



Committee for The Executive Office

OFFICIAL REPORT (Hansard)

Brexit: Joint Committee on the
Implementation of the Good Friday
Agreement

10 February 2021

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 Lunn
Mr Pat Sheehan
Ms Emma Sheerin

Witnesses:

Senator Frances Black	Joint Committee on the Implementation of the Good Friday Agreement
Senator Niall Blaney	Joint Committee on the Implementation of the Good Friday Agreement
Ms Rose Conway-Walsh TD	Joint Committee on the Implementation of the Good Friday Agreement
Mr Patrick Costello TD	Joint Committee on the Implementation of the Good Friday Agreement
Senator Emer Currie	Joint Committee on the Implementation of the Good Friday Agreement
Mr Pádraig Mac Lochlainn TD	Joint Committee on the Implementation of the Good Friday Agreement
Ms Jennifer Carroll MacNeill TD	Joint Committee on the Implementation of the Good Friday Agreement
Senator Niall Ó Donnghaile	Joint Committee on the Implementation of the Good Friday Agreement
Mr Brendan Smith TD	Joint Committee on the Implementation of the Good Friday Agreement
Mr Mickey Brady	Member of Parliament
Mr Stephen Farry	Member of Parliament
Mr John Finucane	Member of Parliament
Ms Michelle Gildernew	Member of Parliament
Ms Claire Hanna	Member of Parliament
Mr Chris Hazzard	Member of Parliament
Mr Paul Maskey	Member of Parliament

The Chairperson (Mr McGrath): I thank everyone very much indeed for coming along today. The technology is wonderful when it works, but, as we can see, it is not so good when it does not. The topic for discussion is a very important one, and we shall endeavour to work our way through all the technical problems in the background. We have found that the easiest way to deal with these

engagements is that, when members of our Committee want to ask a question, I will get them to direct it at me and I will send it to Brendan, who is chairing, so that he can filter it out for people to answer. I just want to make sure that everybody gets a fair go and that there is an equal spread for people who wish to answer. Those who are on the Joint Committee should make it known to Brendan, or to Fergus, when he arrives, that they would like to speak, and we will filter all requests through the two Chairs.

Before we proceed, Brendan might give us a bit of background about his work so far. That kind of puts him on the spot a bit. We have been informed that the DUP members of our Committee are not attending this segment of the meeting. I have to say that I find that disappointing. There are many businesses and groups that will be impacted by the roll-out of the protocol in its early days, and if you are not prepared to be part of the solution, you stand accused of being part of the problem. If you do not attend this segment but attend the next one, it leaves us in a scenario where you are watching the meeting somewhere but not participating in it. That is equally unhelpful and quite sad.

I am going to move on so that we can have our conversations in solution-finding mode. I will ask Brendan to say a few words about the work that his Committee has been doing in the background and what the priorities have been, and we can open up to questions after that.

Mr Brendan Smith (Joint Committee on the Implementation of the Good Friday Agreement):

Thank you very much, Colin. I very much welcome this engagement between the Committee on the Implementation of the Good Friday Agreement and the Committee for the Executive Office. It is very important, and, hopefully, in the not-too-distant future, we will be able to meet in person. I recall that one of the best meetings that I attended over the four years where we all discussed Brexit was a meeting of the North/South Inter-Parliamentary Association back in 2015 at Stormont. I think that you were present at that meeting, Colin. We had a great, robust discussion in which diverse views were expressed. It is very important that we have maximum cooperation and dialogue between Stormont and the Oireachtas.

As your members will know, the Committee on the Implementation of the Good Friday Agreement is unique in that we have MPs elected in Northern Ireland who are entitled to participate as members. In the past few months, with restrictions on meeting we have not succeeded in carrying out as much work as we would like. Obviously, Brexit, the all-Ireland economy and dealing with legacy issues are all priorities in our work programme. Having been a member of the Committee in previous parliamentary sessions, I always found that our visits to Northern Ireland in order to meet different groups from all political traditions, community and business representative organisations and different advocacy groups, especially in the border areas, to be most beneficial for all of us. I hope that we can resume that work when the COVID restrictions are lifted; hopefully, that will be possible by the middle of the year.

Naturally, the all-Ireland economy, North/South cooperation and building on the progress that has been achieved for all of our island is the main body of work that we engage with. Over the years, we have been able to give a platform to groups that may have felt that they did not have enough participation in contributing to decision-making in the past. We hope to be able to invite different groups from all traditions to our Committee in future so that we can listen to those voices at first hand, apart from the political voices.

Again, I welcome the opportunity to have this dialogue. I hope that we can have regular meetings on issues that are of common concern to us. We all have common concerns, whether they are from my constituency in Cavan-Monaghan or your constituencies north of the border. We have many common issues that we need to address on an all-Ireland basis in harmony with one other. Thank you, Chair.

The Chairperson (Mr McGrath): Thank you very much for that, Brendan. I appreciate your stepping up into the role of Chair, and I thank you for that.

I will begin by asking a couple of questions, and I have a number of members who have questions. If we ask a question, we will pass it to you, and your Committee members can give a response.

We have received a number of presentations from our Northern Ireland Human Rights Commission (NIHRC) and the Dublin-based Irish Human Rights and Equality Commission (IHREC). We heard their views on the citizens' rights issues that they see could be affected by Brexit. What is your understanding of the main issues that need to be monitored and assessed? What work have you been doing to keep an eye on and monitor those issues?

Mr Smith: The Oireachtas sectoral Committees often deal with specific issues, be they trade, business or justice matters. We do not have a legislative role, so if there was a need for legislation to be initiated, one of our sectoral Committees would deal with the specific issues. To my knowledge, unless it is in our correspondence or requests for meetings, no specific legislative issues or issues to do with regulations have been brought to our attention that need to be addressed today. There will be teething problems, as we all know, and issues will arise. Since early January, difficulties with trade at the ports and for the business chain and the supply chain have been raised at Committee meetings. To my knowledge, the issues that have been brought to my attention, both by my constituents and by people in, say, Fermanagh and Armagh, are about delays at ports.

Ms Michelle Gildernew (Member of Parliament): Colin, can I come in? This is a great forum for us. Unfortunately, not all the parties are represented, and that is a pity. We have unprecedented challenges on the island of Ireland as a result of Brexit. The fact that people in the North did not vote for Brexit and did not ask for it to be imposed on us is very difficult for all of us, especially those of us who are in rural or border constituencies.

