

CENTRE FOR CROSS BORDER STUDIES

**What the Windsor  
Framework/Protocol will mean in  
practice for the institutions of  
government in Northern Ireland:  
A Response by Michael D'Arcy to  
Andrew McCormick's Paper**

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# What the Windsor Framework/Protocol will mean for the institutions of government in Northern Ireland



**Michael D'Arcy** has extensive experience in economic and regulatory reform at regional, all-island, EU and international level. He has provided advice, prepared reports, facilitated networking initiatives and served on a number of Boards and consultative committees in the private and public sectors. He is also an experienced facilitator, interlocutor, mentor and lecturer. Michael has been involved in the development of an all-island economy since jointly editing the seminal book 'Border Crossings; Developing Ireland's Island Economy' (1995). He is a subject expert on North/South economic and business interaction on which he has written extensively

including for the Esri; the European Economic and Social Committee; InterTradeIreland; Co-Operation Ireland; Chambers of Commerce Ireland; the International Fund for Ireland; University of Ulster; IT Sligo and The Irish Times.

Since the UK voted to Leave the EU this work has increasingly focused on protecting business in the all-island economy, highlighting how it is underpinning peace and the Belfast/Good Friday Agreement. He is currently independent advisor to the Ibec/CBI Joint Business Council, co-authored 'The Belfast/Good Friday Agreement, the island of Ireland economy and Brexit' (2018) a Brexit Briefing Note for the BA and RIA and was production coordinator of the joint Ibec/CBI 'Business on a Connected island' Report (2018).

For the last five years he has co-presented a Guest Lecture with former CCBS Director Andy Pollak on political violence and the Belfast/Good Friday Agreement to political science students in Trinity College Dublin and was a Panellist at the Thomas D'Arcy Magee Summer School in Carlingford on the operation of N/S Bodies established by that Agreement.

Michael has supported the CCBS since its foundation and produced its Publication: *Delivering a Prosperity Process: Opportunities in North/South Public Service Provision* (2012). He was a Panellist at its 20th Anniversary Conference where his remarks considered: 'The all island economy and the Belfast/Good Friday Agreement, past present and future: and contributed an article to their *Journal of Cross Border Studies in Ireland Special Edition* (Vol 14 2019) to also mark that Anniversary: 'Sir George Quigley, the island Economy and Brexit'. Most recently Michael presented the 5th Annual Sir George Quigley Memorial Lecture, 'Re-imagining the island economy in the aftermath of the Covid 19 crisis and the Ireland/Northern Ireland Protocol', which was the first of the series to be delivered online.

## Abstract

The Windsor Framework retains important provisions that support North/South cooperation and an all-island economy enabled by peace and stability underpinned by the Belfast/Good Friday Agreement. They include 'specific opportunities' for the North/South institutions to contribute to the work of its Joint Committee and Specialised Committee on its application and operation. This Response to Andrew McCormick's Paper explored what these opportunities are in the context of the renewed high level political support given to mark the Agreements 25th Anniversary. The EU and Irish Government having made such commitments should now evolve its spirit principles and commitments to develop this future orientated contribution as partners. Options for doing so include leveraging Stand Two's North/South Ministerial Council and possibly its cross-border bodies along with the EU capacity expertise and engagement that connects Ireland to all that happens in the EU. This could include the NSMC being a 'clearing house' to exchange and consider EU information relevant to pursuing the Framework's specific N/S opportunities.

## Introduction

Thank you for the opportunity to respond to Andrew McCormick's deeply thoughtful, highly illuminating and so most valuable paper on '***What the Windsor Framework/Protocol will mean in practice for the institutions of government in Northern Ireland***'

There is very little I could or would critique or take issue with in what the Paper it sets out and advises. Therefore, it will hopefully be carefully considered by everyone responsible for inputting, implementing, and deciding on the Framework's operation.

Except to further illuminate one point: in Northern Ireland 'the institutions of the Belfast/Good Friday Agreement (BGFA) are not working' has understandably become a widely accepted and so repeated understanding, including in this Paper, of the status of the Agreement. From a wider perspective this is not the full picture.

Yes, there is currently no Executive, and this is a major difficulty, but while the institutions of Strand One are not fully operational, its spirit and principles continue to prevail, as they do for Strand Two, particularly for its cross-border bodies, while the work of Strand Three's institutions also continues (See the Appendix)

All this activity represents the core spirit and principles of the BGFA in action. That is the pursuit of political ends by exclusively democratic means replacing the use of large-scale political violence to achieve political objectives. This fundamental achievement of the peace and stability that is an essential precursor to prosperity should never be lost sight of, underappreciated and/or downplayed.

