – Joint Secretariat, SEUPB

15 December 2016

Dr. Conor Patterson, Chief Executive, Newry and Mourne Co-Operative and Enterprise Agency

Mr. Peter Conway, CEO, Warrenpoint Harbour

Mr. Michael Blaney, Managing Director, Autoline Insurance Group

12 January 2017

Mr. Declan Fearon, Border Communities Against Brexit

Ms. Tanya Ward, Chief Executive Officer, Children's Rights Alliance

26 January 2017

Mr. Tom Arnold, Director General, Institute for International and European Affairs (IIEA)

Mr. Daithí O'Ceallaigh, Chair of the UK Project Group, IIEA

9 February 2017

Mr. Paschal Donohoe TD, Minister for Public Expenditure and Reform

9 March 2017

Dr. Duncan Morrow, Lecturer and Director of Community Engagement, Ulster University

6 April 2017

Mr. Glyn Roberts, Chief Executive, Retail NI

Ms. Lorraine Higgins, Head of Public Affairs, Retail Excellence Ireland

1 June 2017

Mr. Michael Ewing, Coordinator, Environmental Pillar

Ms. Diane Ruddock, External Affairs Manager, National Trust

Ms. Rebecca Hunter, Living Seas Manager, Ulster Wildlife

Mr. John Martin, Conservation Team Leader, Land Use & Marine Policy, The Royal Society for the Protection of Birds Northern Ireland

Mr. Sean Kelly, Development Manager, Northern Ireland Environment Link

Full transcripts of all meetings are available at www.oireachtas.ie

Introduction

The Joint Committee on the Implementation of the Good Friday Agreement comprises seven members of Dáil Éireann and six members of Seanad Éireann. It was constituted to consider issues arising from Ireland's role as a signatory to the Good Friday Agreement, as well as ongoing developments in the implementation of the Agreement.¹ The Committee oversees and encourages full and comprehensive implementation of all aspects of the Good Friday Agreement.

Following the outcome of the United Kingdom referendum on exiting the European Union on 23 June 2016, the Committee has been considering the implications of Brexit for the Good Friday Agreement and the peace process on the island of Ireland.

The Committee has held 12 hearings on this subject over 10 days from September 2016 to date. During that time, both in its hearings and in the statements made by the Irish Government, the British Government, the Northern Ireland Executive and at European Union level (Council, Commission and Parliament) it has become very clear that the implications of Brexit for many aspects of the Good Friday Agreement are both uncertain and serious.

This report makes several key findings on issues that directly impact the continued implementation of the Good Friday Agreement including:

- Cross Border Cooperation
- EU Funding
- The Border: Trade, Free Movement and Security
- Constitutional issues
- Reconciliation and Identity

The report is based on the statements of the stakeholders listed on page 6-7. The report does not seek to cover every single aspect of the Good Friday Agreement. The Committee fully recognises that Brexit may impact on other elements of the Agreement outside the scope of this report.

In presenting this report, the Committee acknowledges the many uncertainties that lie ahead in the negotiations. In the immediate term, the Committee is fully cognisant of the potential changes in the negotiation position which may arise following the UK general election on 8 June as well as the central importance of achieving a positive outcome in the ongoing talks regarding the formation of an Executive in Northern Ireland.

¹ See [Committee Terms of Reference:
http://www.oireachtas.ie/parliament/oireachtasbusiness/committees_list/good-friday-agreement/role/ordersofreference/#d.en.35806](http://www.oireachtas.ie/parliament/oireachtasbusiness/committees_list/good-friday-agreement/role/ordersofreference/#d.en.35806)

Chapter 1: The Good Friday Agreement and Brexit

Background to the Good Friday Agreement

The Agreement was reached in Belfast on Good Friday 1998 (10 April) among political parties in the North of Ireland, as well as the Irish and British Governments. It was subsequently overwhelmingly endorsed by referenda by the people of Ireland, North and South, in May 1998. The Good Friday Agreement is lodged at the United Nations as an international agreement.

The Good Friday Agreement is widely recognised as the cornerstone of the peace process. It also provides the institutional framework for British-Irish relations, which in recent years have never been warmer.

In the words of President Michael D Higgins in his April 2014 speech at Westminster,

“I stand here at a time when the relationship between our two islands has...achieved a closeness and warmth that once seemed unachievable...We acknowledge [the] past but, even more, we wholeheartedly welcome the considerable achievement of today’s reality – the mutual respect, friendship and cooperation which exists between our two countries”²

The Agreement has been fundamental in bringing to an end decades of strife that arose from the partition of Ireland in 1921 into a six county Unionist-majority Northern Ireland which remained in the UK (albeit including a substantial Nationalist minority) and the twenty six county Irish Free State (later Ireland). The conflict was particularly acute in Northern Ireland during the period from the late 1960s to 1998, known as the Troubles, in which over 3,600 people were killed by republican and loyalist paramilitaries and the UK security forces.

At the heart of the conflict was the question of Northern Ireland’s constitutional status, with the Unionist community favouring remaining in the UK, and the Nationalist community aspiring to a united Ireland. In the Agreement, those with differing senses of national identity and belonging in Northern Ireland agreed to pursue their visions and constitutional goals by exclusively peaceful and democratic means.

On the question of the constitutional status of Northern Ireland, the Agreement gave prominence to the principle of consent. It recognised the current wish of the majority of the population of Northern Ireland to remain part of the UK, while also affirming the legitimacy of the aspiration to a united Ireland, if desired by the people of Ireland North and South, and subject to the agreement and consent of a majority of the people of Northern Ireland.

The Agreement also sought to address the central issue of identity in Northern Ireland in its provision that the people of Northern Ireland could choose Irish or British citizenship, or both.

The Agreement created institutions including a devolved Assembly and Executive for Northern Ireland with mandatory power-sharing to safeguard the rights of minorities (Strand 1), a North-South

² <http://www.president.ie/en/media-library/speeches/address-by-president-higgins-to-the-houses-of-parliament-westminster>

Ministerial Council to develop cooperation within the island of Ireland (Strand 2), and a British Irish Council to develop cooperation between Britain and Ireland (Strand 3). The Agreement also contained commitments and safeguards on human rights, equality, policing, justice and security.

The Good Friday Agreement further provided for the establishment of a joint parliamentary forum between the Northern Ireland Assembly and the Oireachtas, later established as the North South Inter Parliamentary Association (NSIPA), co-chaired by the Ceann Comhairle and the Speaker of the Assembly, to discuss matters of mutual interest and concern. British Irish interparliamentary links are referred to under Strand 3 which has led to the further development of the British Irish Parliamentary Assembly (BIPA) structure.

The Irish Government and British Government are co-guarantors of the Good Friday Agreement.

General Implications of Brexit for the Good Friday Agreement and its Institutions

The Committee recognises and strongly supports the fact that, as an international agreement, whatever the outcome of the Brexit negotiations, the Good Friday Agreement will remain in force.

This has been explicitly acknowledged by both the Irish and British Governments as co-guarantors of the Agreement, and by the European Union. The centrality of the Agreement to the ongoing establishment of stability and promotion of reconciliation in Northern Ireland has been underlined.

The establishment of peace in Northern Ireland is still relatively recent and, as such, the new relationships formed as a result of the Good Friday Agreement and subsequent agreements are still being normalised. Many elements of the Agreement remain to be implemented, such as a Bill of Rights for Northern Ireland (based on the European Convention on Human Rights); an Irish Language Act for Northern Ireland; and the establishment of a North South Consultative Forum.

It is the Committee's view that Brexit should not distract from any of these aspects of the Good Friday Agreement being implemented. Rather, Brexit should provide renewed impetus for progress to be made.

The outcome of the UK referendum and developments to date clearly indicate the great uncertainty that exists both at a general level and specifically in relation to the implications for a number of elements of the Good Friday Agreement. It has therefore never been more important that the institutions and principles provided for in the Agreement are respected, protected and promoted.

The current impasse in forming an Executive in Northern Ireland only serves to indicate the extent of the work still required to ensure stability, cooperation and reconciliation.

The changed landscape that lies ahead with the UK set to leave the European Union has serious and significant implications for the Good Friday Agreement. In focusing on the implications of Brexit for the Good Friday Agreement, it is the intention of the Committee to bring public attention and scrutiny to those areas of the Agreement where comprehensive solutions will need to be found in

the negotiations.

