



Northern Ireland
Assembly

Committee for The Executive Office

OFFICIAL REPORT (Hansard)

Brexit: Oireachtas Joint Committee on
European Union Affairs

25 November 2020

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Colin McGrath (Chairperson)
Mr Doug Beattie (Deputy Chairperson)
Ms Martina Anderson
Mr Trevor Clarke
Mr George Robinson
Mr Pat Sheehan
Ms Emma Sheerin
Mr Christopher Stalford

Witnesses:

Mr John Brady TD	Oireachtas Joint Committee on European Union Affairs
Ms Marian Harkin TD	Oireachtas Joint Committee on European Union Affairs
Mr Brendan Howlin TD	Oireachtas Joint Committee on European Union Affairs
Senator Sharon Keogan	Oireachtas Joint Committee on European Union Affairs
Senator Vincent P Martin	Oireachtas Joint Committee on European Union Affairs
Senator Michael McDowell	Oireachtas Joint Committee on European Union Affairs
Mr Joe McHugh TD	Oireachtas Joint Committee on European Union Affairs
Mr Ruairí Ó Murchú TD	Oireachtas Joint Committee on European Union Affairs
Mr Neale Richmond TD	Oireachtas Joint Committee on European Union Affairs

The Chairperson (Mr McGrath): Joe, we can hear you now. Can you hear us? We cannot see you but we can hear you.

Mr Joe McHugh (Oireachtas Joint Committee on European Union Affairs): Do not worry about seeing me. Sometimes, seeing is believing. My apologies for being completely technophobic. I am really sorry about that.

We are tight for time, so I will get things going. All of you from up the road are very welcome. On behalf of the Oireachtas Joint Committee on European Affairs, I thank you for the invitation to engage with you today. I am joined by several members of the European Affairs Committee. I will keep my opening remarks short so as not to take up too much time. The members who should be online are deputies Neale Richmond, Marian Harkin, Ruairí Ó Murchú and John Brady. Also online are Senator Vincent Martin and Senator Sharon Keogan.

The Joint Committee on European Affairs has listed Brexit as a priority item for consideration, so we welcome this opportunity to discuss the impact of Brexit on Northern Ireland. Recognising the unique economic, social and political context of the land border between Northern Ireland and Ireland was always going to prove particularly challenging during negotiations. As we inch closer to the end of the

transition period, it is more important than ever to work together in prioritising and addressing the interests, stability and prosperity of the people and communities of Northern Ireland. Article 11 of the Ireland/Northern Ireland protocol, as you are aware, concerns the maintenance of continued North/South cooperation in many areas, and we, as a Committee, look forward to working with you to maintain this continued cooperation post Brexit.

Again, thank you for the invitation to engage with you today, and we look forward to discussing these issues. I will hand over to our colleagues in Northern Ireland. Perhaps, someone will lead on the questions, and, to make it simple, I will try to nominate somebody from our end to answer the specific questions. Is that OK?

The Chairperson (Mr McGrath): Yes, that is perfect. I will start with a few questions, Joe, pass to the Deputy Chair and then go to members. We will address the questions, via me, and then, if you can nominate somebody, that will make it easier for people coming in.

I was interested to note that, this morning, President-elect Biden stressed the importance of maintaining an open border on the island of Ireland post Brexit. In fact, he said that the idea of the North/South border being closed again was just not right and that we had to keep it open. I am interested in your reaction to that direct intervention by the president-elect and your perspective on the conflict between his remarks and elements of the Internal Market Bill that could cause problems for that open border. What is the reaction from your Committee, and what do you see as the problems and solutions?

Mr McHugh: I will pass you on to Neale Richmond. Do you want to take this, Neale? I am putting you on the spot, so apologies for that.

Mr Neale Richmond (Oireachtas Joint Committee on European Union Affairs): No problem. Thanks, Chair, and thanks, Colin, for the question. The comments late last night from President-elect Biden were nothing new. He said as much prior to the election, and they are consistent with the comments from the Speaker of the House, Nancy Pelosi, and those of the Chairman of the Ways And Means Committee in the US Congress. To be honest, it is consistent with what has been signed up to by the British Government and the European Union, which is also enforced in international law: maintaining the full implementation of the withdrawal agreement, including the Irish/Northern Irish protocol.