## The Windsor Framework's Specific N/S Opportunities

Instead of being a critique this Response compliments the comprehensive overview Andrew's paper provides. It does so by exploring aspects of the Windsor Framework (WF) that deal with North/South (N/S) matters other than controlling the movement of goods.

My start point is the final bullet point in this Paper which highlights what was already agreed in the Protocol and remains in the Windsor Framework (WF) as being:

- *specific opportunities for the North South institutions to contribute to the work of the Joint Committee and the Specialised Committee on the application and operation of the Protocol, and these provisions are not amended in the Windsor Framework.*

But what are these 'specific opportunities? To assist N/S institutions and other affected stakeholders to identify them and then develop contributions for the Joint Committee (JC) and Specialised Committee (SC), this Response considers a different question:

- To mark the BGFA's 25th Anniversary, high level political commitments have renewed support for the peace stability and prosperity it is underpinning in Northern Ireland, the island of Ireland and all-island economy– but how might this be best achieved with the support of the WF dimension of the EU/UK Withdrawal Agreement?

In considering possible answers to this question all involved in the WF's policy development and decision-making process will hopefully adopt Andrew's wise concluding proposal that:

- *"With goodwill, earned trust, common sense and a proportionate approach, the WF can be made to work".*

In a policy context the question this Response poses is a long term strategic task on a matter of fundamental shared interest. So the following observations offer only an initial outline sketch of broad parameters within which to conduct the necessary research, consideration and decision making to arrive at wise, durable and effective policy actions.

## The BGFA's Commitments and the Windsor Framework

Speaking in Brussels, and especially here in the NI Executive Office, merits a reminder that the thirty years of the 'Trouble's, was the longest period to date since WWII where large scale political violence was consistently used towards a political end in the UK and the EU.

During that period over 3,700 people died and over 47,500 were injured. And the largest loss of life in a single terrorist operation occurred in the Republic when the 'Dublin/Monaghan Bombings' killed 33 people and injured over 300 on the same day.

In proposing the WF can be made to work with 'goodwill, earned trust, common sense and a proportionate approach' Andrew echoes the BGFA's commitments as set out in its opening section, a 'Declaration of Support'. Here the "participants in the multi-party negotiations", undertook to work towards:

- *"reconciliation, tolerance and mutual trust"... secured with "commitment to partnership, equality and mutual respect".*

This would happen because the spirit and principle of those working the Agreement and participating in its institutions means they:

- *“will endeavour to strive in every practical way towards reconciliation and reproachment within the framework of democratic and agreed arrangements”.*

To implement this there was a commitment to the necessity for:

- *“good faith to work to ensure the success of each and every arrangement” of the Agreement accepting that “all of the institutional and constitutional arrangements...are interlocking and interdependent”*

Eight years on from the UK’s vote to Leave the EU the protracted negotiations that followed have finally resulted in the WF. So what does the BGFA commitment of ‘ensuring the success of each and every arrangement’ mean now from an EU perspective?

Every party participating in Northern Ireland’s ‘normal politics’ and committed to its institutions is de facto doing so based on the ‘Declaration of Support’ and its commitments. Consequently there is a compelling case for the principles, spirit and intent the BGFA’s Declaration to also underpin, guide and inform the WF’s decision making and operation.

## The BGFA’s Commitments, the WF and the EU

At Queens University Belfast’s (QUB) Agreement 25 Conference to mark the BGFA’s 25th Anniversary (April 17th – 19th 2023), European Commission President Ursula von der Leyen reaffirmed the EU’s strategic commitment to the Agreement and the Peace Process.

Speaking alongside European Council President Charles Michell she said:<sup>1</sup>

- *This is an opportunity to thank and praise the architects of the Good Friday (Belfast) Agreement, but also to look at our friendship between the United Kingdom and the European Union and, most importantly, to look at the future of peace in Northern Ireland.*
- *The Windsor Framework is a new beginning for old friends. It turns the page on years of division and dispute. It is an opportunity to set our sights on the future of our partnership and to focus on what brings us together.*
- *I can reassure you that we, the European Union, will continue to do our part and to accompany you on the path of peace and prosperity. Today, my grandchildren are toddlers. What Northern Ireland – and the whole island of Ireland – will look like when they are in their twenties depends on all of us. (emphasis added)*

Upon completing her address the President von der Leyen received a standing ovation. Her evident personal empathy and commitment along with that of the EU evidently struck a responsive chord in the packed auditorium.