Chris Hazzard is very much across the issues at ports and rights. Colin, can you let Chris discuss some of the challenges that we face as a result of Brexit, what it is doing to trade on the island and the all-Ireland agri-food, manufacturing and supply chains?

The Chairperson (Mr McGrath): Chris, do you want to come in?

Mr Chris Hazzard (Member of Parliament): Thanks, Michelle, for throwing me in. It is good to be here, Colin. It is good as a fellow South Down representative and colleague to be at an all-Ireland meeting such as this. Fair play; it is a good initiative.

I want to add to what Brendan said. There are obviously concerns in business about the spectrum of what is happening, but specifically on rights, there is a lot of uncertainty for the frontier workers about workers' rights. The all-Ireland labour market has been crucial not only to the development of business across the island but for cohesion in border communities and wider life on the island. This point in particular concerns democratic rights and rights to representation. We saw that only last week through the foolish mistake that the European Commission made on article 16, which showed that there is a missing element or mechanism in checks and balances for the North and in the Assembly having a voice in a European forum and representation there. We raised that directly with the office of an Taoiseach. I know that we also raised it with EU colleagues in the Parliament, the Commission and the various groups. The Committee in the Assembly and the Committee in the Oireachtas should, as a result of what is coming out of today's meeting, jointly write to the EU Commission, the EU Parliament and, indeed, the presidents of the groups in Europe to say that it is really important that we find a mechanism and that we utilise any mechanisms that we can in order to give the people and, very importantly, businesses in the North a voice. One of the big problems over the last number of weeks has been that the European Union, to a large extent, expects interesting issues here in the North to be raised via London. We know that that is simply not practical for a number of reasons. It is crucial to give people a voice and to use the mechanisms that we know have been created. For example, we know about the work of the Joint Committee and the consultative committees that are to come. We know that we have a civic forum and that a parliamentary partnership forum is coming down the line too. It will be good to scope out what those will look like, how we can all play a role in them and start to address some of the deficits in rights that have been alluded to so far.

The Chairperson (Mr McGrath): Thank you, Chris.

Ms Claire Hanna (Member of Parliament): Chair, thank you very much. Well done on the continuity. You have a great future as a game show host if politics does not work out, given how you are keeping the show on the road. I also regret that those from the DUP are not here. It is 2021, and people cannot participate in a videoconference about the pressing political, practical and economic issue of our time. Trade, movement, the issues at the port and supplies are the most tangible aspects at the moment. Therefore, it is right that we are all very much focusing on them.

The Northern Ireland Affairs Committee at Westminster, which, I suppose, is a companion Committee to this one and to your Committee, is essentially conducting a rolling inquiry into those frictions and how they can be mitigated. For example, it had hauliers and those from the port authorities in this morning to give a very direct, no-spin, no-flimflam account of the logistics as they find them, and we will ensure that those experiences and a lot of the other practical content that we are getting from

business organisations can be fed in directly to the EU, the UK, the Executive and to the structures that need to process the issues.

In other inquiries, we have looked at rights and other slightly less tangible issues such as citizenship and cross-border security. Some of those have been picked up directly by Dublin, such as the European health insurance card (EHIC), ERASMUS and other access issues, which is good. This joint Committee on the Implementation of the Good Friday Agreement will need to keep a close watch on "borderism", creeping frictions between North/South operations and proper use of the North/South operation, which, to be honest, has not been used all that well in the last few years. That certainly may start to creep in because of how thin the protocol's area of coverage is.

Senator Niall Blaney (Joint Committee on the Implementation of the Good Friday Agreement):

First and foremost, like others, I really welcome the whole engagement today. The North/South approach is really encouraging. Like others, I am disappointed that the DUP decided not to partake. That is disappointing. At the end of the day, all of us who are partaking here today wish to communicate our issues and problems on the ground with a view to resolving them for all our people, either side of the border. The logic that we take to these meetings is certainly about ensuring that our economies prosper and that our people in those economies prosper also.

I am not sure, Colin, whether you have a platform or otherwise to engage with the DUP and to ask it this simple question: what are the obstacles to it taking part in today's engagement? As a former Co-Chair, I worked very hard on the British-Irish Parliamentary Assembly (BIPA) over nearly two years some years ago to get the DUP involved in that Assembly. It took some work, but we eventually got engagement. If there are issues, let us have them and see if we can discuss them, figure them out and try to move things on.

As Brendan rightly said, we are not a Brexit Committee per se. The Houses here have a Brexit Committee, but we are very much a Committee that is looking to move on the implementation of the Good Friday Agreement. Moreover, we want to have some North/South discussion on how best to move forward on a shared-island basis. I will be particularly interested in hearing Committee members' views on that. We have a number of MLAs on our Committee from Stormont.

More generally, I would like to hear the views of your Committee on a shared island, their feeling about the proposed shared island unit that has been proposed by the Taoiseach and the conversations and engagements that are starting to kick off. Thanks, Colin.

The Chairperson (Mr McGrath): OK. Thank you.

Senator Niall Ó Donnghaile (Joint Committee on the Implementation of the Good Friday Agreement): Could I maybe come in on the citizenship stuff?

The Chairperson (Mr McGrath): Go ahead, Niall.

Senator Ó Donnghaile: Thanks, Chair. On your initial question about the citizenship stuff, Brendan and Niall were correct about the remit of the Committee, and it is really important to remember that we are an oversight Committee on the implementation of the Good Friday Agreement, which set in a legal context the right to identify and be accepted as Irish, British or both. We saw in the DeSouza case some of the problems in the failure to codify in domestic British law that aspect of the Agreement.

We completed some initial work on the Good Friday Agreement. We also met Emma DeSouza and departmental officials privately in order to discuss some of the issues, but, between elections and pandemics, we were not able to carry that work further. That is certainly something that will be important for the Oireachtas Committee to come back to not just for the Good Friday Agreement but, in particular, for article 2 of the constitution, which codifies in the law in the South the right for everyone who was born on the entirety of the island to be an Irish citizen.

I wonder whether there is a particular piece of work for both Committees to do by looking at the specific issues of citizenship and how we get beyond the more notional or inspirational issues of citizenship and into the more mechanical issues of what it means. What does it mean for the people whom you represent in South Down who are Irish citizens? As Claire rightly said, beyond the holding of a passport, we have EHIC and ERASMUS, but there is much more that we have lost, and there is a lot more in addition to that that we do not have that the people who live in Louth do. There is a specific

piece of work that our joint Oireachtas Committee will do, but I think that your involvement would only bolster and help to inform that work if we could take it on.

