

# CCBS – LEGISLATIVE AFFAIRS

---

26/05/2017 - 02/06/2017



Northern Ireland  
Assembly

The Northern Ireland Assembly was dissolved at 00:01 on Thursday 26 January 2017.



Tuesday 30 May 2017

Department of Agriculture, Food and Marine

Animal Welfare

Stephen Donnelly asked the Minister for Agriculture, Food and the Marine if his Department has developed proposals to maintain an all-island approach to animal health and disease issues; and if he will make a statement on the matter.

**Michael Creed:** There is ongoing, close co-operation between my Department and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, including through dedicated working groups established as part of the All-Island Animal Health & Welfare Strategy Action Plan by the North/South Ministerial Council. The working groups meet regularly and focus on critical issues such as disease control, animal identification and movement, cross-Border communication, data sharing and the development of joint initiatives on animal welfare. Working groups are also meeting to discuss specific Brexit issues, including in the area of animal health and disease.

In October 2016 I chaired the most recent meeting of the North-South Ministerial Council on agriculture. Together with Michelle McIlveen, then Minister for Agriculture, Environment and Rural Affairs, we welcomed the continuing work on the delivery of the Action Plan and, in the context of Brexit, looked forward to the continuation of practical and effective co-operation on animal health and welfare, and disease control in both jurisdictions, in order that the health and welfare of livestock is maintained at the highest level.

Since December 2016 I have hosted three all-island civic dialogue events to discuss the implications of Brexit across the agrifood sector and one civic dialogue for the fisheries sector. These events provide important opportunities to engage directly in detail with stakeholders on the implications of Brexit and the potential responses that will be required as the negotiations unfold. The need to maintain an all-island approach to animal health/disease issues was discussed.

I have held a number of meetings with my EU colleagues and the European Commissioner for agriculture over the past few months to discuss Brexit and the potential implications for the agrifood and fisheries sectors in Ireland. As part of these discussions, I outlined the integrated nature of the North-South food economy and cautioned against the potential implications of a return to a hard Border.

Within my Department I established a Brexit Response Committee and a dedicated Brexit Unit. A Stakeholder Consultative Committee was also established, to assess the impact of Brexit and to ensure a full exchange of information in advance of exit negotiations taking place.

Source: <https://www.kildarestreet.com/search/?s=cross-border+2017-05-26..2017-06-02>

**Tuesday 30 May 2017**

### **Brexit Issues**

Brendan Smith asked the Minister for Foreign Affairs and Trade the discussions he has had with the Secretary of State for Northern Ireland and at European Union level in relation to ensuring that there will be no return to the Border of the past following Brexit; and if he will make a statement on the matter. Secondly, the discussions he has had to date with the Secretary of State for Northern Ireland and at European Union level in relation to ensuring that cross-Border travel is fully maintained following Brexit; and if he will make a statement on the matter.

**Charles Flanagan:** I have spoken directly with the British Secretary of State for Northern Ireland, Mr. James Brokenshire, since the campaign in the UK commenced some weeks ago. I assure the Deputy and the House that the avoidance of a hard Border on the island of Ireland and the maintenance of the common travel area are at the core of the Government's priorities in the EU-UK negotiations. As a symbol of and a dividend from the peace process, an open Border is essential to the social and economic fabric on the island and to the continuing normalisation of relationships that has been facilitated by the Good Friday Agreement. The Government is clear that the withdrawal agreement should create no impediment to the free movement of people on the island and should create no

circumstance where the normalisation of peoples' lives that has accompanied the peace process is undermined.

The avoidance of a hard Border on the island of Ireland is a shared objective of the Irish and British Governments and our EU partners. This has been confirmed by Secretary of State Brokenshire and British Prime Minister May on her visit to Dublin earlier this year. It has also been confirmed by the European Council. The EU negotiation guidelines contain a very strong acknowledgement of Ireland's unique circumstances, including the need to avoid a hard Border on the island of Ireland. The negotiating directives for the task force, adopted by the General Affairs Council on 22 May, fully reflect this acknowledgement. The European Parliament has also recognised the need to avoid a hard Border on the island of Ireland in a resolution supported by virtually all the main European political groups.