The Internal Market Bill presents clear challenges, Chair, and the European Union has not been quiet about its concerns, having commenced legal actions and written to the British Government. Disappointingly, it has yet to receive a reply. We note the amendments made, overwhelmingly, by the House of Lords in recent days, in the name of Baroness Ritchie and others. There are two strands to this. The Internal Market Bill as designed by the British Government is not acceptable. It breaks international law, as stated by the Secretary of State, and, indeed, it is a direct contravention of the protocol in the withdrawal agreement. Either section 5 of the Internal Market Bill needs to be removed by the British Government or, more importantly, not put back in, or we see what the ongoing negotiations lead to and whether it can be resolved in the trade negotiations. Certainly, the intervention by the president-elect is a repeat of what we have heard before, and it should be borne in mind by people across the EU and the UK.

The Chairperson (Mr McGrath): I will jump in with another question. What preparations has Dublin been making for a no-deal scenario? There is still no deal, and we are just a number of days from the deadline. We certainly do not get much sense in the North of any preparations for a potential no-deal scenario. Do you get a sense that preparations are being made in Dublin for such an outcome?

Mr Richmond: Chair, it is important to bear in mind that the last two Budgets in Dublin, by this Government and the previous Government, were framed on the basis that a no-deal Brexit was, unfortunately, the likely scenario at that stage. That is why you have seen quite a lot of advancements in the expansion of Dublin Port — the Taoiseach was there again yesterday — and the expansion of Rosslare Europort in Wexford. Customs officials and veterinary officials have been hired, and other posts needed for the restrictions that will come from east-west trade have been filled. They are in place. We have no responsibility for what happens in Great Britain, at ports such as Holyhead or Dover, but we have seen a concerted effort by the Irish Government to work with shipping lines to encourage exporters to look at direct exporting links to the continent, bearing in mind that continental EU is Ireland's biggest export market.

The budgetary measures that we have seen in the past few weeks include businesses being able to draw down grants of €9,000 to engage with customs agents. Yesterday or the day before, the Tánaiste announced a new scheme whereby companies can apply for microfinance loans of up to €25,000 if there has been a 15% drop in cash flow. A combination of measures, Chair, began quite some time ago. We absolutely hope that, in the coming days, a deal can be secured. It is imperative for everyone, particularly those in the UK, for a deal to be secured, but, from an Irish point of view and from an EU point of view, as Ursula von der Leyen said this morning, we are as ready as we can be for no deal. The Commission published no-deal notices some time ago. We very much hope that those do not have to come into force, but they will if that is the will of the British Government.

That is the collective position of Ireland across political parties. It is not necessarily a Government thing. Committee Stage of our Brexit omnibus legislation is commencing at 3.37 pm today. That is the second piece of legislation to cover things like bus travel on the island and all the other small matters that need to be picked up. Social protection payments are another example. There is a whole raft of activity that, in two minutes, I cannot cover completely. I am sure that our secretariat can give you a complete note and that the joint secretariat in Belfast could too. I hope that I given you a bit of a flavour.

The Chairperson (Mr McGrath): Thank you very much indeed.

Mr Beattie: Thanks, Joe and your team, for this. I am the Committee Deputy Chair and a member of the Ulster Unionist Party. Thank you very much for taking the time to engage with us. It is nice to see some familiar faces, including Neale, whom we spar with regularly, and it is quite good fun.

My question will probably fall to Neale, but, Joe, it would be nice to get your perspective as well. Joe Biden has said that he wants no manned borders between North and South, and I do not think that anybody wants that. I do not think that anybody has ever talked about that, and we certainly do not want to see it. Do you accept and understand the real concern of some members of our community here about the east-west border that we are to have? It is a genuine concern. When there is talk about the restriction of foodstuffs, is it fair to say — we can talk about it as the Internal Market Bill — that the Northern Ireland protocol article 16 safeguard allows for unilateral action when we feel that there could be an issue regarding foods or with anything else that could damage our economy here in Northern Ireland?

Mr McHugh: Apologies, Doug, for earlier. I do not have the visuals, so I am grappling with the voices.

Mr Beattie: That is OK.

Mr McHugh: Neale covered the big questions on the legislation that we were involved in last year and the focus on the border. There has been recent commentary from the United States, but one of the things that I learned from the visits of Nancy Pelosi and Congressman Richard Neal was that the message about the importance of the border was taken back to the United States. I think that that has given President-elect Joe Biden a lot of confidence in the statements that he is making on the border. However, I also know that there are issues on an east-west basis, so I will bring in — I do not know which members I have on the line — Deputy Ruairí Ó Murchú, if he would like to come in on the issues raised by Doug.