I know that citizenship is becoming an increasingly important issue. I do not propose to speak on behalf of the unionist community, but, as more people avail themselves of Irish passports, they will want to know what that means in practical terms. I know that, in the past, some unionist politicians expressed concerns about a kind of reciprocal arrangement, with people who were born in the Twenty-six Counties maybe wanting to avail themselves of a British passport and wanting to know how they might go about getting one. I do not know what the definitive piece of work might be, but I sense that there is real potential for us to look at that aspect of the Good Friday Agreement and our responsibility to implement it. There is also the particular issue of what the eligibility will be.
[Interruption.]

The Chairperson (Mr McGrath): Stephen, would you like to come in? If you talk loudly we will get to you.

Ms Hanna: We need Jackie Weaver on this call.

Mr Stephen Farry (Member of Parliament): That is it. [Laughter.] Thank you, Colin. [*Inaudible*] back at the Assembly [*Inaudible*.] I want to build on what Niall said. There was a very useful piece of work done by the Committee on the Administration of Justice (CAJ) either last year or the year before that set out nine different types of citizen that could have legal interaction with the European Union on these islands as a consequence of Brexit. It may be useful to go back to that to map some of those issues out.

There are particular concerns that are still alive. One of those that I have been trying to highlight is whether the memorandum of understanding (MOU) on the common travel area is robust enough [*Inaudible*] in the sense where people have a hierarchy whereby those who have gone through the EU settlement scheme, are, technically speaking, on a more solid legal position than some aspects of the MOU say.

There are also issues with differential rights in particular for people who may have an Irish identity and ongoing EU citizenship versus those of British identity in Northern Ireland. There are further rights issues for those who are EU citizens in both jurisdictions on the island.

Chris made the point about frontier workers. There are issues in the service economy and with freedom of movement that we need to be very conscious of in the context of the island. CAJ has been at the forefront in mapping out the issues for a work plan. There is a range of genuine things that are worthy of being picked up by both our Committees over the coming months.

The Chairperson (Mr McGrath): Thank you for that, Stephen. I will move on to the next question. The person who was on the phone call was Fergus ringing in, but, unfortunately, he had to be removed again because of the way that he was [*Inaudible*.] We will keep going with Brendan in the Chair. I will move on to a second question, and we can then move round to one question from each of the other members because we are already at 3.40 pm and we have got only this far.

The North/South Ministerial Council (NSMC) is a key component of the Good Friday Agreement. It is a place where issues and concerns as a result of Brexit and the protocol can be raised and escalated to the Specialised Committee and the Joint Committee by either or both sides. How do you feel that that is going to work in practice, specifically in the Northern end, if there are issues being addressed that will require sign-off from both sides before they progress across, or will issues go via Dublin through the EU route? Do people have any sense of how they think issues that could be raised through the NSMC could be a vehicle to find and raise issues in the future?

Mr Smith: Colin, the North/South ministerial structure is very important. It was amiss when Stormont — the Assembly and the Executive — were not meeting and were prorogued. Michelle and I were colleagues on the North/South Ministerial Council on the agriculture and fisheries side. A huge amount of work that never reaches the public domain is done in the background preparing for the North/South Ministerial Council at an official level. Agriculture was one of the areas where there was a lot of North/South cooperation, even in advance of the Good Friday Agreement, but that was given extra momentum and impetus with the Good Friday Agreement. We need far more attention on and activity in the North/South Ministerial Council because we know that, in the ministerial meetings, the

statements are drafted in advance and that often the meetings at a political level are about signing off on the agreements that have been reached at official level.

I am not aware from Government if there is a need for new procedures or a new way of doing business, but the basic business of operating and cooperating together, North/South, on an all-island basis and east-west, is all extremely important. There is so much work going on on a daily basis that does not get any political attention. It is important that that work continues in that format and that we have regular political meetings at ministerial level, because that gives the momentum to that work as well.

In the various challenges that we have following Brexit, the role of the NSMC should be on a higher level than it ever was in the past. I sincerely hope that the Executive and our Government continue to make the NSMC work to even greater effect than it worked in the past.

The Chairperson (Mr McGrath): Brendan, would you pick one or two members to come in on that question, and then we will move on to some other questions from up here?

Mr Smith: With the way my structure is set up, I cannot see which of my colleagues are available. Niall Blaney is the only person I can see.

Ms Jennifer Carroll MacNeill (Joint Committee on the Implementation of the Good Friday Agreement): I am here. I thank everyone for the meeting. It is a privilege to be here with you. I join all my colleagues in regretting that the DUP has not joined us. I am a member of the Committee so that I can build friendships and alliances, develop my own understanding and respect and so that we can develop that mutual respect and understanding for living on a shared island together. It is genuinely and personally saddening to me. It is one thing not to participate in an Oireachtas Committee, but not to participate today is another step.

Nevertheless, there is work to get on with. I back up what Brendan said about the North/South Ministerial Council. I recall working in the Department of Housing a period ago, not as an elected person but as an official, when the Parliament in Stormont was prorogued. I recall how difficult that made practical matters; matters that never needed to become political. Administrative and technical matters were disrupted for water and utilities — the management of those various issues that were relevant to the Department of Housing at the time. Obviously, I hope that that never happens again. However, it goes to show just how crucial that alliance, or political structure, is and that it functions and operates.

I do not have insight now about how it operates on a day-to-day basis as I am not in Government and not in the relevant Department. However, there is a clear need for that to work effectively and in a practical way on behalf of everybody on the island. That has been shown to be more the case, rather than less, in the intervening period.

Thank you for the opportunity to be here today and to contribute to the meeting.

Mr Hazzard: I will go back to something that Jennifer said. Of course, the NSMC is really important, but it is also important that this conversation flows into civic society. We know that border communities, for example, are going to be at the coalface of many of the problems. They need to have a forum and a space that is even wider than the NSMC. There needs to be an appetite for this. I think that it is scandalous that the Dublin Government have been so lethargic in sharing passenger data, for example, on COVID. An Taoiseach and his Cabinet should be rightfully ashamed. It really has been a shameful episode. It is about wanting to work with the mechanisms in place. They are there for a reason. Too often, those mechanisms are a box that sometimes is ticked, and some people do not realise the real importance of them, especially in wider civic society.