It is important to underline that the Good Friday Agreement explicitly provides that each of the three Strands of the Agreement are interlocking. Some general implications for the three Strands of the Agreement are as follows:

- For Strand 1 (Assembly and Executive), the question arises of whether powers held now at EU level will be devolved unchanged to the Assembly if the UK passes a 'Great Repeal Bill' intended to repatriate powers from the EU to the UK. Should it be decided to first change and then devolve these powers (e.g. in relation to employment rights or environmental standards), it is possible that there would be implications for the rights guaranteed by the Good Friday Agreement.
- For Strand 2 (North-South cooperation) it has been noted that the limited scope of the North South Ministerial Council (NSMC) and North-South implementation bodies means that much of their focus at present centres on EU-related work, for example management of EU funding and coordination on compliance with EU regulations. If Brexit means there is no longer an EU focus to Strand 2 the question arises as to how to ensure this Strand remains meaningful. It has been suggested that Strand 2 might provide a mechanism for enhanced North-South cooperation in the event of Brexit. Chapter 2 examines this Strand in greater detail.
- For Strand 3 (East-West cooperation including the British Irish Council, British Irish Parliamentary Assembly and the British Irish Intergovernmental Conference) there are important opportunities for closer engagement with Westminster/ Whitehall, as the institutions of Strand 3 could provide a mechanism for consultation that may partly 'compensate' for less day to day British-Irish interaction in the EU (there are approximately 26 meetings daily in Brussels). The Irish and British Governments should consider making greater use of the British Irish Intergovernmental Conference established under Strand 3 to enhance bilateral cooperation.
- The British Irish Council (BIC) which was established to promote the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands has the potential to take on additional significance as a forum for addressing the implications of Brexit. At the extraordinary summit which took place in Cardiff on 22 July 2016, there was consensus on the importance of the Council as an institution and a forum to share views and enhance cooperation.
- Throughout the hearings, the relevance and growing importance of the British Irish Parliamentary Assembly was underlined. Consideration should be given to it meeting more frequently as an important forum for taking forward Irish British relations. Connections with other formal and informal British Irish Parliamentary Groups should also be deepened, for example the *All Party Parliamentary Group on Ireland and the Irish in Britain*.

In addition to the institutions of Strand 3, a formal structure of consultation at senior official level has been in place between the Irish and British Administrations since 2012. This is further evidence of the depth of the relationship.

Key Findings:

Brexit should not distract from any of the outstanding aspects of the Good Friday Agreement being implemented. It has never been more important that the institutions and principles provided for in the Agreement are respected, protected and promoted.

The full potential of the institutions of the Good Friday Agreement has yet to be exploited; as such the Committee strongly supports the continued development of those institutions. The Committee recognises their immense value as fora to share views and enhance cooperation.

The Irish and British Governments should consider making greater use of the British Irish Intergovernmental Conference established under Strand 3 to enhance bilateral cooperation.

The British Irish Council has the potential to take on additional significance, including on addressing issues arising from Brexit and as a valuable network among all member administrations across these islands.

Consideration should be given to the British Irish Parliamentary Assembly meeting more frequently.

Further specific issues that arise due to Brexit are addressed in subsequent chapters.

Commitments of main stakeholders in relation to the Good Friday Agreement

The Committee recognises the important commitments made to date, as follows:

The Irish Government:

In the Government publication 'Ireland and the negotiations on the UK's withdrawal from the European Union The Government's Approach', Section 3 outlines in detail issues unique to Ireland.³ In relation to Northern Ireland and the Peace Process, the Government outlines four main objectives:

- *Avoid a hard border on the island of Ireland*
- *Acknowledgement by the EU and the UK of the need to respect the provisions of the Good Friday Agreement through the withdrawal process and thereafter*
- *Continued EU engagement in Northern Ireland*

³ http://www.merrionstreet.ie/MerrionStreet/en/EU-UK/Key_Irish_Documents/%20%20%20%20.html

- *Protection of the unique status of Irish Citizens in Northern Ireland*

Northern Ireland Executive:

Former First Minister Arlene Foster and former and late deputy First Minister Martin McGuinness wrote to Prime Minister May on 10 August 2016⁴. In their letter they outlined five key concerns:

- *The importance of ensuring the border does not become an impediment to the movement of people, goods and services.*
- *Ensuring businesses retain their competitiveness and do not incur additional costs – retaining ease of trade with the EU and access to the EU labour market*
- *Protecting the energy market*
- *Future of EU funds and programmes*
- *The agri-food sector including fisheries, both in terms of CAP receipts and the level of exports to the EU*

The European Union:

In the EU negotiating guidelines, the following reference is included:

The Union has consistently supported the goal of peace and reconciliation enshrined in the Good Friday Agreement in all its parts, and continuing to support and protect the achievements, benefits and commitments of the Peace Process will remain of paramount importance. In view of the unique circumstances on the island of Ireland, flexible and imaginative solutions will be required, including with the aim of avoiding a hard border, while respecting the integrity of the Union legal order. In this context, the Union should also recognise existing bilateral agreements and arrangements between the United Kingdom and Ireland which are compatible with EU law.⁵

The European Parliament:

In its resolution of 5 April⁶, the European Parliament stated the following:

Whereas the European Parliament is especially concerned at the consequences of the United Kingdom's withdrawal from the European Union for Northern Ireland and its future relations with Ireland; whereas in that respect it is crucial to safeguard peace and therefore to preserve the Good Friday Agreement in all its parts, recalling that it was brokered with the active participation of the Union, as the European Parliament emphasised in its resolution of 13 November 2014 on the Northern Ireland peace process(5) ;

⁴ <https://www.executiveoffice-ni.gov.uk/publications/letter-prime-minister-rt-hon-theresa-may-mp>

⁵ <http://data.consilium.europa.eu/doc/document/XT-20004-2017-INIT/en/pdf>

⁶ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT%2BMOTION%2BP8-RC-2017-0237%2B0%2BDOC%2BXML%2BV0//EN&language=EN>

Recognises that the unique position of and the special circumstances confronting the island of Ireland must be addressed in the withdrawal agreement; urges that all means and measures consistent with European Union law and the 1998 Good Friday Agreement be used to mitigate the effects of the United Kingdom's withdrawal on the border between Ireland and Northern Ireland; insists in that context on the absolute need to ensure continuity and stability of the Northern Ireland peace process and to do everything possible to avoid a hardening of the border.

The British Government

Section 4 of the White Paper on 'The United Kingdom's Exit from and New Partnership with the European Union'⁷ deals in detail with the UK's relations with Ireland and refers regularly to the particular challenges for Northern Ireland. Specifically the White Paper notes:

4.4 We recognise that for the people of Northern Ireland and Ireland, the ability to move freely across the border is an essential part of daily life. When the UK leaves the EU we aim to have as seamless and frictionless a border as possible between Northern Ireland and Ireland, so that we can continue to see the trade and everyday movements we have seen up to now.

4.10 We will work with the Irish Government and the Northern Ireland Executive to find a practical solution that recognises the unique economic, social and political context of the land border between Northern Ireland and Ireland. An explicit objective of the UK Government's work on EU exit is to ensure that full account is taken for the particular circumstances of Northern Ireland. We will seek to safeguard business interests in the exit negotiations. We will maintain close operational collaboration between UK and Irish law enforcement and security agencies and their judicial counterparts.

The White Paper's Annex B – UK/Ireland provides further detail on the UK's position and should be read alongside the above.

Finally, Theresa May's letter to Donald Tusk triggering Article 50⁸ contains the following paragraph:

In particular, we must pay attention to the UK's unique relationship with the Republic of Ireland and the importance of the peace process in Northern Ireland. The Republic of Ireland is the only EU member state with a land border with the United Kingdom. We want to avoid a return to a hard border between our two countries, to be able to maintain the Common Travel Area between us, and to make sure that the UK's withdrawal from the EU does not harm the Republic of Ireland. We also have an important responsibility to make sure that nothing is done to jeopardise the peace process in Northern Ireland, and to continue to uphold the Belfast Agreement.

⁷ <https://www.gov.uk/government/publications/the-united-kingdoms-exit-from-and-new-partnership-with-the-european-union-white-paper/the-united-kingdoms-exit-from-and-new-partnership-with-the-european-union--2>

⁸ <https://www.gov.uk/government/publications/prime-ministers-letter-to-donald-tusk-triggering-article-50>

The Committee recognises that the UK Government's position may change on a wide range of issues following the outcome of the general election on 8 June 2017.