Mr Ruairí Ó Murchú (Oireachtas Joint Committee on European Union Affairs): In fairness, I heartily agree with an awful lot of what Neale said, in the sense that Joe Biden was only continuing on what has already been said by a huge number of *[Inaudible]* including Nancy Pelosi.

With regard to the east-west relationship, any anomaly and difficulties have been created by *[Inaudible]* this Brexit process. I assume, if I was a unionist — I am not trying to offend or anything — that I'd say that it has probably been the most destabilising *[Inaudible]* with regard to the union. I have a particular view on an actual solution to the entire problem on the island, but I assume that not everyone in the room would necessarily agree with me. At this point, we all want a free trade agreement (FTA) so that all anomalies are dealt with. It is not particularly *[Inaudible]* of a British Government to go back on an international deal that they previously agreed. It does not give them huge credibility, and it creates huge difficulty.

Where I come from in the world, people are particularly worried about any sort of change to how their life and business will operate, while accepting that, even in the best-case scenario, there will be changes to customs and what have you. People will look for workarounds. Let us assume that a huge

number of people will not be prepared for 1 January, no matter what happens. It is as simple as this: the Internal Market Bill and any possibility of undermining the withdrawal agreement or the Irish protocol is just not on, in any way, shape or form. I have no difficulty with any anomalies. On the difficulties that were originally thrown up by Boris Johnson, I thought that some of them had been cast aside by a number of spokespeople in Westminster. So, I can see that this whole Brexit process creates a huge number of difficulties for a huge number of people. They include people of a unionist persuasion and people who, like me, live in a border constituency. I can see nothing good coming from this for anybody in Ireland.

Mr McHugh: OK. Thank you, Ruairí. I am deliberately not getting involved in these answers because I want to facilitate as many people as possible, Doug. However, on an interesting note, from our deliberations as a Committee with the House of Lords — we are due to meet with Members of the House of Commons in a few weeks' time — there is a real desire and sense of focus with regard to working that east-west relationship. There are a lot of unknowns come 1 January, but one thing is for sure: whatever is needed to continue the dialogue, be it east-west or North/South, it will be absolutely critical.

OK, I will hand it back to you guys now, if there is somebody else who is willing to come in.

The Chairperson (Mr McGrath): OK, thanks.

Mr Richmond: Yes, I will. I have a comment, Joe, which directly responds to Doug's question. Doug, I think that it is important to reassure you that those of us who are in Dublin and across the South recognise the concerns of all people in Northern Ireland, regardless of which community they come from. We appreciate that it is a serious concern and that it needs to be addressed as such. It is also important to state that the EU has no ambition or intention to introduce food blockades, restrictions or anything in that regard. The imperative of the coming days is to ensure that we maintain, as much as possible and as much as the British Government would like there to be, that unfettered access, North/South and east-west. However, we have to bear in mind that the terms of the Internal Market Bill, as written by the British Government, are a contravention of that withdrawal agreement and the protocol. A lot of effort went into devising the protocol and withdrawal agreement. They were negotiated by this British Government and ratified by this British Parliament, and their terms are binding. We absolutely want to continue the North/South conversation. There was a really interesting comment by your party colleague Mike Nesbitt at an online forum that I hosted a couple of weeks ago, which Joe McHugh also attended. You will have heard a lot of talk from Taoiseach Micheál Martin about a shared island. However, there is also a shared islands strategy. That east-west relationship, from a Dublin point of view, is economically extremely important, and we want to make sure that it is as fluid as possible. A lot of those decisions, quite frankly, will be coming down from the decisions made in London.

Ms Anderson: Thank you all for being in attendance at this meeting with us. It is good to have this exchange of views.

When I was an MEP, I was acutely aware of and concerned about the fact that not all of us who reside here in the North of Ireland would be afforded EU rights post Brexit. To that end, I brought John McCallister, who was then a human rights commissioner — he is also a former member of the Ulster Unionist Party and NI21 — to Brussels to engage with the Commission on what would happen to our EU rights post Brexit. In an exchange of views and a letter to me afterwards, the EU Commission confirmed that, although those of us who are Irish here in the North will no longer reside in a member state, we will continue to enjoy our rights as EU citizens and that we will hold EU rights. However, that will apply only to those of us who are Irish.