We met the Irish Business and Employers' Confederation (IBEC), the CBI and InterTradeIreland recently. They are doing a huge amount of work to scope out what opportunities the protocol presents and what type of things local communities, the voluntary and community sector and local businesses all take out of the likes of the protocol. What is the new trade environment going to be?

A huge amount of work is being done. North and South, the Executive and the Cabinet in the South, need to lift these issues because ordinary people, working in those jobs and frontier workers etc all expect that type of leadership, and the Executive and Cabinet now need to get on board.

Senator Emer Currie (Joint Committee on the Implementation of the Good Friday Agreement): I struggled to get into the conversation, and now I am playing catch-up. Thank you for organising this. I hope that there will be more of these meetings. DUP members are not here, which is disappointing, but, at the same time, there is much work to be done. We will be picking up ideas from this conversation to bring back to be covered in our work plan. I am keen that there should be a voice for community organisations and people at the grassroots and that they can come to our Committee and bring their insights, especially on the effect of legacy issues and social deprivation. We have had some good contributions on education and research. There is so much work to do that it is hard to decide where you want to go.

I echo the importance of the North/South Ministerial Council in the context of health and COVID. We have seen the effect of not having the Executive for those few years and not having more initiatives coming on board. We have to put an emphasis on getting initiatives on working together and up and running and on getting behind the engagement of the North/South Ministerial Council on health issues.

The Chairperson (Mr McGrath): Emer, thank you for that. Thank you all for your answers so far. I am going to move on. I ask the Deputy Chair, Doug Beattie, to come on board. Members, please get everything that you want to ask condensed into one input, because we are up against it timewise.

Mr Beattie: Thank you, deputies, senators, MPs, and everybody else. There is a quare mix of people here. As the sole unionist, I feel as if my back is against the wall a little bit, but that is where we are. A lot of focus has been put on DUP members not being here — it is their decision not to be here — but I am here. I want you to understand that there are frictions and instabilities, and we cannot simply bat them away and ignore them. We have to address them. They need to be addressed because, if this continues, we could see the unravelling of a lot of good work that has been done over many years by a lot of good people.

I have been asked to condense everything into one question, and I will, if I can. In Northern Ireland, we have a fine balance: both communities have a balance as to how we go about our daily lives. We worry about that balance, continually. If we had put up a hard border on the island of Ireland, that balance would have been upset. We have put a border in the Irish Sea, and that balance has been upset. That will affect North/South cooperation, and, I think, that it will affect the North/South Ministerial Council. Again, I say, and plead with you to listen when I say, that we cannot ignore that, because that is where we are. It could be an identity issue, as some have pointed out. Stephen Farry pointed that out in 2019, and I agree with him. If we do not address it, things will go in the wrong direction. I will ask a simple question. Lord Trimble, a Nobel Prize for peace recipient and co-author and negotiator of the Belfast/Good Friday Agreement, said:

"the astonishing and disturbing fact is that the Withdrawal Agreement and, in particular, the Protocol clearly rips the Good Friday Agreement apart."

How do you answer that when someone like Lord Trimble is saying it?

Ms Hanna: Thank you, Doug, for engaging, as you always do, in good faith. There are, undoubtedly, problems to solve. I do not disagree for a second that this place is delicately balanced and that the equilibrium has been upset by Brexit. I am not going to go into the sad series of events and missed opportunities that have taken us to this point, but I know that you would not dispute them. I do not think that anybody would or should minimise the sense of injury that some people feel about the constitutional outlook that a barrier in the Irish Sea has caused to people. I suppose that the point is that we need to work through that and find ways to understand what reassurances people want.

The only way that we can address it is by being clear that these are practical issues and recognising that it was not the case that the EU, the UK Government or anybody else decided to flip a coin and say, "Do you know what? We are going to go with the nationalists on this one". As always, we have been dealing with a set of practicalities, and the reality is that, though the constitutional feeling for people would be the same, the realities of friction in the Irish Sea are considerably more manageable than frictions on land for business flow and the flow of people. I do not think that that is any dispute.

I do not say that to minimise the fact that people feel that they have diverged or are different from the UK, albeit that Northern Ireland has always had substantial divergences. The way that we can manage the emotional injury that people are feeling is by being honest with them. We must tell them that it was not a political battle that they lost due to the bad faith of the EU and be honest about the realities of the movements of goods, people and regulations.

That is why we are seeking to address the most disruptive of those, for example, people travelling with pets or the sense that businesses that have long since traded across the Irish Sea are being prevented from doing so. It is about working through the things that are most practically disruptive to people's everyday lives. Those things are practically disruptive, but it would be disruptive trying to manage a hard border with 300 crossings. It is about being honest with people that there just were no options left due to the poor political choices of other people. It was not just a political choice that was designed to disfavour unionism. It is about dealing with practicalities and realities and working together to take the most damaging everyday issues off the table.

The Chairperson (Mr McGrath): Thank you, Claire. Brendan, do you want to [*Inaudible*] answering?

Mr Smith: Colin, can I just make a brief comment? I lost most of Doug's contribution, but I welcome his participation in the meeting. If we look back on the work of the Oireachtas — our Dáil, Seanad, political system and public service — from 2016 to 2020 and beyond, Brexit literally consumed our parliamentary work in plenary sessions and at Committee. That was done to protect our whole country. Nobody benefits from any negatives for the North or the South. I disagree with Lord Trimble's assertions.

As we all know, strand two of the Good Friday Agreement is about North/South cooperation, and that is provided for in the protocol. Claire made the very valid point that if there are issues that are causing difficulties, they need to be addressed and sorted out. That is the clear message from all public figures here, politically and at a public service level. We need to sort out the difficulties by working together and dealing with the issues to the benefit of all our citizens.

I cannot see, but maybe other Oireachtas members want to come in, Colin.

Senator Blaney: Can I come in briefly, Chairman?

The Chairperson (Mr McGrath): OK. We will go to Chris and then to Niall.

Mr Hazzard: Doug, it is good to see you and to engage again. I disagree with David Trimble. There is no doubt that there has been trade disruption over the last four weeks. That has been inevitable, not just because of the new trading realities created by Brexit but because of COVID, which has had a massive detrimental impact on supply lines. The representatives of all our sectors have said that.