The Committee further acknowledges the work of the Government and Irish Members of the European Parliament in ensuring recognition of the specific case of Northern Ireland in the negotiation guidelines and in the European Parliament's resolution, as outlined above. Statements from European leaders and European Commission Chief Negotiator, Michel Barnier, have been reassuring. It is clear that there is strong commitment to ensuring that the particular issues and significant challenges that Brexit poses for Ireland, including Northern Ireland, are addressed in the negotiations. However, there is no room for complacency.

The Committee calls on all parties to ensure these commitments are fully adhered to in the difficult negotiations ahead and that the best possible outcome is sought in the interest of all the people of the island of Ireland.

It should also be noted that meetings were held with the House of Commons Exiting the European Union Committee⁹ and the House of Commons Northern Ireland Affairs Committee¹⁰. These meetings provided members of the Committee with a valuable opportunity to outline to both Westminster Committees the very significant concerns about the implications of Brexit for the Good Friday Agreement.

The House of Commons Exiting the European Union Committee subsequently published its report on the UK Government's Brexit negotiating objectives. The summary of the report findings in relation to Northern Ireland and Ireland is as follows:

The UK and Irish economies are deeply integrated with over £43 billion of annual trade between the UK and the Republic of Ireland. In the event of no UK–EU deal, the UK would revert to trading on WTO terms with the Republic of Ireland. The high tariffs that would be imposed on dairy and agricultural produce as a result, would have an extremely serious impact on the agri-food industry on both sides of the border.

The border between Northern Ireland and the Republic will become one of the EU's external borders when the UK leaves the EU. There is particular concern in the Republic of Ireland about any return of customs checks at the border with Northern Ireland because this would provide an opportunity and focal point for those who wish to disrupt the peace. It is important to ensure that in implementing Brexit everything is done to maintain and build upon the considerable progress made as a result of the peace process and the Good Friday Agreement. With the goodwill that currently exists on both sides of the border, we hope that a mutually acceptable solution can be found. This must be at the top of the list of the

⁹ On 23 February 2017

¹⁰ On 22 March 2017

*Government's negotiating priorities.*¹¹

Annex 6 of the report summarises the Committee's visit to Dublin in February.

It should further be noted that important statements were made regarding safeguarding the gains of the peace process and the Good Friday Agreement on the occasion of the visits to the Houses of the Oireachtas of Michel Barnier, the European Commission's Chief Negotiator of the Taskforce for the Preparation and Conduct of Negotiations with the United Kingdom, and Frans Timmermans, First Vice President of the European Commission. In his address to the joint sitting of the Houses of the Oireachtas, Michel Barnier stated the following:

*"Tomorrow I will travel to the Border with Northern Ireland and will meet farmers and workers in a dairy co-operative. I want to learn from them and listen to their concerns about how they are affected by Brexit. Some might be concerned about exports to the UK or the return of customs checks at the Border while others might fear a return to the instability of the past. In Northern Ireland, lifting the Border took time and it was only 15 years ago that checkpoints and controls totally disappeared, thanks to the Good Friday Agreement that ended decades of violence. I was the European Commissioner in charge of the PEACE programme and I have not forgotten my conversations with Mr. John Hume and Mr. David Trimble on that point. I understand the European Union's role in strengthening dialogue in Northern Ireland and in supporting the Good Friday Agreement. European integration helped to remove borders that once existed on maps and in minds. Now, Brexit changes the external borders of the EU but I will work with Ireland to avoid a hard Border."*¹²

Frans Timmermans stated the following:

*"I believe we have a political and moral duty to do everything within our power to maintain the Good Friday Agreement and everything that entails."*¹³

¹¹ The House of Commons Exiting the European Union Committee report on 'The UK Government's Brexit negotiating objectives: The White Paper':

<https://www.publications.parliament.uk/pa/cm201617/cmselect/cmexeu/1125/1125.pdf>

¹² Michel Barnier, 11 May 2017:

<http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail2017051100003?opendocument#A00100>

¹³ Frans Timmermans, 21 February 2017:

<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/FDJ2017022100002?opendocument#A00200>

Chapter 2: Cross Border Cooperation

Strand II of the Good Friday Agreement provided for the institutional environment necessary to develop and promote increased cross border cooperation.

This has been central to the invisible 500km long border in place today and the significant development of daily activity – whether it be for trade, business, employment, education, access to services, tourism or otherwise – that takes place across the border every minute of every day. While there are 300 formal crossing points (and numerous informal ones) and an estimated 1,852,000 car crossings every month, there are currently no formal check points or requirements to stop. The border is now, for all intents and purposes, invisible.

As noted by Anthony Soares of the Centre for Cross Border Studies, a central priority must be that commitments to cross border cooperation embedded in the Good Friday Agreement remain a priority for both Governments. Cross border cooperation will become increasingly important to address the challenges resulting from economic, social and political uncertainty and instability. It is essential that the soft infrastructure established to support cross border cooperation (for example statutory cross border bodies, links at departmental and local government level and within civil society networks and projects) be protected and nurtured.¹⁴

Minister Flanagan recognised that North South cooperation must intensify and advance in order to maximise benefits. In addition to enhancing the role of institutions as discussed above, one such way of intensifying cooperation is increasing the number of joint trade missions. The Minister noted that Ireland’s Embassy network stands ready to assist northern colleagues as required.¹⁵

Anthony Soares further noted that the interests of border regions must remain central to both Governments and the Northern Ireland Executive, including in terms of EU funding which is guaranteed to 2020 (discussed further in Chapter 3). Existing EU directives and regulations should remain in place until such time as any proposed change has been subject to comprehensive territorial, equality and environmental impact assessment.¹⁶

North South Ministerial Council

The North South Ministerial Council (NSMC), one of the institutions provided for in the Good Friday Agreement, is in place to develop consultation, cooperation and action within the island of Ireland. The Committee heard from a number of witnesses that in light of Brexit, the NSMC should meet

¹⁴<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016102000001?opendocument>

¹⁵<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016092700002?opendocument#A00100>

¹⁶<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016102000001?opendocument>

more regularly. Minister Flanagan agreed that the NSMC now takes on greater urgency.¹⁷ The opportunity presented to expand the NSMC's role was noted by a number of witnesses and its potential role in providing a forum for addressing emerging aspects of the withdrawal process was suggested.

The new circumstances, whereby representatives from the South will continue to be part of an EU member state while representatives of the North will not, will have to be addressed. This is particularly at issue given part of the NSMC's remit, as described in the Good Friday Agreement, is to "consider the European Union dimension of relevant matters, including the implementation of EU policies and programmes and proposals under consideration in the EU framework."¹⁸ As discussed by both Anthony Soares of the Centre for Cross Border Studies and Duncan Morrow of Ulster University, Brexit will have direct consequences for this aspect of the Good Friday Agreement and the status of this element of the NSMC's work will need to be clarified in the course of the negotiations.

It is important to emphasise that this does not in any way imply that the NSMC will be less relevant or risks becoming defunct but rather that new ways of working will have to be developed. **This will most likely involve a greater onus on the Irish Government to become a channel for Northern Ireland on EU matters of relevance and concern, with the agreement of the Northern Ireland Executive and Assembly:**

"..rather than its EU role becoming redundant, it may become of greater importance, providing a mechanism to address emerging impacts of the withdrawal process. In addition, provision for the views of the NSMC to be represented at relevant EU meetings through Irish Government Ministers and officials could provide a continuing platform for the Northern Ireland Executive to raise issues and have an input to EU policy-making."¹⁹

The North South Consultative Forum, as provided for in the Good Friday Agreement, is a further means of addressing this issue. The Committee urges all parties to address these outstanding elements of the Good Friday Agreement as a matter of urgency.

The Committee notes the decision at NSMC plenary meetings since the Brexit referendum that the Government and the Northern Ireland Executive will work closely together to ensure Northern Ireland's interests are protected and advanced and that the benefits of North South cooperation are protected in any new arrangements. However the Committee further acknowledges the inability of the NSMC to take forward its work since January due to the absence of a Northern Ireland Executive. **The Committee urges all parties to work together to form an Executive as soon as possible in the**

¹⁷ Minister for Foreign Affairs and Trade, Charles Flanagan, TD, on 27 September 2016:

<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016092700001?opendocument>

¹⁸ Good Friday Agreement, Strand Two, Article 17:

<https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/northernireland/good-friday-agreement.pdf>

¹⁹ A Soares, Centre for Cross Border Studies, 20 October 2016:

<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016102000001?opendocument>

greater interest of all the people of Northern Ireland at this pivotal time.