I was involved in ensuring that we had a response to a consultation that was carried out by the Irish Government on the allocation of seats to the South of Ireland. We were told by the EU Commission that the eligibility of those of us in the North who hold EU rights to vote and stand as candidates in elections to the European Parliament is determined by Irish law. I remind everyone that the former Taoiseach, Leo Varadkar, said that no Irish Government would leave us behind ever again. As we near the end of the transition period, how do the Irish Government intend to ensure that our EU rights will be upheld and that we will be eligible to stand as candidates and vote in elections to the European Parliament, because it is your law that will determine whether we will be able to do that?

Mr McHugh: Thanks, Martina. May I pass that on to you, Neale?

Mr Richmond: Thanks, Joe, and thanks, Martina. It is important to talk about the very good issues that you raise in relation to maintaining European rights and some of the moves that the Irish Government have made in recent weeks and months, in cooperation with our European partners, to ensure that Irish citizens living in Northern Ireland will still enjoy the same European rights. That means the same four freedoms, including freedom of movement, and everything else within the Union. It also includes things like being able to access the European health insurance card. I just got confirmation, in answer to a parliamentary question that I put to the Minister for Further and Higher Education, Research, Innovation and Science, that that Department is rolling out the plan for students in Northern Ireland to be able to access ERASMUS+ post the transition period.

The interesting story in relation to the entitlement to run for the European Parliament is that that will be maintained, but voting rights, as far as I am aware, will continue to be, not just in Ireland but across all EU member states, based on residency. You vote in the constituency that you live in because you are voting on material matters that will impact on where you live. It is the same argument for whether people in Northern Ireland should be able to vote in the Dáil elections and things like that. As you know, this Government, in line with the last Government, will, when the pandemic allows, proceed with the referendum on extending presidential voting rights to all Irish citizens, regardless of the jurisdiction that they live in. I have given you a flavour and a partial answer to your question. It is probably not the full answer that you wanted, but it is important to be factual and clear about the status quo. The Irish Government are continuing to progress that and to ensure that those tangible benefits are there for all Irish citizens, regardless of where they live on this island.

Ms Anderson: For the sake of accuracy, it is important that we all know that that is not the position of every member state. In fact, Ireland stands out as one of the few member states that says that you have to have residency in order to vote. There is an opportunity for the Irish Government with regard to citizens in the North. You have only to look at Cyprus. People from the north of Cyprus, which is under Turkish control, can vote in the European Parliament elections. That is the same as here. You have an opportunity to do that.

Mr Richmond: That is one example.

Mr McHugh: I will bring in Ruairí. He is indicating that he wishes to speak.

Mr Ó Murchú: Strangely enough, I will back up Martina on this. Neale talked about the importance of the issue, the work that the Government have done and what has gone on as part of the wider negotiations between the European Union and the British Government, as well as the bilateral agreements to ensure that certain projects will be maintained, certain cross-border operations will still be possible and all of that. However, if there is an acceptance that the rights that are provided by the European Union to people in the North who claim to be Irish, and all others, will be facilitated, one of those rights will be, in fact, to be represented. Sinn Féin has done a piece of work on this. We got legal advice on it and then provided it to the Attorney General. The Government should have a conversation with the Attorney General to see what is possible. We need to do the utmost to not only maintain those rights but ensure that people have representation and, possibly, a right to stand. That might not suit everybody. I accept that there will be political considerations, and I may vary with the Government on it. In fairness, the previous Taoiseach's comment about never leaving the North behind, accepting that previous Governments had done so, has been mentioned.

The Chairperson (Mr McGrath): That is critical because, under the terms of the protocol, we are to be subject to decisions taken in Europe, but we will have a democratic deficit of not being able to influence those decisions of having somebody to whom we can point and say, "That is our representative". That will be the case for many years. We will be impacted on by those rules, decisions and determinations. It seems only right that, if we are to be impacted on by them, we should, going forward, have some voice in shaping and influencing the policy. That follows well.