As Claire said, we have a duty to be honest with people. The protocol is going nowhere; it will remain the framework for dealing with those issues. I do not believe that it creates a border in the Irish Sea. Of course, it creates barriers and frictions, but those are the outworkings of Brexit, and I think that everybody said that at the time. I am pretty sure that you were pro-Remain and you would have recognised that Brexit was always going to create those situations.

Nevertheless, we need a wee dose of reality. For example, this month, there has been more trade between Britain and the North than there was this time last year. It is not true that we have seen catastrophic impacts; we have not. By and large, businesses are coping. That is not to take away from the fact that some need help. We need solutions and simplifications where possible.

In December, the British Government and the European Union agreed a number of important flexibilities, but they have not been put in place yet. For example, the European Union has not been given access to British customs data; that needs to happen. We need much more improvements to the Trader Support Service. Most importantly, British firms need to familiarise themselves with the new import legislation. We did not get a transition period; any notion of a transition period is a misnomer. Last year, we ended up with 11 months of negotiation; we simply did not get time. Many of the new processes were landed on businesses in the last week of Christmas. They had to deal with that when most of them were off and not even in the office.

I have no doubt that some of those solutions will be found, but as Michael Gove and Maroš Ševčovič said this week, the protocol is the framework that will deal out those solutions. We need to be much more sensible here, we need to calm tensions, walk people back and say, "Look, the protocol is here to stay, and we need to work within its parameters".

Senator Blaney: I welcome Doug's engagement, although he is very much on his own. I welcome his question, which is a very good one. At the end of the day, if we did not have the border down the Irish

Sea, there would be consequences for the Northern Ireland economy because it would not have access to the single market.

It is a result of Brexit. None of us wanted it; none of us wanted the British to withdraw from the EU. We can argue until the cows come home that we are not responsible for Brexit, but Brexit is responsible for an awful lot of damage to our economies on this island. That is a reality that we have to face.

I have an awful lot of respect for the work that David Trimble did in the build-up to the Good Friday Agreement; he was an important part of putting it together. When all is said and done, I do not think he fully believes that the protocol rips apart the Good Friday Agreement. He said that at a point in time but, at the end of the day, the art of the Good Friday Agreement was the ability of politicians to come to the table and agree. That is what politics is about.

There are issues with the protocol, as has been said. The question being asked of politicians of all parties is this: can we come together for the good of our communities and the nation to build on the foundations that are there? I believe that most people around this table will say yes. We could talk for a long time about why all this happened and about a border in the Irish Sea. I know that some people are upset, but, at some stage, we need to indicate exactly what the issues are and push those in ministerial positions to take those issues to the table and iron them out. This meeting is a great first step towards that.

Mr Sheehan: Go raibh maith agat, a Cathaoirligh. In some ways, today's meeting is an historic one. I hope that it is the start of an ongoing process of dialogue and cooperation between our Committee in the Assembly and the Oireachtas Committee on the Implementation of the Good Friday Agreement. We should probably try to identify areas of cooperation that we can work on together and flag those up to the Governments, particularly the EU Commission and the European Parliament, as Chris said earlier.

I also have to point out that it is easy to talk about cooperation, but we have seen many instances over the past year where cooperation did not exist when it should have existed because it was a matter of life and death with the pandemic. The Dublin Government imposed restrictions without any communication with the Executive here. A few weeks ago, the Taoiseach put his foot in it over the testing for the new variant, and someone has already mentioned the reluctance to pass on data from the passenger locator forms of people flying into Dublin. Cooperation is a mindset, and if we are to cooperate we need to ensure that we have the proper mindset.

One of the difficulties is that many people and politicians in the South seem to think that this is sorted, the protocol is now in place, the North has the best of both worlds, and so on and so forth, when, in actual fact, the protocol is just the best of all the bad options. For example, the European health insurance card has already been mentioned, and Simon Coveney has assured us that that will be resolved, but there is also the issue of the cross-border EU directive on healthcare. People who could previously go to other EU countries for surgery or other sorts of treatment cannot now avail of that. Those are areas that we can identify and work on together

I know that this is the Good Friday Agreement Joint Committee, and I do not really have a question, but I am just throwing the issue of cooperation out there and the need for a change in mindset in some cases. On both sides of the border, there is often a partitionist mindset, but it is to the benefit of everyone on this island that there is maximum cooperation in the time ahead. Sin a bhfuil uaimse. Go raibh maith agaibh.

The Chairperson (Mr McGrath): Thank you for that, Pat. Brendan, do you want to respond or do you want to invite somebody to respond to that, or are you happy to note the comments?

Mr Smith: If any of my colleagues wish to respond, they may do so, but I will just make a quick comment. It is unfortunate that the Executive in Stormont were not meeting for a considerable time after the 2016 referendum decision to leave the European Union. I want to say very clearly, on behalf of the Oireachtas and of all parties and none, that there was a huge effort and time and consideration and very strong interest in ensuring that the interests of all our island were to the fore in all discussions on Brexit. There was no partitionist attitude on the part of the Oireachtas in regard to Brexit preparations. I want to put that clearly on the record. That is very important.

Of course, we want all-Ireland cooperation. The Taoiseach announced some weeks ago a shared island unit to provide, over the next five years, substantial ring-fenced funds for all-Ireland and cross-

border projects to benefit people North and South who want to move on that agenda. We want to move it on as rapidly as possible.

I cannot see my Oireachtas colleagues unfortunately, but someone may want to comment.

The Chairperson (Mr McGrath): I can see everybody, so if anybody wants to speak, they can indicate and we will call them in.

Ms Rose Conway-Walsh (Joint Committee on the Implementation of the Good Friday Agreement): Thank you, Chair. I apologise for the technical difficulties at the beginning. A lot of what I was going to say has been said, but Brexit in itself meant that there was always going to have to be a border. Pat is saying that the impression here might be that everything is sorted. We certainly do not think that. The protocol has not been given enough of a chance for us to see what it will mean.

There are mixed messages. Figures from a Manufacturing NI survey, for instance, showed that 65% of businesses said that there was no impact while 73% said that it was as good or better now. That is not to deny that there are problems, and there probably are problems that we have not even envisaged at this stage, so it is good that our two Committees are looking at this.