The UK Government notification letter, which formally triggered Article 50, placed a strong emphasis on the "unique relationship" between these two islands. The letter confirmed that the UK Government wishes to avoid a return to a hard Border, to maintain the common travel area and to uphold the Good Friday Agreement. As laid out in the negotiating guidelines, the avoidance of a hard Border will require flexibility and creativity on the part of both the United Kingdom and the European Union. Ireland has made clear its expectation that there will need to be a political solution and not just a legal or a technical solution, given this represents a unique and unprecedented set of circumstances. Achieving this objective will not be easy and compromises will be required by both the UK and the European Union, in order to find a solution that realises the shared objective of avoiding a hard Border, and one which protects Ireland's obligations, interests and advantages as a continuing and committed member of the EU 27.

The maintenance of the common travel area following the UK withdrawal from the EU is a priority for both the Irish and UK Governments. The common travel area predates Irish and UK membership of the European Union and is not dependent on EU membership. The common travel area is particularly important in underpinning the Northern Ireland peace process and relations on the island of Ireland, and it has been acknowledged by our EU partners in the negotiation guidelines and directives.

As part of my engagement with the Secretary of State for Northern Ireland during the discussions following the Assembly elections, I strongly emphasised the critical importance of forming a new Executive so that Northern Ireland's interests can be effectively represented as part of the process of the EU-UK negotiations. Additionally, I have been in frequent contact with all my EU counterparts, including my British counterparts, approaching 80 engagements over the past ten months. In the negotiations, which will commence after the British general election, the Government will pursue an outcome that protects our headline priorities and Ireland's fundamental interests, including avoidance of a hard Border and the maintenance of the common travel area. We are not under any illusions about the challenge and complexity of these negotiations and have engaged in detailed and ongoing planning in order to prepare for them.

As the Deputy represents a Border area, I assure the House that whether before the Joint Committee on Foreign Affairs and Trade, and Defence or in the course of plenary session of the House, I at all times welcome the observations of Deputy Smith on issues concerning the Border area. I look forward to the House fully engaging once the negotiations commence.

**Brendan Smith:** I thank the Minister for his detailed reply and I welcome his strong statements. I do not for one second doubt the Minister's absolute commitment and hard work in this area. I sincerely hope that work will continue into the future. The Minister basically outlined again what we discussed at our meeting of the Joint Committee on Foreign Affairs and Trade, and Defence last week and we will have another meeting during the course of next month specifically devoted to Brexit. That is very important.

Apart from that, there have been some unwelcome developments over the past few weeks from the Conservative Party in Britain. It has made several statements that, while not directly challenging the common travel area by name, undermine it by implication. I refer to a tweet from the Conservative Party that states "Brexit gives us an opportunity to get control of our borders but only if we get the negotiations right.". Broad and sweeping statements like this from the Tories are sending mixed signals, as many commentators see a clear and glaring conflict between the absolute commitment to "control our borders" while also supporting the common travel area, as EU citizens have the right to travel to Ireland. What is worrying is that the Secretary of State's party - the Tory Party - is more firmly committed to controlling the borders than positively maintaining the common travel area in its current operations. The Minister knows that with the common travel area we have heard references from British Government Ministers and others to keep it "as frictionless as possible" with "no return to borders of the past". Has the Secretary of State or the British Head of Government given to the Minister or the Taoiseach any indication of what is meant by those phrases?

**Charles Flanagan:** Avoiding a hard Border on the island of Ireland, with the protection of the Good Friday Agreement in its entirety, remains an absolute priority for this Government. This is a position that has been well heard and is well understood right across the European Union. I am pleased to say it has been expressly reflected in the negotiating guidelines. As set out in the guidelines, imaginative and flexible solutions will be required. Our absolute priority and preference is to maintain the closest possible trading relationship, based on a level playing field, between the UK and the European Union, including Ireland. There is much negotiation yet to be done around trading arrangements, and by extension, any customs regime that might apply.

It is premature to set out detailed possible solutions, in particular when the negotiations have yet to properly begin. However, it is important that technical solutions do not anticipate or drive outcomes at political level. I agree with Deputy Smith. There has been an extensive level of engagement with and by our EU partners to understand this issue. Ireland will continue to work with the task force and our EU partners to find solutions in line with our commitment to the integrity of the Single Market but the UK has its own responsibilities. It will need to show with its actions the commitment to the stated objective of protecting the gains of the Good Friday Agreement and avoiding a hard Border.