The North South Inter Parliamentary Association was also referred to regularly as an important forum to develop North South relations.

North South Bodies

Members and witnesses expressed concern about the future of North South bodies given that a large part of their work is EU related, managing EU funded projects or transposing EU standards. Concern that the reduced EU related mandate would effectively mean a hollowing out of the Good Friday Agreement was expressed by members.

As noted by the Centre for Cross Border Studies, the likely policy divergence that will emerge between the UK and Ireland will also impact bodies such as Safefood, Waterways Ireland and the Loughs Agency. Day to day operations of all such bodies will be significantly complicated with staff and business on both sides of the border.

The Committee heard that Intertrade Ireland's remit in promoting cross border business and trade will face considerable challenges in the event the UK leaves the Single Market.

More generally, members expressed concern about the impact of Brexit on cooperation between local authorities on both sides of the border working on joint programmes.

Cross border Infrastructure Cooperation

On 1 December 2016, the Committee heard from representatives of Monaghan County Council, Donegal County Council, Fermanagh and Omagh District Council and Derry City and Strabane District Council on cross-border cooperation on road infrastructure, for example the A5.²⁰

On the same date the Committee further heard from representatives of Louth County Council and Newry, Mourne and Down District Council on the Narrow Water Bridge Proposal.

While the focus on these hearings was not directly on the impact of Brexit, they served to highlight the extent of cross-border cooperation taking place and the strong desire on both sides to continue to strengthen such cooperation.

It was highlighted by members that given the challenges Brexit presents, the importance of bringing infrastructure in border regions up to standard and urgently fulfilling commitments made was never more important.

Environment

The Committee heard detailed information from members of Northern Ireland Environment Link and Environmental Pillar (representing the Irish environment sector), of the cross-border challenges Brexit presents the entire sector with. The Committee fully supports the concerns raised, in particular "the need for appropriate cross-Border structures, mechanisms and funding streams to be

²⁰<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016120100001?opendocument>

either put in place or to remain in place where they currently exist to ensure our nature, land and sea is handed on to future generations in better conditions than they are in today.”²¹

Key Findings:

The NSMC should meet more regularly providing a forum for addressing emerging aspects of the withdrawal process. The EU focus of the NSMC’s work will need to be clarified in the course of the negotiations.

The North South Consultative Forum has an important role to play. The Committee urges all parties to address these outstanding elements of the Good Friday Agreement as a matter of urgency.

Members and witnesses expressed concern about the future of North South bodies given that a large part of their work is EU related, managing EU funded projects or transposing EU standards. Clarity is required urgently.

Given the challenges Brexit presents, the importance of bringing infrastructure in border regions up to standard and urgently fulfilling commitments made has never been more important.

Existing EU directives and regulations should remain in place until such time as any proposed change has been subject to comprehensive equality and environmental impact assessment in border regions.

²¹<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2017060100002?opendocument#A00100>

Chapter 3: EU Funding

It is important to recognise the significant role the European Union has played in contributing to and facilitating the peace and reconciliation process on the island of Ireland on a number of levels. This includes funding a wide range of programmes. The issue of how Brexit will impact EU funding, bodies and programmes was the focus of a number of witnesses before the Committee.

The scale of the funding and the significant achievements made as a result of it are outlined below.

Special EU Programmes Body²²:

The SEUPB is one of the six cross-border Bodies set up under the British-Irish Agreement of 8 March 1999.

SEUPB's main role is to manage cross-border European Union Structural Funds programmes in Northern Ireland, the Border Region of Ireland and parts of Western Scotland.

SEUPB's two current programmes (2014-2020) are the European Union's Programme for Peace and Reconciliation (otherwise known as the PEACE IV Programme) and the European Union's Cross-border Programme for Territorial Co-operation, Northern Ireland, the Border Region of Ireland and Western Scotland (otherwise known as the INTERREG VA Programme). SEUPB is responsible to the European Commission, the Northern Ireland Executive and the Irish Government for the delivery and management of the programmes.

The PEACE IV Programme²³ is a unique cross-border initiative, financed through the European Regional Development Fund (ERDF) of the European Union. It has been designed to support peace and reconciliation in Northern Ireland and the Border Region of Ireland. In addition to supporting peace and reconciliation the ERDF also contributes to the promotion of social and economic stability, in particular through actions to promote cohesion between communities.

The first PEACE Programme was agreed in 1995 as a direct result of the EU's desire to support the efforts being made on this island to build a peaceful and stable society in Northern Ireland. As the peace process has evolved and matured the PEACE Programmes have played an important role in reinforcing progress towards a more peaceful and stable society.

The SEUPB notes that there has been significant progress in the region since the Good Friday/ Belfast Agreement (1998) and St Andrews Agreement (2006). However divisions between communities are still very evident with low levels of trust and high levels of residential and social segregation (this issue is explored further in Chapter 6). Issues around the expression of identity often result in community tensions and increased polarisation. Within this context there still remains a real need for the region to address a number of key issues in order to support the overall peace process. These include more efforts to develop and deepen reconciliation between divided communities; increase

²² <http://www.seupb.eu/Home.aspx>

²³ http://www.seupb.eu/2014-2020Programmes/PEACEIV_Programme/PEACEIV_Overview.aspx

tolerance and respect to reduce the levels of sectarianism and racism; promote increased community cohesion; and address the legacy of the past.

In its appearance before the Committee, the IIEA noted PEACE has a particular focus on creating opportunities for young people in a region which saw youth unemployment reach 22% in 2015.

The ERDF contribution to the Programme is approximately €229m (85%). In addition €41m (15%) comes from match-funding from the Irish Government and Northern Ireland Executive, raising the total value of the Programme to approximately **€270m**.

The PEACE IV programme has four core themes, with a strong emphasis on supporting young people to develop their skills to contribute to a more cohesive society. Shared education has been allocated €35 million. The majority of schools in the region remain single-identity. The project will see 144,000 students engaged in direct and sustained curriculum-based contact between pupils and teachers from all backgrounds. A sum of €37 million has been allocated to children and young people to form positive and effective relationships with others of different backgrounds. This will target young people aged between 14 and 24 who are disadvantaged, excluded or marginalised and who have deep social and emotional needs and are at risk of becoming involved in anti-social behaviour. It is planned to fund at least eight capital projects to the value of €53 million, creating a more cohesive society through the increased provision of shared civic spaces and services. In recognition of the needs of those who have suffered in the trauma of the conflict, €17.6 million will be allocated to the capacity of services to meet the needs of victims and survivors. It will add value by investing in cross-Border health and well-being services that develop proven expertise within the region and increase the capacity and the quality of care in the sector for victims and survivors and their families.

The INTERREG VA Programme²⁴ for 2014-2020 is one of 60 programmes across the European Union designed to promote greater levels of cross-border co-operation. Northern Ireland, the Border Region of Ireland and Western Scotland share a number of common features with other border areas across Europe where developmental problems are exacerbated by the existence of borders.

Borders can distort infrastructure and communication networks resulting in reduced economic development and different policy approaches which hinder joined-up service delivery. The new INTERREG Programme has been designed to address many of these issues in order to promote greater economic, social and territorial cohesion across the region.

The eligible area for the new INTERREG VA Programme includes Northern Ireland (incorporating Belfast), the Border Counties of Ireland (Monaghan, Leitrim, Cavan, Louth, Sligo and Donegal) and Western Scotland. Projects have to be cross-border in nature and must therefore involve partners from at least two Member States (UK and Ireland).

The European Regional Development Fund (ERDF) contribution to the Programme is €240m (85%). In addition €43m (15%) comes from match-funding, raising the total value of the Programme to **€283m**.

²⁴ http://www.seupb.eu/2014-2020Programmes/INTERREGV_Programme/INTERREGV_Overview.aspx

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

In total, since its inception 21 years ago the PEACE programme has provided **over €2.2bn** for important reconciliation work in Northern Ireland and the Irish border region, and INTERREG, since its inception 25 years ago, has provided **over €1.1bn** to encourage cross border cooperation in job creation and infrastructure development in Ireland, Northern Ireland and Western Scotland.