I think that everyone will agree that this is a time for strong, transformational leadership to lead the change in relationships that everybody is experiencing, and change, by its very nature, can be unsettling. It is about how we can do that, because we do have in mind the best interests of families, businesses, individuals and our farming community. It is about how we can do those things and work pragmatically together.

I welcome this meeting. My question is this: how can our Committees work together to make sure that those things are implemented, notwithstanding anybody's constitutional preference? People expect us, as legislators, to deal with the issues being presented to us rather than deny them.

I think that the media have a big role to play by not sensationalising issues. We must all work together for the benefit of everybody across the island and, indeed, everybody across the two islands. For instance, people think that the ERASMUS issue is sorted, but it is not sorted from the Southern point of view, because our students cannot now access the ERASMUS programme in the North or in Britain. I would like to see coming from this meeting is a way that we might work together, perhaps in the form of a joint report or in how we examine these issues to play our part. Go raibh maith agaibh.

The Chairperson (Mr McGrath): Thank you for that, Rose. Do not worry. While you were having substantial technical problems at the beginning, you missed us all having substantial technical problems at the beginning. You were OK. You did not miss much.

Mr Sheehan: Chair, can I come back with a quick comment?

The Chairperson (Mr McGrath): Yes, Pat.

Mr Sheehan: If this a part of the process, can we develop some sort of shared protocol on procedures for these meetings?

The Chairperson (Mr McGrath): That would be helpful from the Chair's position, I can tell you. We will pass to Martina to ask a question or make a few points.

Ms Anderson: I do appreciate the historic opportunity to engage with you all today. It is disappointing that the DUP is not in attendance. Unfortunately, its petulance is leaving it voiceless. We have Doug here. Doug, I hope that you do not feel alone. As a Committee, we engage collectively, and I we need to keep working collectively to sort out this Brexit mess. Most people knew that Brexit meant a hardening of the border somewhere; anyone who did not was asleep at the wheel. We need to expand, I believe, on the exchange of views that is taking place today. I am finding all the comments very interesting.

I think that it was Chris who suggested a potential joint letter to the EU Commission, the European Parliament and to the presidents of the groups in the European Parliament. They overwhelmingly gave their support to uphold the Good Friday Agreement in all of its parts and that there would be no hardening of the border in Ireland and for the all-Ireland economy. Consider that 650 MEPs voted to

protect that and to mitigate the challenges and impact of the new trading realities caused by Brexit for the all-Ireland economy.

We need to reach out to those in Europe. They will have heard, for instance, about what was happening at the port of Larne, but they may not have heard the confirmation from the PSNI that there were no threats. Minister Gove said yesterday that they would work on the protocol to make it more effective. If you listened carefully to everything that he said, you would know that there will be no triggering of article 16. I am concerned that a red bus will go over a political party again, hurting it and the people whom it represents. We need honesty and leadership. We need to be in solution mode. Businesses want solutions; they want to get access to the least problematic supply chain. Jacob Rees-Mogg has relocated businesses from England — even an arch-Brexiteer involved in Vote Leave sees that he needed to relocate his business to Ireland.

We hear about documentation in Dublin taking perhaps 24 hours whereas it might be taking four hours in Belfast, Larne and Warrenpoint. We need to identify solutions. What are the difficulties, first of all, that people and businesses are having, and what are the solutions to those problems? We engaged with the senators last week and made the same suggestion to them. We need to work collectively and share information. I hope that this is only one of many meetings at which we can package solutions. We can share information with you about the problems that we, as Irish and EU citizens who have lost our democratic right in the European Parliament, are having, and the problems experienced by British citizens in the North of Ireland who have lost their freedom of movement.

I hope that we pick up on some of the suggestions. I reassure Brendan that, when the Assembly was down, Sinn Féin was on the side of the table that mattered. It engaged with Europe, as you know. It engaged with the Irish Government and all 27 EU Governments to ensure that we upheld the Good Friday Agreement in all its parts. That is not to say that we should not have had an Assembly; of course we should. However, it was brought down because the issues that brought it down needed to be addressed. Fortunately, we are now back in a power-sharing arrangement, and, hopefully, those issues will never re-emerge. We are all working collectively.

Brendan, we need to get into solution mode to find a solution to all those problems. We should let people see that our two Committees can work collectively. I would like to pick up on some of the suggestions to find out what is happening at the ports of Dublin and Rosslare. Does anyone have any information about Rosslare? We hear that traffic there has increased sixfold since Brexit. Business seems to be booming at that end.

The Chairperson (Mr McGrath): Thank you, Martina. I will pass those to Brendan to pass out to members.

Mr Smith: Unfortunately, I cannot see some of my colleagues. With regard to Martina's final point, it is worth recalling what I said about the Oireachtas and the parties in it. All Committees worked from 2016 on assiduously at all times to outline, analyse and deal with the outcome of Brexit, as it would affect all our island. The Oireachtas did a very good job in supporting the work of our public servants, all Departments and our diplomatic network.

My information about the ports was informed by our constituents and constituencies. Initially, in early January, and up until the middle of January in particular, I had a number of representations from the haulage business and people who import, export and trade through Dublin. I had hauliers from Northern Ireland and our jurisdiction complaining about delays. The most recent contact that I had was from a firm two days ago. Its representative said that, from his firm's point of view, things had improved considerably. He also said that, because of the many necessary health service and Department of Agriculture inspections, there can sometimes be difficulties for hauliers with mixed loads and perhaps food items as part of their consignment. I am guided by the representation that I have received, and, to my knowledge, things have improved at the port, but there is still room for improvement. That was the situation when I most recently spoke to people who are trading through the port. Perhaps some of my colleagues have their own detailed knowledge of the situation at the ports.

Mr Hazzard: Chair —.

Ms Hanna: Brendan, I might —.

Mr Hazzard: The Chair is on mute.

The Chairperson (Mr McGrath): That is me being helpful. I can see everybody on the screen. We will have Claire and then Chris.

Ms Hanna: Brendan, the Northern Ireland Affairs Committee had a lengthy session with representatives from the port authorities and various hauliers and freight associations across the island. The Hansard report will be available. They reported market distortion. They said that things had smoothed out, albeit they had a lot of practical suggestions for synergising some of the processes and folding them into one another, and on how they might get those solutions to the right ears. They said that, even though the overall balance is restored, there is an avoidance of some of the traditional routes for moving goods around. We spoke to them about the need for all Departments in the North and South, and we have also written to UK agencies, to try to find opportunities, particularly for businesses in Northern Ireland. I have heard already of some that have got enhanced contracts and so on because we are at the hinge of the UK single market and the EU single market. That is a piece of work that could demonstrate to people that the protocol can be made to work. We have said that we have been handed lemons, so we might as well try to make lemonade once the stabilisation phase is over. We will issue a more comprehensive report, but those representatives are saying that the market and patterns of freight are reshaping before their eyes.