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<sup>1</sup> [https://ireland.representation.ec.europa.eu/news-and-events/news/story-reconciliation-and-hope-president-von-der-leyen-queens-university-belfast-agreement-25-2023-04-19\\_en](https://ireland.representation.ec.europa.eu/news-and-events/news/story-reconciliation-and-hope-president-von-der-leyen-queens-university-belfast-agreement-25-2023-04-19_en)

Speaking at the same event Taoiseach Leo Varadkar reaffirmed Ireland's support for, and continuing commitment to, the BGFA as exemplified by these extracts from his address:<sup>2</sup>

- *The Good Friday Agreement...challenged our assumptions of what we once thought possible. It gave us a pathway to a better future.*
- *It recognised the need to encompass the totality of relationships - those within Northern Ireland, North South and between Britain and Ireland. I don't think this will change.*
- *To quote the (UK) Prime Minister, "the Agreement was born of partnership". Together, we can make the Good Friday Agreement fulfil its promise of reconciliation and shared achievement.*
- *A prosperous Northern Ireland benefits us all. The all-island economy has so much potential to drive growth to the advantage of everyone.*
- *The Framework has been welcomed by the business community in Northern Ireland, which has expressed a genuine desire to move forward and take advantage of the opportunities and economic certainty it offers.*
- *We as co-guarantors of the Agreement will be here, every step of the way. (emphasis added)*

These renewed commitments by President van der Leyen and Taoiseach Leo Varadkar were repeated by the other speakers in this session (in order of appearance) -former US President Bill Clinton, President of the European Council Charles Michel, and UK Prime Minister Rishi Sunak.

All of these Leaders have direct personal experience of just how much political time, energy and effort is required to progress the commitments they were making to the BGFA. So they are well aware that the challenges of implementing these commitments is considerable.

They also acknowledged that evolving their existing partnerships as friends and so allies is kernel to tackling these challenges successfully(if necessary alongside on-going negotiation). Nevertheless, there is a risk that despite having agreed the WF, 'negotiating' a wider EU/UK relationship may continue to negatively impact on the embedded spirit and principle of long term partnership that the is core dynamic in which the BGFA operates.

Consequently the emphasise of both President van der Leyen and Taoiseach Varadkar on peace, partnership and looking to the future sets an important direction of travel. Their words are not just hoped for aspirations, but agreed and proven routes to successfully identifying 'evident N/S opportunities' that will enable achievements that support peace and prosperity on the island of Ireland by going beyond what is currently assumed possible.

Embedding peace and securing prosperity in Northern Ireland and the island of Ireland as whole has always needed a relentless focus on the future in addition to the present. Continuing EU support to progress this purpose when working with the UK to operationalise the WF must therefore enable the future as well as protect the present.

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<sup>2</sup> <https://www.gov.ie/en/speech/93d66-speech-by-taoiseach-leo-varadkar-marking-25-years-of-the-good-friday-agreement-at-queens-university-belfast/>

## N/S Cooperation, the All-island Economy and the WF

Speaking The tough and protracted negotiations that resolved the crucial outstanding aspects of the control of GB/NI goods movements, along with its accompanying media coverage, have obscured the fact that two of its already agreed core elements are working.

First Articles Two and Three in the original Protocol that underpin the continued operation of the BGFA’s provisions on individual rights and the Common Travel Area (CTA) for British and Irish citizens. Neither is perfect or complete, but their operation has ameliorated the impact of Brexit on the BGFA in this crucial respect for individuals communities and firms.

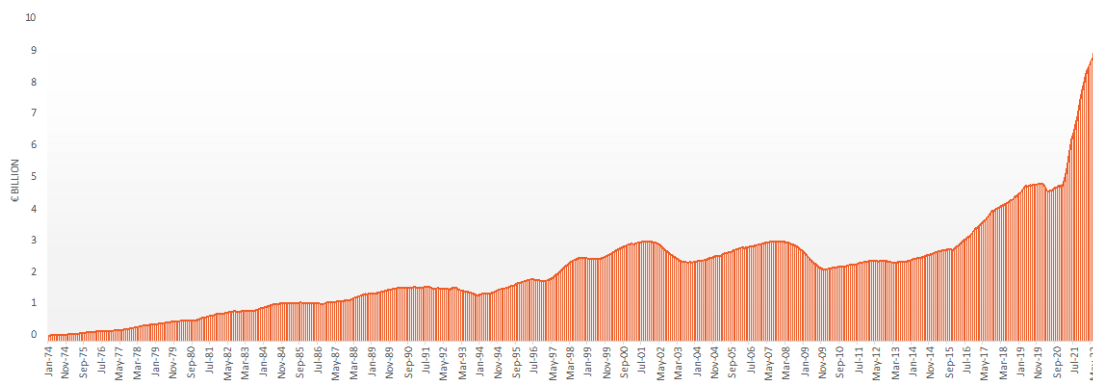
To illuminate this point: imagine this 25th Anniversary marked by probably large scale demonstrations in cities and along the border protesting at these provisions not being included in the Protocol, or not working satisfactorily? Thankfully this did not happen.