Mr Sheehan: Is deas a bheith ag labhairt libh inniu, agus gabhaim buíochas libh as a bheith ag an chruinniú inniu. It is good to talk to you. Thank you for meeting today. Neale pre-empted my question. I wanted to ask about the European health insurance card, ERASMUS and Horizon. Earlier this month, Simon Coveney said that he was working on some system whereby citizens in the North would not be out of pocket in respect of access to European healthcare. Have you further information on the practical outworkings of that for citizens in the North who are European passport holders? Neale, you mentioned access to ERASMUS+. How will that work? Will citizens here have access to the research funding in Horizon?

Mr McHugh: Neale can take the question on health. I will come in on ERASMUS because, this time last year, I worked with colleagues in the Department of Education on putting together preparatory legislative work in the event of a no-deal Brexit. One of the areas that we were anxious to get some sort of solution for was the ERASMUS programme. It required the Higher Education Authority and the third-level authorities in the North to work closely together. There is a potential solution whereby ERASMUS can be facilitated on a Northern basis. That just shows that, with willingness and a collaborative approach, we can find solutions where we have difficulties.

Neale, do you want to come in on the health question?

Mr Richmond: Go raibh maith agat, a Chathaoirigh, agus go raibh maith agat, Pat.

The issue of the European health insurance card was discussed at Committee Stage of the second Brexit omnibus Bill, which will be in front of the Dáil this afternoon. When it goes to Report Stage, which will probably happen next week, we will be able to work out the clarity to ensure that, come 1 January, people in Northern Ireland will, of course, be able to access the European health insurance card. That is as good an update as I can give you at this stage. The Irish Government, with all our European partners, are fully agreed on the need to ensure that that is rolled out in time for the end of the transition.

Mr McHugh: OK. Thanks, Neale.

Mr Sheehan: Does anyone have any information on whether there will be access to Horizon 2020 research funding from the EU?

Mr Richmond: Yes, the intention is that Northern Irish third-level institutions will be able to continue to maintain access to Horizon 2020 through partnerships with the Republic or other countries. Simon Harris, the Minister for Higher Education, Innovation and Science — Joe's former Department has been split — hopes to make an announcement on that. He had hoped to do so by the end of this month, but it will probably be another week or so because a bit of it is tied to the negotiations on the future relationship. There will be an overall package to ensure that those studying in Northern Ireland will continue to have access to ERASMUS and ERASMUS+ and, equally, that the institutions will be able to access Horizon 2020. So many of those bids are joint bids between Queen's University Belfast and Trinity College Dublin or other such universities. The intention is to ensure that that access is maintained.

Mr Stalford: And now for something completely different [*Laughter.*] Rather than asking a question, I have a few observations that I want to make. It was established in 1911 that the House of Commons has superiority over the House of Lords, so, ultimately, the will of the House of Commons will prevail over any House of Lords amendments to the Internal Market Bill, if that is what the Government decide. The Government were elected on the basis of delivering the outcome of the EU referendum.

It is recognised that parliamentary sovereignty trumps, for want of a better word, international law. International law is a very nebulous concept. Even someone such as Jolyon Maugham — "Mr Euro" himself — from the Good Law Project recognises that parliamentary sovereignty trumps these considerations. Northern Ireland is part of the United Kingdom, and I do not see how a protocol that places a barrier between Northern Ireland and its biggest market — the GB domestic market — can in any way be presented as good, reasonable or beneficial to the people of Northern Ireland. Both sides are very clear: there is absolutely no desire for border infrastructure, North/South or east-west. East-west is important economically. North/South is less important economically but is important symbolically, and I get and understand that. Ultimately, I am hopeful that we will arrive at a negotiated position that protects the sovereign integrity of the United Kingdom and maintains good North/South relations. That is what, going forward, we should all be striving towards. I do not really need a response as such. I had not intended to speak, but given the consensus on the contributions thus far, I thought that it was important to put a different viewpoint on the record.

The Chairperson (Mr McGrath): It is a much more rounded contribution if we have something from you, Christopher, so it is always appreciated.

Mr Stalford: "Rounded" or "sounded"?

The Chairperson (Mr McGrath): I will pass to Joe to comment on that.

Mr McHugh: I know that you do not have anything to specific to ask. Given that we have been at this for the guts of four years, it is very easy to pigeonhole people as being on one side or the other, but it is a lot more complex than that. Simon Coveney always had an appreciation and awareness of constitutional integrity and of trying not, in any way, to move into a space that would create any difficulties or problems in that area. It is such a complex area. It was confined not just to the chattering classes, as was maybe anticipated, where people in embassies would have conversations over a four- or five-course meal, but really has been such an in-depth and comprehensive debate at all levels, right down to the community level.