There is also a good report from Manufacturing NI. I have only scanned it, but it contains chunky information about different trade flows. The situation is evolving and emerging, but it is going to land in a very different pattern from what it was on 31 December.

Mr Hazzard: I will pick up on some of those points. We have had that report that Claire referred to. We know from the manufacturing sector in the North that a quarter of manufacturers have already reoriented their supply lines, and we know that they are moving around. I met the guys last week, and they were very clear that there is a significant problem at Dublin Port around pre-notification for imports. Unlike Belfast port, which has reduced it to four hours, Dublin is insisting on 24 hours' pre-notification. That is causing serious problems for many local businesses. The Irish Revenue and the Department of Foreign Affairs (DFA) need to come to the same arrangement and reduce the pre-notification time to four hours. The power to do that is in the legislation. It would make a significant improvement for local businesses, many of which are in the North. Belfast has done it, and it has helped greatly.

There are number of other issues, however. For example, Michael Gove announced that the British Government and the Irish Government had recently established a task force that would look at Dublin Port, at trade disruption and at how that disruption could be smoothed out. It would be interesting to get an update on that programme of work, because we know that there will have to be significant improvements made. Customs are working fairly well at Belfast, but, and Stephen made some play on this yesterday, unless there is serious movement back towards EU standards on sanitary and phytosanitary (SPS) measures and food hygiene, this disruption will remain and become a reality of life. There will have to be these levels of checks and disruption if British Government policy is to diverge significantly from EU food standards in order to secure, they hope, a US trade deal in the future. We know that that is the problem, so if we can get British Government policy shaped so that it is closer to the EU and Switzerland on the veterinary agreement, that would be great, because you would get rid of the need for all these checks and the export health certificates (EHCs) overnight. Unfortunately, with this particular British Government, that is very unlikely.

The Chairperson (Mr McGrath): Thank you for that, Chris. I do not see anyone indicating on the screen, so I will move on to Emma to ask a question. We will come to Michelle after that.

Ms Sheerin: Go raibh maith agat, a Chathaoirligh. I was panicking there that my raised hand had not worked. This method of meeting is quite different from how we normally function, and it is, as other members have outlined, confusing.

I will go back to some of the comments that have been made by other members. The fault or cause of Brexit has been well rehearsed and everyone has expressed regret that the DUP chose to not engage this afternoon. That is a cause for concern, because that continued strategy of "Let's bury our heads in the sand" is not going anywhere and does not help the constituents whom we represent.

Given this meeting and the two Committees having this sort of engagement, I wonder whether we can commit to a piece of work in longer term on some of the issues that are arising. On the citizenship issues that have been raised, Niall Ó Donnghaile referred to some of the problems that have arisen and people's concerns, which Martina touched on as well. The Good Friday Agreement came about as

a means of trying to provide a better life for people in the North who had suffered as a result of conflict following British partition. Brexit has, once again, risked the lives of communities here and the nature of life that people have come to enjoy. I wonder whether we can commit to doing some work on that to smooth out some of the issues. Some of those issues probably have not reared their head as quickly as they would otherwise have done so, because, owing to COVID-19, people are not moving about as much.

On the practical issues, Chris made reference to increased opportunities for businesses in the North. Claire touched on that as well. As constituency representatives, regardless of which part of the country we come from, we will all be in contact with constituents with businesses who may now be looking elsewhere. Businesses in the North had a natural reliance on Britain because of the constitutional arrangement and because the country is partitioned. That probably never worked perfectly, and there are a lot of efficiencies, economic and environmental, that we could see as a result of increased North/South trade as opposed to east-west trade. I ask that we can get some commitment to having that conversation amongst all the reps to see whether there are objectives that we could achieve jointly.

The Chairperson (Mr McGrath): Thank you for that, Emma.

Sorry, Michelle, you indicated at the same time that you wanted to speak, so if you want to do so now, I will go back to Brendan after.

Ms Gildernew: OK. Thank you, Chair. This discussion has been very valuable and helpful. I have a couple of practical suggestions. On the issue of the port in Dublin, perhaps the Committees could jointly draft a letter to Dublin Port that outlines some of the pragmatic measures that have been taken at ports in the North to see whether we can smooth the way. There are businesses in my constituency that, depending on the weather, used send either a lorry down the motorway to Belfast or one down the other motorway to Dublin. To them, it did not really matter which port their goods were sent to as long as they were able to be exported.

I will now turn to the issue that Emma raised. I had deep concerns about Brexit. My constituency has the longest land border, which I share with Brendan Smith and others in Cavan, Monaghan and other counties. Some of the businesses in my constituency were deeply concerned that Brexit might lead to a situation in which a lorry had to cross the border six times before it got on the road to the port, and all of that. Brexit has thrown up all manner of problems, and it is up to us to find solutions. I welcome this joint meeting today, because those solutions are going to have to be found amongst elected representatives right across the island of Ireland. We are going to have to find those solutions in an all-Ireland setting. From that end, there may be other practical steps that we can take. Perhaps these two Committees together could have a meeting with the shared island unit. There are issues that we might want to raise with it. There are certainly things that we want to do to have our voice heard, not just here on the island of Ireland but in Europe.

Many practical suggestions have been made today, so we should continue with the work. Perhaps we can set up a programme of work and find ways in which to engage with one another. Hopefully, after today's issues, we can ensure that all parties are represented and that, collectively, as representatives on the island of Ireland, we can sort out solutions on the island of Ireland for people, notwithstanding the challenges in exporting to Britain and beyond, and find ways in which to make people's lives easier as a result of the problems that Brexit has thrown at us.

The Chairperson (Mr McGrath): Brendan, do you have any points to make in the light of Emma's contribution?

Mr Smith: I will make a quick point about the ports. We have considerable additional shipping and ferry capacity from Rosslare, and that should be easing the pressures on Dublin Port. Hopefully, that will benefit all people who are trading through Dublin, either exporting or importing. I raised the issues along with my colleagues in the Oireachtas and know that, having spoken to hauliers and other people who are involved in trading through Dublin Port, there was considerable interaction between the haulage industry and their representative associations and Revenue and the other statutory agencies. I can check whether there are other issues that need to be sorted out. In my representations to our Minister for Finance, I will say that the issue was discussed in detail here today.