**Secondly protected by the agreement to avoid a hard border on the island of Ireland the all-island economy has grown substantially and N/S cooperation continues to evolve.**

Consequently the prosperity that flows from the peace and stability underpinned by the BGFA continues to benefit the island of Ireland, although to a greater degree in the Republic than the North. The following three graphs provide supporting evidence that this has happened is substantive and already delivering benefits, although they are not currently consistent in every respect across and between both jurisdictions.

## Growth in All Island trade and brands

Total value of cross-border goods trade, 1974 to 2022



The dramatic growth in cross border trade and brands shown in this graph was presented by Ibec CEO Danny McCoy when giving the CCBS 8<sup>th</sup> Annual Sir George Quigley Memorial Lecture in Belfast (June 8<sup>th</sup> 2023) on ‘The role of Social Dialogue in underpinning prosperity on the Island of Ireland’<sup>3</sup>. The case

<sup>3</sup> Sir George Quigley (1929 – 2013) first proposed the concept of an island economy in response to the creation of a new European Single Market so as to promote the new possibility for individual firms in either jurisdiction to grow their business by operating on an all-island cross border basis to take advantage of economies of scale, proximity and conditions made possible by the free movement of goods services people and capital. He presented this concept first at a Confederation of Irish Industry (CII) Dinner in 1992. This was two years before the paramilitary ceasefires, six years before the BGFA and over

it was supporting is that there is a unprecedented level of shared economic policy challenges that a N/S social dialogue as provided for in BGFA Strand Two Section 19 would benefit (eg climate action, AI etc)

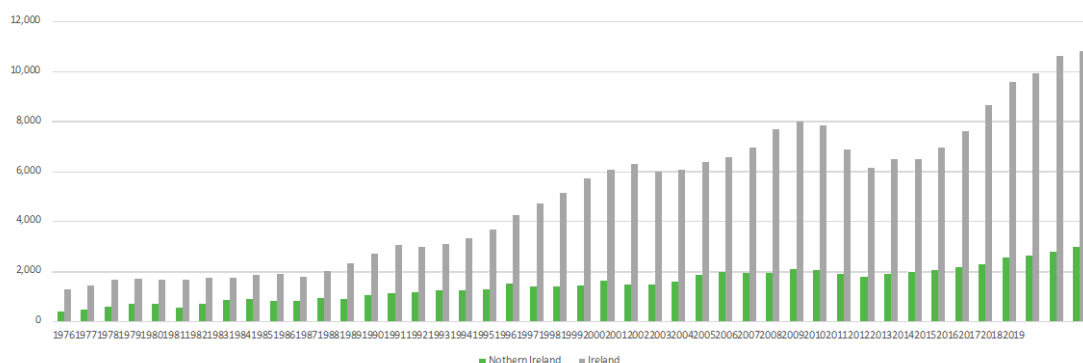
The graph captures and conveys the unprecedented scale and striking trajectory of growth in the All-island Economy. Ibec calculate the value of trade and business shown in this graph is now worth up to €10b and still growing (NB the extraordinary pace of growth it shows from 2020 also reflects official data capturing existing movements for the first time)

Today’s all-island economy probably exceeds what Sir George imagined in key respects such as: in being worth almost €10b pa and still growing; the high level of integration that has now been achieved to maximise the benefits for growth, particularly for indigenous sectors; consequently the wide variety of goods and services now operating cross border; and the fact Brexit has boosted rather than been a setback for N/S economic interaction. As a result what would not surprise him is the considerable extent to which SMEs have benefitted especially those base close to the border.

Danny McCoy presented two other tables in this Memorial Lecture to support the same point: the growth and destination of tourist numbers and the changes in life expectancy:

## Leveraging all island infrastructure

Total number of external tourists to Ireland and Northern Ireland, 1976 to 2019



This graph shows that while there was an initial increase in external numbers before the paramilitary ceasefires the substantial expansion occurred following them. Also notable is that the island is promoted worldwide as a tourism destination by Tourism Ireland, a cross border entity set up under the BGFA. And that the majority of the consequent ‘prosperity dividend’ for tourism has gone to the Republic (a point I first made when giving the 5<sup>th</sup> Annual Sir George Quigley Memorial Lecture).