We held a lot of those Department of Foreign Affairs-facilitated forums on a sectoral basis, and they were very good. I remember being at one in Letterkenny, and we had more people coming from Tyrone and the Derry side who were contributing from a business point of view and outlining their concerns, worries and fears. At all times, the Government have been very conscious to have respect at the heart of all these discussions and deliberations, particularly, constitutionality and, as you mentioned, Christopher, sovereignty. It is about how people will lead their life. Lorry drivers are trying to figure out now what life will be like on 1 January 2021. How will it impact on, for example, a third-level student coming from Dublin to Coleraine or from Belfast down to Trinity College? How we can work out those practical issues and conundrums, which will raise their head, no doubt, from 1 January?

It is no different to the peace process, if you go back 20 years. If we are not talking and listening to each other, being open and having respect at the centre of all these discussions, we will not overcome the issues that will arise in the time ahead.

Mr Stalford: Can I respond to that? I appreciate everything that has been said, and it is a source of profound regret to me that an issue about whether we should retain membership of the European Union should be used to raise much older tensions and divisions. I am not suggesting for one second that it has been so used by anyone and certainly not by anyone in the Government of the Republic of Ireland.

Senator Vincent P Martin (Oireachtas Joint Committee on European Union Affairs): We should sit up and take note of Christopher's message. I respectfully agree to disagree, but that is quite irrelevant for me, as a senator for the Green Party in the Republic of Ireland. The fact is that Ulster unionism has not been reassured. I agree to disagree, but maybe the people who believe what I believe have lost the argument.

I think that Northern Ireland would have the best of both worlds. It is not up to me to say this — I want to give respect to the nationalists — but a confident unionism could have cemented itself like never before. However, the reality of where we are makes me say that the British Government have failed to assure our fellow close neighbours like Chris, and while I disagree with him, I thought that he articulated it in a very dignified and clear way and left me in no doubt, in case I was walking into a utopia that you dream about.

I am convinced that a pluralist approach is the way to go. A celebration of difference can cement those differences. It is the usual stuff that we are used to. I am not sure whether Chris will agree with this, but to use a religious term, it should be "ecumenical". If any particular religious group wants to have its Sabbath on a Thursday, we should facilitate, promote and tolerate the Sabbath on a Thursday, because there is a celebration of vibrancy and strength in diversification.

Unfortunately, it is now out of our hands. I hope that we can make the best of the situation. I hope that Northern Ireland will be in that magical position — I am an optimist — of being in the best of both worlds. However, there should be no threat without consent to sovereignty. I am so disappointed that Brexit is perceived by some in the unionist community as undermining their tradition and sovereignty. That is certainly not what it is about with the Green Party. You have bona fides there, Christopher, and I look forward to meeting you at some stage.

Mr McHugh: To be clear, Vincent was using an analogy and is by no means, on behalf of the Government, proposing that we change the Sabbath to a Thursday. *[Laughter.]*

Mr Ó Murchú: That would be a very interesting amendment. In relation to what Christopher said, a deal was done by the British Government. If they are going to undermine that deal, they can do that, but I imagine that it would create terrible intended and unintended consequences, particularly in Ireland. It would create difficulties for them with credibility. The Chair and a number of others spoke of

the difficulties that we are dealing with, whether it is for the certificate of professional competence (CPC) for hauliers who may have done a test in the North and may have to switch to the South, or for all those other issues.

The British Government will do whatever suits them. Historically, they have oftentimes thrown nationalists and unionists under buses, and I imagine that they will continue to do so. In fairness, from a British Government point of view, they need a deal. Forgive me if I am wrong on the percentages, but my understanding is that 43% to 45% of exports from Britain go through the European Union. The impact on the economy in Britain and in the North of not having at least the mitigations of the withdrawal agreement or, better, a free trade agreement, is going to be huge.

Mr McHugh: Do we still have a few minutes left? Will we throw it over to you again, guys?

The Chairperson (Mr McGrath): Thank you very much indeed. We have two members who are on StarLeaf who you can probably see but who we do not have such quick access to. Emma, do you have a question?

Ms Sheerin: I do not have a question as such. Thank you all for presenting to us. I am a Sinn Féin MLA in Mid Ulster.