I cannot speak on behalf of our Committee, because I am just an ordinary member, but when it comes to our two Committees doing some work together, may I suggest that our Chairman, Fergus O'Dowd,

consult you, Colin, as Chair of your Committee, on specific issues that we might pursue? There are so many common interests and concerns. As I said earlier, one of the best meetings that I participated in on the subject of Brexit, in December 2015, was the meeting of the North/South Inter-Parliamentary Association (NSIPA), which consists of Members of the Oireachtas and Stormont Members.

Given the deficiencies of meeting online, we can be much more productive when we get back to sitting around a table and having a meeting in a Committee room. I welcome the prospect of addressing specific issues together, but, on behalf of our Committee — Niall or Jennifer, if she is still there, can come in here as well — perhaps we can ask our Chairman to speak to you, Colin, to see what issues you can bring to your Committee or to ours that we can set out to do some particular work on.

As Michelle and Emma said, there has thankfully been a huge growth in the all-Ireland economy since 1998. I represent Cavan-Monaghan and know the neighbouring counties of Fermanagh, Tyrone and Armagh. At a local level, our economies are so interdependent in so many sectors, and we want them to grow, grapple with the issues and deal with them on a cross-border basis as well. Thanks, Colin.

The Chairperson (Mr McGrath): OK, Brendan. Thank you, We are coming to a natural end, insofar as all the members from our Committee who have been on have asked their questions and had them answered.

I have heard a couple of common themes coming through, which I welcome. Out of what Brendan has said, if the Committee Clerks pull together the notes that we have taken from the meeting, then they, Fergus and I can look at further opportunities for us to work together. We are in this for the long haul. The problems are going to continue on a regular basis, so the search for solutions is going to have to continue on an ongoing basis. Having us all together to articulate what those problems are and come to solutions together might be useful.

Does anyone want to raise any specific points on the back of that?

Ms Anderson: Chair, I definitely agree with you. It is fantastic that we can get the Administrations to capture all the recommendations that have been made and bring them forward.

There is an urgency to one, however, because of the action that the European Commission suggested last week that it might take. Chris Hazzard made a recommendation about reaching out to the European Commission and the European Parliament, as well to as the presidents of the group. As a former MEP, I can assure you that it is crucial that they hear from all of us who are working collectively to try to resolve this Brexit mess.

I accept what you say about there being a number of suggestions here. We have heard about the common travel area (CTA). We know that that is built on sand. We know that there are problems. We need to go back to the whole issue of citizenship. I will not start on them, but there is a mountain of issues that need to be addressed. I say to you, in the first instance, that we need to reach out. We can try to frame or draft something, throw it around the membership and see whether we can get it signed off. Let that perhaps be the first action to come out of today.

There are all the other issues. We should keep in mind the grace periods. We have three-month, six-month and one-year grace periods. As part of the flexibility, we may get those extended. Who knows? If that does not happen, however, we do not want to waste a grace period. We want to make sure that preparation is done, and that will involve, and necessitate, all of us working collectively to share information so that businesses are warned about what is potentially coming down the track in the time ahead.

The Chairperson (Mr McGrath): OK, Martina. On the basis of not seeing anybody getting exercised about that —.

Senator Blaney: I thank you for, I suppose, co-chairing our interactions today. It is very welcome. If there is one thing that I would like you to take away from today, from my perspective, it is the need to have all the stakeholders at the table. I ask you to work very closely with our Chair to ensure that the DUP is brought back on board. I cannot emphasise this enough: it is really important that we have all the stakeholders around the table. While that is not the case, I do not think that all the work that we do can be sacrosanct. You must use whatever offices you can to get the DUP on board, whether it be the Department of Foreign Affairs, an Taoiseach or Ministers in Stormont. Work needs to begin from that

perspective sooner rather than later, for the sake of all North/South work but particularly for our work on a shared island basis.

The Chairperson (Mr McGrath): I see that Trevor Lunn has joined the meeting. I know that you were away, Trevor. We are 38 minutes over time at this stage. Is there a comment that you would like to make rather than a question that might reopen issues?

Mr Lunn: I have just a very quick comment. I apologise for my late arrival, but you have to take the COVID injection when it is offered to you. That is what I have been doing.

I listened to the tail end of the meeting. It is very disappointing that the DUP takes this attitude all the time. I do not know how many times it can do the wrong thing, but that is the way that the DUP is. We will have to wait for better days with it.

Others may have made this comment, but the extent of optimism in Northern Ireland about what we can do for ourselves that we used to import is quite revealing. I think of the Newry company that has got a contract with Sainsbury's to produce its sandwiches. That is brilliant. I hear that there are difficulties with plants being sent across from GB. Can we not grow plants here? Can we not grow them in the South? It is the same soil. There is therefore that sort of thing. We are only six weeks into this nonsense, and there is a long way to go, but we are gradually sorting things out. I am optimistic about the future, and this dialogue between the two Committees is very useful. I will leave it at that, Chair.

The Chairperson (Mr McGrath): OK, Trevor. Thank you. We are glad that you got the vaccine today. Unfortunately, Emma, Martina and I, as under-40s, will have to wait until probably June or July before we get it, but we will get there.

Mr Lunn: I wish that I were under 40.

Ms Anderson: I wish.

The Chairperson (Mr McGrath): Everybody, thank you very much for your attendance today. I really appreciate it. There are a lot of voices and a lot of people, so setting aside an hour for the meeting was probably very ambitious. The next time that we get the chance to get together, which will hopefully be very soon, we will look at giving the meeting a bit longer, and we will get the technical issues sorted out so that we can start right at the beginning of the meeting.

I take the opportunity to thank you. Our members will remain, but if the others want to press the "end meeting" and "exit" buttons, we will see you all again soon. Thank you.

Mr Smith: Colin, unfortunately, some members of the Committee on the Implementation of the Good Friday Agreement were unable to join the meeting. They contacted the Committee Clerk to say that, regrettably, they were unable to join, but we look forward to further engagement. Thank you for the way in which you have conducted the meeting.

The Chairperson (Mr McGrath): Thank you, Brendan.