Some important results of the previous PEACE III programme, as outlined by Gina McIntyre of SEUPB are as follows²⁵:

- 200,000 people attended events that addressed sectarianism, racism and conflict resolution;
- 44,000 attended events to assist victims and survivors;
- 7,000 people received trauma counselling;
- 136,000 have so far enjoyed the very magnificent shared spaces that have been developed to create, build and foster cross-community links. Examples include: Castle Saunderson scouting project in Cavan, the Peace Link, a cross-Border and cross-community sports complex in County Monaghan, the Peace Bridge in Derry-Londonderry, and the Girdwood project in north Belfast, a new state-of-the-art community centre hub built on an interface area at the side of an old army barracks.

Some important results of the last INTERREG programme include²⁶:

- the North West Regional Science Park in Derry-Londonderry
- the extension of the Letterkenny IT campus
- the refurbishment of the Drogheda viaduct and the upgrading of enterprise

²⁵<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016111700001?opendocument>

²⁶<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016111700001?opendocument>

- A sum of €30 million went into a cross-Border health project entitled "Putting Patients, Clients and Families First", which assisted all of the residents in the eligible area to have access to quality health care.
- As a result of these 120,000 benefiting from cross-Border support in areas of health, rural development, enterprise and tourism.
- 3,500 businesses assisted to promote innovation and creative activities, with 1,300 of those SMEs directly collaborating on cross-Border ventures.
- 15,000 people attending workshops to look at solutions to common problems in the Border area, such as joined-up delivery, improvements to service and access to services available
- a large telecommunications project funded, which linked Northern Ireland and Ireland with Canada, America and parts of Europe, and other projects examining renewable energy and environmental sustainability.

One of the successes of the previous PEACE programme was the involvement of local councils across the region, with councils implementing almost one third of the programmes and identifying local needs in respect of shared services and spaces, children and young people and building positive relations. **The Committee commends the approach of the SEUPB in working with local councils in the border region.** The importance of this approach was emphasised when a number of representatives from councils in the border region appeared before the Committee. At that meeting, Council representatives from border regions spoke of the risk of losing INTERREG funding being a significant problem for infrastructure development as INTERREG has been the only mechanism by which councils can apply for large infrastructural grants.

One of the main concerns expressed by many witnesses is the future of PEACE and INTERREG when the current programmes finish in 2020. The Committee notes and welcomes the UK Government's commitment to guarantee EU funding until the end of 2020 but the uncertainty after that period is deeply worrying.

Minister for Public Expenditure and Reform, Paschal Donohoe, TD, informed the Committee of the Government's commitment to PEACE and INTERREG funding and to any successor programmes post 2020. The Minister noted that the programmes have been a key element of the European Union's continuing commitment to the process of peace building, reconciliation and support for the Good Friday Agreement.²⁷

The Committee was encouraged to hear the NSMC has discussed this issue and that Minister Donohoe and former Minister for Finance in Northern Ireland, Máirtín Ó'Muilleoir, had written to the European Commissioner for Regional Policy, who has responsibility for the ERDF. **The Committee also undertakes to write to the Commissioner on the matter.**

The Committee also heard from a wide range of witnesses of the extent to which PEACE and

²⁷<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2017020900001?opendocument>

INTERREG funding have benefitted communities on both sides of the border and significantly enhanced the cross-border region.²⁸ The importance of protecting the gains of the EU funded programmes was emphasised by all.

*The Children's Rights Alliance*²⁹ stated EU funding benefits the 50,000 children living in border counties but noted there is concern that some groups may move south to avail of EU funding – this would have a highly detrimental impact in border regions and the north.

Border Communities Against Brexit spoke of how EU financial assistance to thousands of community groups and support to development of the economy had utterly transformed the North in the past 25 years.

The Committee on the Administration of Justice stated that any economic pressures resulting from withdrawal of EU funds would pose a real threat to the social and economic rights of the most disadvantaged.³⁰

Gina Mc Intyre spoke of how the projects have delivered so much more than funding - they have opened the borders of the mind.³¹

One Committee member spoke of how “in the past at the border we had our backs to each other, and when peace came we faced each other. The human aspect of the various SEUPB administered programmes has meant people have got to know each other across communities that did not engage for many years. This helped to build peace, prosperity, progress.”

Another member spoke of how “the lack of knowledge and the uncertainty about funding for these programmes post-2020 has knocked the morale and the stuffing out of some community groups that should now be conducting feasibility studies and preparatory work. That is a problem.”

Other EU funded programmes highlighted as at risk include European territorial cooperation programmes and transnational programmes such as Horizon 2020, Erasmus +, Life and Europe for Citizens. The Common Agricultural Policy was also referred to by a number of witnesses. This report does not deal with the aforementioned programmes and policy areas as these fall for consideration by the relevant sectoral Committees of the Houses.

²⁸ E.g. County and District Councils, 1 December 2016:

<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016120100001?opendocument>

²⁹ Tanya Ward, 12 January 2017:

<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2017011200002?opendocument#J00100>

³⁰ <http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016111700002?opendocument#D00100>

³¹ <http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016111700001?opendocument>

Key Findings:

Now, more than ever before in the face of such political and economic uncertainty and instability in Northern Ireland, the importance of programmes that address issues such as intercommunity conflict, reconciliation, cross border cooperation and relationships, the development of infrastructure and jobs, needs to be recognised and these programmes protected.

The Committee urges the Government to ensure the matter of EU funding for Northern Ireland and the border region remains high on the agenda and an expeditious solution is found for successor programmes after 2020.

It is the Committee's strong recommendation that a solution is sought that allows the programmes to continue as they are. The Good Friday Agreement provides a clear pretext for such an arrangement. One solution could include funds continuing to flow to Northern Ireland on a 'lean to' basis post-Brexit via Ireland's EU membership and through the North South Ministerial Council. This option should be explored further under the Government's planning.

The Committee further recommends that both the Northern Ireland Executive and the Government work to ensure that any future funding provided to the continuation of EU funded programmes is NOT deducted from the overall Northern Ireland block grant, but is additional funding.

If the current EU funding programmes cannot be protected then the eligibility of Northern Ireland for receipt of EU structural funds and other funding schemes and mechanisms must be clarified as a matter of urgency.³² The Committee notes the SEUPB is commissioning research on how Northern Ireland and the border region could be involved in such programmes. The Committee recommends that the Government also undertake detailed analysis of these schemes and their suitability for the border region.

The future of the SEUPB as an organisation must also be clarified; there may be a role for it as a re-named body that deals with any new funding arrangements in place or to manage funds from the British and Irish governments.³³

Minister Flanagan noted that since its inception in 1982 the Department of Foreign Affairs and Trade's Reconciliation Fund had disbursed over €46m to almost 2000 projects³⁴. The Government should examine the potential of additional resources being allocated to the Reconciliation Fund with a view to protecting potential loss of funds through EU programmes and ensuring the continued social and economic development of the border region.

³² For example, the IIEA noted that the EU funds several cross border development schemes between Member States and non Member States such as the Cross Border Cooperation scheme under the European Neighbourhood Programme:
<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2017012600001?opendocument>

³³ Centre for Cross Border Studies, 20 October 2016

³⁴ <http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016092700002?opendocument#A00100>

Chapter 4: The Border: Trade, Free Movement and Security

Over the past twenty years, the border between Northern Ireland and Ireland has all but disappeared. Following the Good Friday Agreement, military checkpoints were removed. Customs controls were removed with the advent of the EU's Single Market and Customs Union. The Common Travel Area, common EU membership and above all growing peace and reconciliation has led to a free flowing border in all respects. EU membership and the four freedoms have been intrinsic to that invisibility.

This has all served to contribute significantly to peacebuilding, North-South links, economic integration and reconciliation on the island, as well as facilitating trade and prosperity in border regions.

Brexit raises many questions. While the UK Government has indicated it is committed to retaining the Common Travel Area, which pre-dates EU membership, it has also indicated it is likely to leave the Single Market and the Customs Union. This would have devastating consequences for the island of Ireland. Brexit has brought discussion of the reinstatement of a border to the fore to the very great concern and disquiet of communities, businesses and enterprises on both sides.

The statements of the UK Government and the European Union acknowledging the importance of not returning to a hard border are welcome. Yet the uncertainty around what arrangements will be put in place and how these might affect trade flows, businesses with branches on both sides, movement of people living on one side and working in another is already taking a heavy toll.

Brexit has also sharpened the focus on the immense gains of an invisible border, gains that for many had been heretofore taken for granted and underestimated but that are now keenly appreciated as their existence becomes threatened. These include economic gains (see the unemployment statistics below), as well as social, cultural and most importantly psychological gains.