This has been one of the most frustrating things about the whole debate since we had the referendum on EU membership. Christopher touched on the idea that the debate is maybe being manipulated or that certain people who want to change the constitutional position of the North are using Brexit or in some way framing the debate in order to rear up old tensions or something like that.

I had a constituent on the phone to me yesterday talking about importing sheep from the UK to the North. He could not give a fiddler's whether he is in Northern Ireland, a united Ireland, the UK or whatever. However, Brexit is causing an issue for his business. It is going to cost him money, and that is what he cares about. We can act as if Brexit has no implications, could happen seamlessly and was never going to bring those matters to the fore, but that is not the fact. We are changing the constitutional position of the North by virtue of the fact that we are leaving the EU; therefore, there are issues arising out of that that have to be sorted out.

A clear solution to all that is to re-enter the EU via Irish unity. That has already been spelled out by the EU. The premise already exists that the North would slide back into the EU, so of course people are going to look to that as a solution because of the problems arising out of Brexit and because we have had the best part of four years and do not have a deal. The clock is ticking, and we still do not know how these things are going to be worked out. It is a natural follow-on that we are going to have these conversations, because there are now issues that we do not have answers to.

The Chairperson (Mr McGrath): Joe, do you want to open that for some comments?

Mr McHugh: I will bring Neale in in a minute, but, Emma, it is good to hear the mid-Ulster accent. It is in fine fettle as well. You are right that a lot of our farming community in Donegal are networking and collaborating with farmers in the North and dealing with meat factories and all that. I agree with everything that you said about the bread-and-butter issues, whether they are farming exports or the issue that is going on with beef at the moment. We have a duty and responsibility, as legislators, to represent and to be the voice for those groups and individuals that need their issues addressed. Neale, do you want to come back in?

Mr Richmond: Yes, just very briefly. Emma, thank you for your comments. It reflects a lot of the testimony that was given to the Seanad Brexit Committee by the likes of the Ulster Farmers' Union (UFU), the Irish Cattle and Sheep Farmers Association (ICSFA) and others. The fact that we are now nearly into December and do not have a deal on the future relationship is absolutely terrible. If we are in the situation in a week or so where there is no deal, it will be, to quote Boris Johnson, "a failure of statecraft." The fact that the British Government did not take the opportunity to extend the transition period back in July for a year or two was a massive error. It was really disappointing to see the lack of people calling for that at the time, particularly in Great Britain. Setting aside the pandemic, trying to agree the whole future relationship with the European Union, which is a former partner, in an 11-month period is not only beyond ambitious but extremely difficult. For us on this island, the terms of the protocol, regardless of the sovereignty of the House of Commons, the House of Lords or the rulings of the 1911 Committee, they are all-weather and binding. The British focus has very clear responsibilities to that withdrawal agreement. It is very clear that those who are trading on this island,

North/South, need to know going forward that the situation will remain on 1 January exactly as it was on 31 December.

Mr McHugh: Thanks Neale. Ruairí, do you want to come back in?

Mr Ó Murchú: In fairness, Emma made the point that I was going to reiterate. The fact is that the genie is out of the bottle on Irish unity, and Brexit let it out. That is why I said that the move towards Brexit is incredibly destabilising from a Unionist point of view, never mind anything else. At this point, we are all focused, as much as is possible, on the idea that there will be a deal and that we have the mitigations, and that will mean that the Internal Market Bill will not be used as an instrument to undermine the withdrawal agreement and the Irish protocol, which are absolutely necessary. Any anomalies that may exist or that are created can all be dealt with if we input across the board.

As I said, if you sign up to a deal on an international basis, it does not leave you with a lot of credibility if you do not follow through on it. It is simple as that. Basically, there is a scenario where we have a deal and mitigations, but none of that is great from my point of view. However, if we are in the worst-case scenario, that would change everything; it would be a gear change. At the end of the day, a significant number of people who never considered Irish unity are now considering it, and that is happening North and South. There are a huge number of people in the nationalist community and an element, which I cannot quantify, in the unionist community who are not particularly happy to be taken out of the European Union and away from the protections and business opportunities that it provides.

Mr McHugh: Thanks, Ruairí. Colin, I will go back to you guys.

The Chairperson (Mr McGrath): The final member who we have is George Robinson. George, do you have any questions?