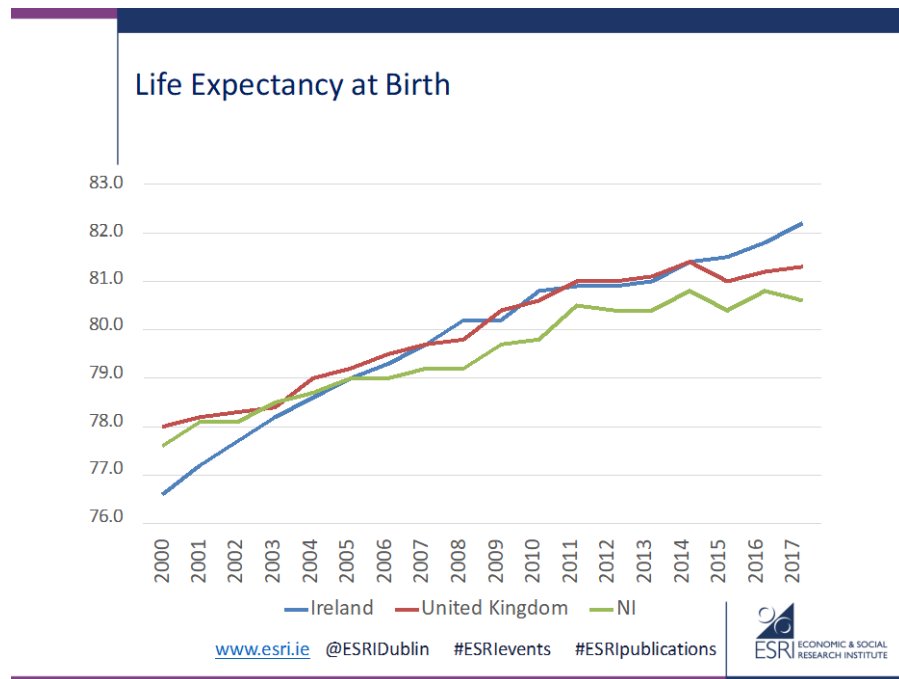
The re-balancing of the BGFA’s prosperity dividend’s distribution in ways that are sustainable and enhance what has already been achieved socially and economically on the island of Ireland, is a very tangible ‘specific opportunity’ that the WF has begun to deliver. However it needs further

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a decade before the last security barriers were removed from all cross-border roads in 2006 finally enabling truly free N/S movement’ of people and goods. His pioneering concept was certainly a challenge to everyone’s assumptions of what was possible in 1992! But as the first two graphs show what was a ‘concept’ then is an substantive economic reality now.



consideration and work, especially on flanking policies such as for energy, environment and higher education (all specially referenced in the original Protocol's Article 11).



Though not necessarily a direct consequence, the fact that life expectancy is now greater in Ireland than in either Northern Ireland, or the rest of the UK, is at least to some extent a broader societal benefit from growing prosperity.

In the context of BGFA Strand Two what is driving this prosperity and contributing to its benefits extends well beyond the movement of goods. There are a range of other areas of continuing N/S interaction being supported directly or indirectly by the WF that includes but is not confined to:

- Those identified in EU/UK 2017 mapping exercise of N/S cooperation <sup>4</sup>
- Maintaining energy security of supply by protecting and adapting the Single Electricity Market (SEM) to support greater use of renewable energy <sup>5</sup>
- Jointly progressing shared strategic challenges such as climate change
- Supporting the all-island labour market and SMEs especially in border region

<sup>4</sup> *Mapping of North-South cooperation & Implementation Bodies, Report and key findings of the exercise* (June 2019)

European Commission [https://commission.europa.eu/publications/mapping-north-south-cooperation-implementation-bodies-report-and-key-findings-exercise\\_en](https://commission.europa.eu/publications/mapping-north-south-cooperation-implementation-bodies-report-and-key-findings-exercise_en)

<sup>5</sup> **The Single Electricity Market (SEM 2007-):** was developed in the wake of the BGFA and although energy was not originally included as an area of for N/S Cooperation its creation is firmly anchored in Strand Two's spirit and principles along with leveraging of the island's economies of scale to enhance competitiveness to benefit both jurisdictions. The SEM was established in the Republic of Ireland and Northern Ireland in November 2007 and was the first market of its kind in the world when it opened. So it was a global pioneer in the creation of wholesale cross border markets to trade electricity in bulk. It was also a precursor to the EU's integration of energy markets, is interconnected with GB and there are plans for a direct connection to the Continent along with a new N/S Interconnector. I-SEM has now replaced the SEM and it is overseen by the SEM Committee, consisting of the Commission for Energy Regulation (CER) in Dublin, the Utility Regulator (UR) in Belfast, plus an independent member and a deputy independent member.