A great number of witnesses also spoke of these immense psychological gains brought about by an invisible border. Trade and free flowing movement of people contribute in a significant way to cooperation and reconciliation and the cross border links that have been built over recent years are key to the peace process.

The Committee also recognises that the symbolic significance of the border cannot be understated.

Cross border and all island trade

Due to the invisible border between north and south on the island of Ireland, cross border trade and investment has flourished since the Good Friday Agreement. There are now many all island companies and facilities in existence. These draw from talent pools of skilled labour on both sides of the border. The Committee heard that the number of people registered to pay tax as cross border workers are 46,000. Furthermore it is estimated that there are approximately 12 million movements across the border per annum (including for work and leisure). Examples include First Derivatives which employs 1700 people at its Newry base, 60% of whom are from Ireland. Norbrook, also based

in Newry, employs 25% of its workforce from Ireland.³⁵

More broadly, East-West relations will be affected in terms of trade as the scale of goods from Ireland transiting the UK is very significant. This is a significant problem for Irish exporters as the UK prepares to leave the EU.

The Committee heard from the Chief Executive of the Newry and Mourne Enterprise Agency who was deeply concerned about the risks of Brexit and a return of borders to the prosperity and success of the region. Newry currently benefits from an enviable location just an hour from both Dublin and Belfast. Beyond the UK and Ireland the majority of its trade is with EU markets.³⁶

The unemployment rate in the Newry and Mourne region was 30% in 1972 when the border was enforced and the area was characterised by emigration, underinvestment and political instability. In 2016 the unemployment rate was just 2.5% - a clear indicator of the massive transformation of the region.³⁷

Despite this, as highlighted by the IIEA, Northern Ireland is the UK region with the most serious economic development challenges and without any competitive strengths, accounted for just 5% of FDI in 2013-2014.³⁸

This weakness is likely to be compounded by Brexit with an expected reduction in cross border trade and economic cooperation, loss of FDI and loss of EU economic development funding. Northern Ireland's anticipated 12.5% corporation tax rate was expected to boost inward investment however this was largely predicated on continued EU membership and access to the single market.

The Committee further heard that the Brexit vote had already brought a considerable degree of uncertainty which is negatively impacting businesses and SMEs and is likely to remain for years. Businesses are less likely to invest in an unstable climate and Brexit is already creating barriers to the efficient conduct of business. Smaller businesses (SMEs) dependent on exports to Northern Ireland and the rest of the UK are being particularly badly hit.

The Committee heard from the CEO of Warrenpoint Harbour who highlighted how the Harbour acts as a major economic driver for south Ulster and north Leinster and from where 48% of trade goes to and from the south. Located half way between Dublin and Belfast, it is the second largest port in Northern Ireland and the fifth largest on the island of Ireland. It has seen strong growth in recent years and, although situated beside the border, its natural hinterland is geographically rather than politically defined. The possibility of restrictions on trade by tariffs or other administrative burdens could have significant implications for business and for the estimated multiplier of 1200 jobs in the

³⁵<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016121500001?opendocument>

³⁶<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016121500001?opendocument>

³⁷<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016121500002?opendocument#F00100>

³⁸<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2017012600001?opendocument>

local area on both sides of border.³⁹

The Managing Director of Autoline Insurance Group outlined how his company had, pre-Brexit, planned to expand into Ireland but had now decided to put this on hold. The unknowns in terms of regulatory issues and passporting rights have caused many companies to halt expansion plans – this is already adversely affecting growth and jobs. Cross border workers stand to be badly affected if there is a hard Brexit.⁴⁰

Retail Excellence and Retail Northern Ireland presented their significant concerns around Brexit to the Committee. Like many other businesses and industries, the high level of uncertainty is already negatively affecting economic growth. The witnesses strongly encouraged greater North South investment, in transport and tourism in order to retain the focus on the all island economy. Currently, 75% of tourists enter Northern Ireland from the south; there is concern that Brexit could affect the tourism industry.⁴¹

The Agrifood Industry

The challenges that Brexit poses to the agrifood sector both north and south were referred to by a wide range of witnesses throughout the Committee's hearings on Brexit. The Committee wishes to acknowledge the detailed report of the Joint Committee on Agriculture, Food and the Marine (February 2017), but considers it of additional value to summarise the key issues raised at its meetings:

According to the IIEA, 'Brexit is unambiguously negative for the Northern Ireland agri-food sector'. Northern Ireland agriculture is in an extremely vulnerable position given a high proportion of net farm income is accounted for by subsidies.⁴²

The IIEA further noted that it is worrying that the UK is likely to commit to lower overall border protection against third country imports (lowering tariffs and giving greater market access..) – this would put downward pressure on market prices for beef and dairy products exported from NI farms to the rest of UK. In the longer term there is a concern that the UK would move to a lower food price policy which would reduce the value of NI food sales within the UK.

Evidently the economic impact of such possibilities would be devastating in Northern Ireland, an already vulnerable region.

The Committee heard that the agrifood industry is the mainstay of the rural economy across Ireland with raw material traveling across the border hundreds of times per day.

The Committee further heard that agribusinesses such as Lakeland Dairies and LacPatrick Dairies

³⁹<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016121500001?opendocument>

⁴⁰<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016121500001?opendocument>

⁴¹<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2017040600001?opendocument>

⁴²<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2017012600001?opendocument>

operate on both sides of the border and that EU regulations and high food standards are what make Irish agribusiness so successful. Variations in standards between north and south would be extremely detrimental to the entire sector.

The example of the importation of grain was given. Grain is distributed on both sides of the border and is used in the agrifood industry to feed cattle, pigs and poultry. The complexity of customs controls in the event of a hard border is evident: will the product have to be separated for the two jurisdictions? Will different storage locations be required? Will tariffs have to be paid on arrival on the island and then again at the border? There will inevitably be associated costs with such a scenario. 70% of the grain imported via Warrenpoint goes south of the border. These concerns apply to all sectors including medical goods, manufactured goods etc.

Common Travel Area

Both the Irish Government and the UK Government identify maintenance of the Common Travel Area as a priority. The Committee strongly supports this.

The Common Travel Area predates Irish and British EU membership. It allows for free movement of Irish and British citizens between the islands of Ireland and Great Britain and guarantees the rights of Irish and British citizens to live and work in each other's jurisdictions. However, there is no precedent for its operation with one State inside the EU and the other outside it.

The Committee heard that the Common Travel Area (CTA) is not a panacea to Brexit border concerns. This is because from 1922 to 1992 there was a CTA yet there were still long delays, security checks and customs checks on the border. The CTA won't solve problems in terms of movement of goods and trade in particular. Any tariffs, restrictions or security checks will have a serious impact on cross border business.

The Committee further heard of concerns that, particularly in the case of a hard border, racial profiling could take place.⁴³

Security Issues

While one of the main arguments made by 'Brexiters' in the UK referendum campaign was that reinforcing borders would make Britain more secure, it is a central tenet of the Good Friday Agreement that security is in fact created by breaking down borders and building cross-border cooperation and activity.

The Committee heard from Dr Duncan Morrow of Ulster University that a tangible border on the island of Ireland would have a **significant psychological impact**, particularly for people of the border region, who would have thought that there was no prospect of returning to borders on the island in the future (this is covered further in Chapter 6).⁴⁴

⁴³ Committee on the Administration of Justice:

<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016111700002?opendocument#D00100>

⁴⁴<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2017030900001?opendocument>

Dr Morrow further cautioned that a tangible border on the island of Ireland would be a potential flashpoint for dissidents and those who oppose peace on this island, and would be a potential focus for illegal activity.

Security and policing co-operation has been one of the most important aspects of the Good Friday Agreement. The recent Fresh Start Agreement established further cross-Border working with regard to organised crime. The potential for this to be undermined by Brexit is considerable, especially in the case where smuggling or cross-Border crime escalates or the Border requires a reinforcement of the physical presence of security forces, including customs officials and immigration officials in large numbers. The Committee heard that any deterioration of community relations in Northern Ireland is likely to have security implications on the Border.

The border and partition are at the root of the conflict in Northern Ireland. The Good Friday Agreement and joint EU membership meant the impact of the border has diminished in importance. Now, as a result of Brexit, the border has become a contentious issue once again.

Key Findings:

The free-flowing movement of business, commerce and people must be protected. Any restrictions would be negative and retrograde.

Urgent clarity is required on how a ‘seamless and frictionless border’ as referred to by the UK Government might be possible in the scenario of a UK departure from the Single Market and Customs Union. Creative solutions must be employed to ensure that neither cross-border trade nor intercommunity relations suffer unduly.