Mr Robinson: Chair, I do not have very much. I welcome the team. I have one question for Joe and his team. A health worker who lives across the border and works in Northern Ireland has asked me whether it would be advisable to get an Irish passport, as they have a British passport. The worker wanted to know whether it would be advisable to get an Irish passport as well. It may not be a very pressing issue, but I have been asked about it. Maybe you could give me a steer on that, Joe.

Mr McHugh: Is it somebody from the Republic or somebody from the North who is working in the Republic? Can you give me the details, George?

Mr Robinson: It is a health worker from the North, but they live across the border and work in Altnagelvin. They want to know whether it would be advisable to have an Irish passport on 1 January.

Mr McHugh: Yes, that person would be totally entitled to apply for a passport. I remember, when I was in the Department of Foreign Affairs in 2017, the surge in applications from people from Scotland, Wales or England with grandparent connections to the island of Ireland, but I think that a lot of that was out of fear of the unknown back then. There will be entitlements there, George, and it will be that person's choice whether to do it.

Mr Robinson: Right. Thanks very much. Thanks for your presentation as well.

Mr McHugh: You are very welcome, George. I am reminded of your former colleague Willie Hay, who I think is in the House of Lords now. Willie was born six miles from where I live in a place called Portleen outside Kilmacrenan, but he was precluded from applying for a British passport by the mere fact that he was born in Donegal. We always reminded him of that and had good banter over it.

Mr Robinson: Yes, I could well believe it. Thanks very much.

Mr McHugh: You are welcome, George.

The Chairperson (Mr McGrath): I am sure, Joe, that there are many DUP members who have an Irish passport and brandish them with great joy every time they can.

Mr Stalford: Chair, I would not know about that, but I was recently issued with a non-EU one, which was a delight. *[Laughter.]*

The Chairperson (Mr McGrath): Joe, that is us all finished at this side with you and the Committee. Thank you for making yourselves available to join us today. We all share a concern about the future, where we are going and whether there will be a deal or no deal, and we know the outcome that we all wish to see in the coming days. We discussed issues from our constituents and wider issues. There are issues of democracy and trade, and there are social and cultural issues. These permeate down into people's life day and daily, and it is really important that we articulate those concerns and issues and try our best, where possible, to have them addressed.

As we move through the transition period and beyond it into any post-transition scenario, it is important to have a certain amount of connectivity between our Committees and between those that operate in similar ways in Cardiff, Edinburgh and London so that we can share the issues and, as is always hoped, discuss solutions together and influence, in all our political parties, the need for a solution that delivers for people on the ground. That is, after all, why all of us are involved in politics, and it is what we should all aspire to.

I hope that we can have future conversations. I sincerely hope that we will see you next time, Joe, and not your table. That would be something that we could look forward to. You were maybe giving us a dry run today on that. Thank you very much for your time, and I look forward to meeting and talking again in the future. Thank you.

Mr McHugh: Colin, thank you, and apologies once again for not only keeping you in the dark but for delaying the meeting. I really value these type of informal meetings. As you pointed out, we have our formal infrastructure through the North/South Ministerial Council (NSMC) and east-west infrastructure through the British-Irish Council (BIC). That is very important, but I think that we can add value by keeping the conversation going at this level.

I apologise also on behalf of a number of members who, due to other Committee meetings, could not make it today. Apologies from Senator Michael McDowell and from Dara Calleary from Fianna Fáil. They pass on their apologies. Brendan Howlin was tied up as well. We have quite a degree of experience in this Committee. We work quite well. Even the Sinn Féin guys there — Ruairí and John — are all on one hymn sheet in trying to find solutions to many of the problems that will present themselves.

Thanks once again, Colin, and thanks to your members and ours for joining us today. I will leave you with one snippet from a meeting in Stormont a number of years ago, when a group of 12 TDs from Dublin made their way up the road to Stormont. A lot of them had never been there before. We were looked after by Peter Robinson and the late Martin McGuinness. I remember Peter Robinson starting his introduction by saying, "This is about building relationships", and then he said, "Scrap that. The relationships are already built. It is about what we do with them". We have a job to do on how we represent all our constituencies. I believe that the only way to do that is to keep the conversation lines open. We are really grateful for you and your team and your officials in the North — I thank my own officials — for organising the meeting. Hopefully, this will be the start of future productive sessions. Go raibh míle maith agaibh uilig.

The Chairperson (Mr McGrath): Thank you very much indeed. Goodbye. Slán.

Mr McHugh: Slán go fóill.