Dealing with all of this falls within the spirit and principles of BGFA Strand Two's task:

- *"to promote the harmonious and mutually beneficial development of the totality of relationships and related legislation at Westminster and in the Oireachtas"*

Consequently the NSMC was created to enable those with:

- *"executive responsibilities in Northern Ireland and the Irish Government to develop consultation, cooperation and ACTION within the island of Ireland including through implementing on an all-island and cross border basis (emphasis added)*

Amongst these 'executive responsibilities' is the possibility for the NSMC to:

- *"consider the European Union dimension of relevant matters" and make arrangements "to ensure that the views of the Council are taken into account and represented appropriately at relevant EU meetings." (Section 17, emphasis added)*

There are also EU-related functions for a number of the N/S implementation bodies established by the GFA, such as the Special EU Programmes Body (SEUPB).

The spirit principle and need for continuity and continuance of these original BGFA Strand Two tasks after the UK left the EU was agreed and enabled in the Protocol in its Article 14 that establishes a SC that:

- *"shall facilitate the implementation and application of this Protocol"*

This being a 'shall' provision, the WF has the responsibility, mechanisms and capacity to deal with and respond to a broad range of NI/Island of Ireland/EU issues with the support of Strand Two institutions processes and potential capacity.

## N/S Cooperation, the All-island Economy and WF's Specialised Committee

As Andrew's Paper outlines, the WF has created additional capacity for Northern Ireland's devolved institutions to input their views concerns and proposals on controlling the GB to NI movement of goods, including those ultimately destined for Ireland and so the EU.

But in addition to the importance for NI of the all-island economy dimension of the WF's new arrangements, there is the parallel task of sustaining the BGFA and protecting both the gains of the peace process and optimising its potential prosperity dividend.

Article 14 of the original Protocol makes it very clear that in addition to the movement of goods and related all-island economy issues, the SC's task also includes Article 11's responsibility to *'maintain the necessary conditions for N/S cooperation'* especially in the areas that are identified (eg energy, transport, environment, tourism, agriculture etc).

How this task is to be undertaken is set out as follows and remains largely intact in the WF:

- **Article 14 (b)** provides for the SC to *"examine proposals concerning the implementation and application of the Protocol"* from the NSMC and cross border implementation bodies set up by the Agreement

- **Article 14 (c)** give the SC responsibility to “*consider matters relevant*” to Article Two and “*brought to its attention by the Northern Ireland Human Rights Commission, the Equality Commission of Northern Ireland and the Joint committee of Representatives of the Human Rights Organisations of Northern Ireland and Ireland*”
- **Article 14 (d)** enables the SC to consider “*any point raised by the Union or the United Kingdom that is of relevance to this Protocol and gives rise to difficulty*”
- **Article 14 (e)** empowers the SC to *make recommendations to the Joint Committee as regards the functioning of the Protocol* (the JC being where the UK and EU meet to consider and progress issues for the entire EU/UK Withdrawal Agreement)

Since being agreed this Strand Two dimension of the Framework has received little to no consideration, at least in public discourse. Having not yet been activated, it is time to do so.

## The BGFA, the SC, and the ‘best of both worlds’ challenge

The immediate priority for the EU and the UK is to get the new arrangements agreed in the relevant sections of WF implemented and operating effectively for GB/NI goods movement. And this includes the ‘scrutiny’ procedures and mechanism for GB/NI impacts that Andrew’s Paper has so thoroughly considered.

***But there is also an imperative to now immediately commence the consultation processes put in place for the operation of crucial N/S elements of the WF.***

Once the Assembly and Executive are fully operational again, then the NSMC will also be meeting again. In advance of that occurring Andrew’s sensible advice is most prudent and should be extended to include matters relevant the WF’s NI/island of Ireland Articles considered in this Response.

It would surely be appropriate timely and helpful during the year of the BGFA’s 25<sup>th</sup> Anniversary to for a parallel consideration to also begin of the responsibilities set out in Articles 2, 3 and 11 of the original Protocol that is equivalent to what Andrew recommends for the consultation provisions added by the WF:

- *the way forward surely requires intensive preparation through real and substantive engagement between EU, UK and Northern Ireland Civil Service officials, seminars and discussions with businesses and other affected stakeholders*
- *Along with...early and detailed briefing for Northern Ireland Ministers and MLAs on the nature of the issues that will lie ahead.* (my emphasis added)

The first step in this task is to have an informed understanding and appreciation of both aspects of the ‘dual nature’ for NI of the ‘best of both worlds’. At the heart of this duality are All-island Economy policy and operational issues, choices and challenges that have significant implications for the continuing development and growth of the NI economy.