Minister Donohoe stated that the Government will seek a solution that allows the future trading relationship between the United Kingdom and Ireland to be as close to current circumstances as possible. The Committee supports this approach.

The Committee notes the current economic analysis being undertaken by the Government. It is clear from the evidence and analysis to date that Brexit will have a disproportionate affect on the Irish economy, North and South. This needs to be very clearly quantified in the Government’s analysis.

The Government should also undertake comprehensive studies of other cross border economic models (i.e. Norway/Sweden). However the Committee also acknowledges that no other model can be transposed to Ireland; a tailored solution for Northern Ireland will have to be developed based on geography, relationships, politics and people on this island.

Despite the potential changes that lie ahead the Committee agrees that the all island economy is the only solution. Greater emphasis must be placed on marketing the island of Ireland as one unit. An all island investment and trade promotion agency should be considered and existing promotional agencies may need to cooperate more – Invest Northern Ireland, Enterprise Ireland, the IDA and Bord Bia. Tourism Ireland could be used as a template. The role of organisations such as the British Irish Chamber of Commerce is very important. Joint trade missions should also be expanded.

In the Government's review of the capital expenditure programme, a critical evaluation of the infrastructural needs of the Border region needs to be carried out. If enterprise is to remain competitive in the region, significant upgrading of infrastructure is required. This includes the road network, broadband, etc.

In the event of a hard Brexit, measures to support areas badly affected in Ireland and Northern Ireland such as agribusiness, cross border businesses and industries as well as SMEs will have to be provided. Measures to assist diversification and reorientation to Europe away from the UK must also be provided.

Contingency planning for no deal being reached at all and WTO tariffs applying needs to be undertaken.

Brexit risks incipient borderism through different sets of regulations and standards developing over time in Ireland and Northern Ireland following Brexit. The Government must monitor this closely.

The Government must examine ways of investing further in the all island economy, including in the improvement of transport links and ensuring all island tourism is not adversely affected. In this context the Committee supports the joint recommendations of Retail Excellence and Retail Northern Ireland contained in the report "Building Retail: North and South" .

It is in the best interest of both the UK and Ireland to have as free an arrangement as possible for the agrifood sector. The way in which supply chains currently operate between the UK and Ireland make the argument for this. There should be no variations in standards in animal husbandry or food processing between North and South.

The Committee heard that EU regulations and high food standards are central to the success of Irish agribusiness. Any variation in standards between north and south would be extremely detrimental to the entire sector. The Committee further heard of the importance of issues such as animal disease being continued to be dealt with on an all island basis.

The Committee heard that any deterioration of community relations in Northern Ireland which may arise as a result of Brexit may have security implications on the Border. The Committee expresses its concern at this potential and urges all stakeholders to monitor the security situation closely.

Chapter 5: Constitutional Issues

The Good Friday Agreement contains an important provision on the future political and constitutional status of Northern Ireland. The principle of consent outlined in Section 2: Constitutional Issues of the Good Friday Agreement provides that Northern Ireland's constitutional status is to be determined by the wishes of the majority of people in Northern Ireland:

“The participants endorse the commitment made by the British and Irish Governments that, in a new British-Irish Agreement replacing the Anglo-Irish Agreement, they will: (i) recognise the legitimacy of whatever choice is freely exercised by a majority of people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland.”⁴⁵

Brexit has implications for the principle of consent. In this respect, the Committee welcomed the important declaration made by the European Council on 29 April 2017 in respect of the possibility of a future united Ireland being entitled to full automatic EU membership, without the need for any separate accession process:

“As the Committee with responsibility for overseeing the implementation of the Good Friday Agreement, the importance of including explicit references to the need to uphold all aspects of the Good Friday Agreement in the EU's negotiating guidelines cannot be overstated. While an important achievement, this is just the beginning of long and complex negotiations and there is no room for complacency. The Committee underlines the necessity of the Good Friday Agreement being kept to the fore at all times in the forthcoming negotiations. The additional declaration secured by the Government which allows for the entire territory of any future united Ireland being legally part of the EU is also strongly supported by this Committee.”⁴⁶

As has been seen in the recent election campaigns (the Northern Ireland Assembly election and the UK general election) and the positions of nationalist and republican political parties in Northern Ireland, Brexit has led to the question of a border poll on a united Ireland becoming a central political issue. The complexities of dealing with Brexit and ensuring the best possible outcome for Northern Ireland and the border region in such an increasingly uncertain political environment and when the issue of national identity is so sensitive, makes the challenge all the more difficult.

The concerns around identity are dealt with in more detail in Chapter 6.

⁴⁵ Good Friday Agreement, Section 2, paragraph 1 (i):
<https://www.dfa.ie/media/dfa/alldfawebstimedia/ourrolesandpolicies/northernireland/good-friday-agreement.pdf>

⁴⁶ <http://www.oireachtas.ie/parliament/mediazone/pressreleases/2017/name-41884-en.html>

Chapter 6: Reconciliation and Identity

Reconciliation

Reconciliation between divided communities in Northern Ireland is central to the peace process and to the Good Friday Agreement itself.

While this Committee has heard from many witnesses in relation to the economic impacts of Brexit, the cultural, social and psychological impact in a post conflict Northern Ireland cannot be overstated. The core requirement for reconciliation is to find common ground. The implication of Brexit is that communities may be further divided.

Within the first three paragraphs of the Agreement, it is stated that "We firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all" and "We are committed to partnership, equality and mutual respect as the basis of relationships within Northern Ireland, between North and South, and between these islands."⁴⁷

The Committee acknowledges that much progress has been made but there remains a long way to go in addressing many outstanding legacy issues, dealing with ongoing justice and security matters and breaking down barriers and divisions between communities, both at a psycho-social level and in terms of access to services. Northern Ireland still faces enduring challenges of building and restoring inter-community harmony and addressing the legacy of its troubled history.

It should be noted that the issue of sectarianism remains a significant problem in Northern Ireland. According to Cooperation Ireland, 95% of social housing in Northern Ireland is segregated; just 5% of children go to integrated schools. There were 18 so-called "peace walls" before the Good Friday Agreement, but there were 88 of them in 2008 – an incredible 70 additional walls erected since the Good Friday Agreement.⁴⁸ These so called "peace walls" create barriers between communities. There is clearly a lot of work to be done in taking forward the peace process.

The Good Friday Agreement was not a fait accompli on its signature but the beginning of a long, complex and often difficult process. In this regard, Cooperation Ireland noted that peace is not the absence of violence; peace is a place where people can learn to live together like citizens. That takes a considerable amount of time in a post-conflict environment. There are a wide range of issues outstanding, not least legacy and the ongoing development of political institutions. This is why EU funding is so important.

Dr Duncan Morrow questioned "How far does Brexit represent a unilateral change to the concepts outlined, in particular mutuality and partnership? What does it do to the Good Friday Agreement? To what extent is Brexit coming at reconciliation from outside and not taking it into account at all? Where there are incompatibilities, does reconciliation in Ireland have to be accommodated to Brexit

⁴⁷ <https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/northernireland/good-friday-agreement.pdf>

⁴⁸ <http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016102000002?opendocument#B00100>

or can Brexit be accommodated to reconciliation as it impacts on Northern Ireland?"⁴⁹

Dr Morrow further noted that the more complicated elements of the agreement for inside Northern Ireland are parity of esteem and equality. The Agreement says "the power of the sovereign government with jurisdiction there [the United Kingdom] shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights ... and of parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities." Brexit will have implications for these commitments which is closely related to the matter of identity, discussed below. Dr Morrow pointed to the evidence of the Northern Ireland Life and Times Survey which has indicated a growing sense of Irish identity among many nationalists as well as a growing willingness to accept the existence of Northern Ireland. Withdrawal from the European Union and the possibility of a hard border may have implications for how people identify themselves and thus for the reconciliation process.⁵⁰

Identity

Identity is also a central element of the Good Friday Agreement; in particular its establishment of the right of the people "to identify themselves and be accepted as Irish or British, or both, as they may so choose and...to hold both British and Irish citizenship".⁵¹ The Good Friday Agreement, in effect, provided equal identity to all. Many have availed of their right to hold an Irish passport. This gives rise to the unprecedented situation in which several hundred thousand Irish citizens, resident in Northern Ireland, will, overnight, and in most cases against their will, find themselves outside the European Union. As noted by Cooperation Ireland, "leaving the EU could raise issues of identity in ways that none of us can yet see."⁵²