**Brendan Smith:** I thank the Minister. The Tory manifesto put before the electorate contains a rather vague commitment with respect to the Northern Ireland position. It states: "As we leave the European Union, we recognise Northern Ireland's unique circumstances and will seek to ensure that Northern Ireland's interests are protected." The phrase "will seek to" does not reassure any of us, and I am sure it does not reassure the Minister. The Minister may not have had the opportunity to ask the Secretary of State what his party and Government mean with that phrase. I suggest to the Minister that with the negotiations taking place with the new British Government, the Irish people

would want to know as soon as possible what is meant by "as frictionless" a Border as possible and the meaning of "no return to the borders of the past". Will the Minister ensure that at an early stage in the negotiations with the new British Government, he will be able to give the people I represent and all those on this island a commitment that there will be no return or impediments in any way for people travelling North or South or anywhere within the island following Brexit? We need a clear message for the people of this island that there will be no countenance of a return to the impositions on travel, whether affecting people, goods or services.

**Charles Flanagan:** I agree with the Deputy on the need to ensure we can maintain the open Border and the bilateral arrangement of many years standing, the common travel area, in the context of the negotiations. In this regard, let me repeat that Ireland, in conjunction with and as a member of the EU 27, is pleased so far that our EU colleagues have recognised fully the unique circumstances on the island of Ireland.

However, as I said earlier, the UK also has its responsibilities and will need to come to the table with an open mind and show by its actions its commitment to its stated objective of protecting the gains of the Good Friday Agreement and the maintenance of an open Border. It is premature to begin setting out in detail possible solutions. I expect the negotiations will commence shortly after the conclusion of the British general election on 8 June. Ireland will work with the task force and our EU partners to find solutions in line with our commitment to the integrity of the Single Market, our priorities being the maintenance of the open Border and the full protection of the common travel area in line with our commitments, obligations and duties under the Good Friday Agreement and subsequent agreements.

**Brendan Smith:** I very much welcome the Minister's statement that the British Government will have to show its commitment early on. That is the message we need to get out to the electorate here, that our Government and its European counterparts will ensure we will not have meaningless phrases from the Head of the British Government or other members of that Government or at official level. This is the last Question Time we will have before the British general election and the resumption of talks on the need to have the Northern Ireland institutions restored. There is a huge urgency, as we all know, in ensuring that the Northern Ireland institutions are restored. They are critical to ensure we have the outcome to the Brexit negotiations that we all want and to try to limit the damage as much as possible to all of this island. I appeal to the Minister again to ensure that at Government level, after the formation of the new British Government, he repeats again the need for the British Government to show its commitment early on and to show clarity regarding what it would see as the arrangements that will exist between this island and Britain post-2019.

**Charles Flanagan:** The Deputy raises two issues. First, regarding the Northern Ireland Executive, on behalf of the Irish Government, I look forward to being in Stormont on or around Monday, 12 June, in order to ensure there will be an appropriate level of momentum in the talks. There has not been a functioning executive in Northern Ireland this year. I believe it is long overdue and I believe there is a role and function particularly for the parties that have been elected to the Assembly to ensure we have a full work-out of the institutions. I believe that with the appropriate level of political will, that can happen before the statutory deadline of 29 June.

Regarding the second point, I reassure Deputy Smith that the Government has made clear our commitment to minimise the impact of Brexit on the Border region in particular. I do not accept

what the British Prime Minister repeated again last night, that no deal is better than a bad deal. I believe it is fundamental to the process that both the European Union, of which Ireland will continue to be a member, and the UK negotiating team come to the table in a spirit of goodwill in order to do a deal. We are committed to ensuring that there will be no impediment to movement on the island of Ireland and that the withdrawal agreement will in no way create circumstances which will undermine the peace process and the normalisation it has brought to people's lives, as the Deputies, particularly those from the Cavan-Monaghan constituency, will be aware.

**Source:** <https://www.kildarestreet.com/debates/?id=2017-05-30a.303&s=cross-border+2017-05-26..2017-06-02#g305.q>