Importantly many of these issues don’t just lie ahead at some point in the future but are there to be dealt with now. In fact, many are urgent priority issues where businesses are considering investment decisions that will impact on their operational set up for possibly the rest of this decade. Such priorities include energy, climate action, agri-food to mention just three.

All of these issues have a EU/WF dimension and the optimum decision making process for companies operating in the all-island economy is one where there is a joined up N/S approach. However currently as Andrew has highlighted about NI's position on the WF's specific N/S opportunities:

- *In practice, however, the aspirations underlying the Protocol as originally developed in 2018 (when these sections were drafted and agreed), have not been developed, because they presuppose a context where the North/South institutions are functioning.*
- *The possible positive perspective on this point is that, if and when there is a restoration of the Northern Ireland Assembly and Executive, the new context would allow for the development of stronger co-operation with the Irish government.*

So who has the skill capacity and resource to help NI develop, manage and operate its unique relationship to the EU through the island of Ireland and the BGFA, alongside doing so from its position as a part of the UK?

### Specific N/S opportunities, the SC and who can help

First and foremost its vital to understand that the parallel tasks outlined in Andrew's Paper and this Response are unique complex and multifaceted. Nor has anything quite like it been undertaken by the participants to the process before. However there is experience insight and understanding developed over the last 25 years of the BGFAs operation that will help.

**The Centre for Cross Border Studies (CCBS)** who are hosting this event are just such an resource having been set up for the very purpose of supporting the BGFA implementation. And they CCBS has worked tirelessly since the 2016 Brexit Referendum to adapt and evolve that experience and so demonstrate the BGFA's continuing agency in supporting the protection and continuation of N/S, and E/W, interaction to mutual benefit.

However, being pivotally positioned and resourced to do so, the primary responsibility surely falls on **the Irish Government** to support Northern Ireland in this effort as a 'must do' task,.

As a Member State it is engaged in every aspect of the EU policy making across all its institutions and processes, so the necessary resource capacity and expertise already exists.

Therefore one would anticipate that from this point on, and not just its very effective Perm Rep here in Brussels, but also every official of the Irish Government interacting with the institutions and processes of the EU will be alert and cognoscente of the 'island of Ireland factor' in every EU forum, consideration or decision they participate in.

That is not to suggest that factor will influence their position or be appropriate to inject into each and every discussion! Rather for officials to always be alert to possible all-island consequences, unintended or otherwise. What you don't count or know, you can't manage.

Creating an actual process to implement this task and acknowledging Irish Ministers and officials have quite a lot to manage already when engaging with the EU institutions is where the NSMC and Section 17 of Strand Two surely has a possible supportive role?

***For example, it could be agreed by the NSMC to put in place arrangements whereby its Joint Secretariat would be a form of 'clearing house' for EU Strand Two and/or WF information exchange and/or interaction?***

Such an arrangement could be operated under the auspices of the NSMC but would need ‘whole of government’ support in Belfast and Dublin. As a result WF information relevant to NI could be shared and observations requested as a matter of course and not as an exceptional process or event.

More specialist work could possibly be done by the cross border implementation bodies set up by the Agreement. SEPUB is already managing a complex EU/UK Programme on the island of Ireland. Indeed PEACEPlus having been successfully agreed adopted and launched they have probably the earliest practical experience of the new UK/EU/N/S complexities that may well arise elsewhere. ITI could do likewise for particularly SMEs doing all-island business, as could the other cross border bodies in their respective areas of activity.

**The European Parliament** has been fully engaged in playing its institutional role in the negotiations that led to the original Protocol and now the WF. This proactive interest continues as recently evidenced by the publication by their Committee on Regional Development (REGI) of a comprehensive Study on the *'Impact of Brexit of the Development of Irish Regions and their Cross-Border Cooperation'*<sup>6</sup>.

Then there are **Irish MEPs** for whom questions related to wider all island dimension of EU policies regulation and legislation are matters of political interest. Indeed how could this not be the case for those representing ‘border counties’.

**European Commissioner Mairead McGuinness** grew up near the border, and as a MEP represented a constituency that included border counties. So she has always proactively supported the peace process and is very conscious of the WF’s challenges.