Dr Morrow further cautioned that "unilateralism in the context of the Good Friday Agreement and uncertainty are both really serious and significant issues, all of which have potentially very major knock-on effects in a context of fragility."⁵³

He further stated that an open Border facilitated close co-operation and gave reality to the aspiration of the Agreement to vindicate the multiple and complex identities of Northern Ireland. Brexit, especially where it disrupts the practical experience of Irish or British identity or the equality extended to both, creates doubts and uncertainties about the compact at the heart of the

⁴⁹<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2017030900002?opendocument#A00100>

⁵⁰<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2017030900002?opendocument#A00100>

⁵¹ <https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/northernireland/good-friday-agreement.pdf>

⁵²<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2016102000002?opendocument#B00100>

⁵³<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2017030900002?opendocument#A00100>

Agreement.”⁵⁴

Brexit has highlighted the divisive issue of national identity in Northern Ireland (which the provisions of the Agreement as well as joint British-Irish EU membership had helped to soften). According to *Border Communities Against Brexit*, Brexit has the potential to create division and alienation, as well as a growth of resentment and frustration as people will perceive their Irishness has been diminished or taken away. The group further stated that “Brexit has already led to the sharpest polarization of communities in the past 20 years”.⁵⁵

Although acknowledged as unlikely, concern was raised about the potential for a return to violence as well as increased smuggling and criminality by a small number of opportunists, particularly in the event of a hard border. Uncertainty can lead to instability and, it seems that this is particularly the case in a more fragile and divided social landscape.

Key Findings:

Brexit must not be a distraction from the important work of reconciliation, the full implementation of the Good Friday Agreement, addressing legacy issues and building cooperation.

Northern Ireland's concerns for stability and a continuing and seamless expression of Irish citizenship and identity require a unique answer and focus.

We cannot see restrictions on movement of people again. Brexit is already having a psychological impact. It is absolutely essential to ensure there is no diminution or unravelling of the still fragile peace process.

Dialogue must be encouraged at all times, between all parties and stakeholders within Northern Ireland, and on an all island basis.

It is essential to invest in informal relationships as the formal ones are withdrawn. This should include at civil society level and in upscaling relationships between councils. In this regard, the Committee acknowledges the important role that the All Island Civic Dialogue has played and urges that it continues to be convened throughout the entire Brexit negotiation process and afterwards if required.

Issues of reconciliation and identity are not as tangible as economic issues but must be monitored very closely. In this regard, the Committee calls on the Government to commission a detailed study into the potential implications of Brexit for reconciliation which would set benchmarks and provide a tool for measuring the effect of Brexit on the reconciliation process. This would help identify

⁵⁴<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2017030900002?opendocument#A00100>

⁵⁵<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2017030900002?opendocument#A00100>

quantitative and qualitative issues which may impinge on reconciliation and stability in detail. This could provide an important early document indicating in detail what these concerns are about and would give a basis for a conversation which can then be negotiated.⁵⁶

⁵⁶ As proposed by Dr Duncan Morrow, Ulster University, 9 March 2017:
<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/GFJ2017030900002?opendocument#A00100>

CONCLUSION

This report is being published during the week that the Brexit negotiations commence, as talks continue on forming a new power sharing Executive in Stormont and as the implications of the recent UK general election begin to become clearer.

The Committee therefore recognises that the changing political context will impact significantly on the extremely complex negotiations that lie ahead. As is acknowledged throughout the report, the most certain thing about Brexit is uncertainty.

However, this report highlights a number of concerns brought to the Committee by a wide range of stakeholders. It is the Committee's expectation that the Government will take these concerns, outlined in the key findings, to the EU negotiators and refer to them in dealings with the UK Government.

The Committee commits to following the Brexit negotiations very closely. The Committee will invite the Minister for Foreign Affairs and Trade to update it on a regular basis. The Committee will also continue to engage with stakeholders at political, parliamentary (particularly in Stormont, Westminster and the European Parliament) and civil society level and stands ready to engage with and hear the concerns of all parties involved in implementation of the Good Friday Agreement.

As the negotiations evolve and positions become clearer, the Committee will revisit how Brexit impacts on the Good Friday Agreement.

Annex 1

Terms of Reference:

(1) That a Select Committee consisting of seven members of Dáil Éireann be appointed to be joined with a Select Committee to be appointed by Seanad Éireann to form the Joint Committee on the Implementation of the Good Friday Agreement to consider—

- (a) issues arising from Ireland's role as a signatory to the Good Friday Agreement,
- (b) ongoing developments in the implementation of the Good Friday Agreement, and
- (c) any proposals relating to the implementation of the Good Friday Agreement and such related matters as shall be referred to it by the Dáil and/or the Seanad from time to time, and to report back to both Houses of the Oireachtas at least once a year.

(2) The Joint Committee shall have the powers defined in Standing Order 85, other than paragraph (2A), (4A), (4B), (6A), (6B) and (6C) thereof.

(3) The Minister for Foreign Affairs and Trade (or a member of the Government or Minister of State nominated in his or her stead) shall be an *ex officio* member of the Committee and shall be entitled to vote in proceedings.

(4) Members of the Westminster Parliament elected from constituencies in Northern Ireland may attend meetings of the Joint Committee and of its sub-Committees and may take part in proceedings without having a right to vote or to move motions and amendments.

(5) The Chairman of the Dáil Select Committee shall also be the Chairman of the Joint Committee.”

Annex 2

Joint Committee on the Implementation of the Good Friday Agreement

Deputies: Declan Breathnach (FF)
Fergus O'Dowd (FG)
Kathleen Funchion (SF) [Chair]
Tony McLoughlin (FG)
Maureen O'Sullivan (IND)
Sean Sherlock (LAB)
Brendan Smith (FF)

Senators: Frances Black (IND)
Frank Feighan (FG)
Mark Daly (FF)
Denis Landy (LAB)
Gerard Craughwell (IND)
Niall Ó Donnghaile (SF)

Notes:

1. Deputies nominated by the Dáil Committee of Selection and appointed by Order of the Dáil of 29 June 2016.
2. Senators nominated by the Seanad Committee of Selection and appointed by Order of the Seanad of 21 July 2016.
3. Senator Frank Feighan replaced Senator Jerry Buttimer and Senator Gerard Craughwell replaced Senator Marie-Louise O'Donnell by Order of the Seanad on 27 October 2016.
4. Deputy Fergus O'Dowd replaced Deputy Joe Carey Order of the Dáil on November 15 2016.

Northern Ireland MPs with speaking rights on the committee

Pre-UK election on 8 June 2017

Mickey Brady (SF)
Gregory Campbell (DUP)
Nigel Dodds(DUP)
Pat Doherty (SF)
Jeffrey Donaldson (DUP)
Mark Durkan (SDLP)
Tom Elliott (UUP)
Lady Sylvia Hermon (IND)
Danny Kinahan (UUP)
Paul Maskey (SF)
Alasdair McDonnell (SDLP)
Francie Molloy(SF)
Ian Paisley (DUP)
Margaret Ritchie (SDLP)
Gavin Robinson (DUP)
Jim Shannon (DUP)
David Simpson (DUP)
Sammy Wilson (DUP)

Post-UK election on 8 June 2017

Sammy Wilson (DUP)
Ian Paisley (DUP)
Paul Girvan (DUP)
Gavin Robinson (DUP)
Nigel Dodds (DUP)
Emma Pengelly (DUP)
Gregory Campbell (DUP)
Jeffrey Donaldson (DUP)
Jim Shannon (DUP)
David Simpson (DUP)
Paul Maskey (SF)
Chris Hazzard (SF)
Michelle Gildernew (SF)
Elisha McCallion (SF)
Mickey Brady (SF)
Barry McElduff (SF)
Francie Molloy (SF)
Sylvia Hermon (IND)

Annex 3

Glossary

BIC	British-Irish Council
BIPA	British Irish Parliamentary Assembly
CAP	Common Agricultural Policy
CTA	Common Travel Area
ERDF	European Regional Development Fund
FDI	Foreign Direct Investment
IIEA	Institute for International and European Affairs
MLA	Member of the Legislative Assembly
NI	Northern Ireland
NSIPA	North/South Inter-Parliamentary Association
NSMC	North South Ministerial Council
SEUPB	Special EU Programmes Body
SME	Small and medium-sized enterprises
WTO	World Trade Organization