**The Oireachtas** is another possible resource. Already Northern Ireland MLAs take part in discussions of the Oireachtas Good Friday Committee alongside TD’s. They could surely be similarly invited to do likewise by the Committee on European Affairs?

There are also **agencies of the Irish Govt.** Not all have a formal all-island remit even where this is clearly necessary – such as the Climate Change Advisory Council (CCAC). But some do such as Science Foundation Ireland (SFI) and more recently the Higher Education Authority (HEA). Both are also a resource for support on the specific areas mentioned in Article 11.

**In the business community Ibec** have had an office in Brussels since Ireland joined the EEC and its capacity has recently been expanded. They are also members of Business Europe and their sectoral organisations are active within their counterpart EU wide organisations and the relevant forums (eg Food/Drink Europe). Ibec Global the international business division of Ibec is also based in Brussels. And they have worked closely with CBI NI on supporting N/S economic interaction and the all-island economy through their Joint Business Council (JBC).

**The Irish Farmers Association (IFA)** and **Irish Cooperative Organisation Society (ICOS)** are the only other business representative organisations in the Republic that have also had a full time representation here since 1973. But **many other representative organisations such as Chambers Ireland** have connections to EU wide representative groups based here in Brussel and interacting with the EU institutions.

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<sup>6</sup> [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/733127/IPOL\\_STU\(2023\)733127\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/733127/IPOL_STU(2023)733127_EN.pdf) (Brussels 2023) Authors: Caroline CREAMER, Maynooth University and Katy HAYWARD Queen’s University Belfast:

In addition many NGOs and regional organisations have linkages to resources in Brussels. Or as the CCBS is doing today, can team up with resources already available here on the ground.

Then there is also of course *the 'Irish network'* of people working here within and dealing with the EU institutions – and can sometimes be located in well-known local hostelryes!

In summary, there are multiple established experienced and effective channels to plug into and so be aware of what's happening relevant to the WF and indeed the EU's support for the wider peace process. For governments and stakeholders in NI to leverage this potential so as to have this additional capacity to respond to developments and influence EU decision making also needs research, preparation and training, ideally done jointly with government and stakeholders in Ireland.

Finally there is the question of cost. The process of interacting with the EU here in Brussels, and across all of its institutions, is complex multifaceted and demanding. One might think of it as a 'Champions League' of lobbying in Europe!

Established channels of being aware and influencing decision making such as those just outlined are there to be leveraged and utilised to the benefit of NI and so the island of Ireland. But to do so effectively needs preparation and people who know and understand how things work across all of those institutions and so can advise and support those directly responsible in NI for doing so.

This requires a high level of skill and expertise which can be expensive to secure and retain, along with having a evident presence 'on the ground' and a good network, all of which comes at a 'European level' cost.

## Conclusion

Speaking at Agreement 25 in Belfast the Commission President Ursula van der Leyen also said that:

- *the ultimate choice lies with you, the people of Northern Ireland, to shape your history and that of the next generation. The gateway to a bright future is open. All you need to do is walk through it.*

Andrew has outlined one road to Brussels beyond this gateway but as I have outlined there are in fact two parallel roads to travel. The choice for NI is actually to decide to travel both simultaneously and with equivalent effort. Or to travel less on one than the other?

Clearly the immediate priority remains to have the WF's GB/NI arrangements for the movement of goods onto the island via Northern Ireland in place and operating effectively. But this Response outlined its wider task of embedding peace and enhancing prosperity.

Northern Ireland's unique advantage is that both tasks are underpinned by law, agreement and processes of the BGFA and WF. But to benefit from this unique advantage the WF needs equal or equivalent contributions from all involved to its specific N/S opportunities.

This should be done not just to implement what is agreed but so that the SC and JC can consider the actions needed to maintain the necessary conditions for N/S cooperation so as to continue embedding peace, maintain stability and enhancing prosperity underpinned by the BGFA's next 25 years!

## Appendix

### ***Most BGFA Institutions and bodies are working***

While there is currently no Northern Ireland Executive, the expectation remains that at some point, and hopefully soon, there will be. An elected Assembly of MLA's is in place to do this, and it is understood work is continuing by civil servants to prepare the possible content of the next Programme for Government. Also, political parties continue to contest for public support, most recently in a local election that engaged the electorate to the extent that 52.7% turned out. This is all 'normal' west European politics.

As a result of there being no Executive the North/South Ministerial Council's (NSMC) work to oversee the Agreement's Strand Two arrangements for North/South (N/S) Cooperation is constrained. But its Joint Secretariat in Armagh continues to prepare for the restoration of NSMC meetings.

In addition, the NSMC continues to support the cross border N/S Implementation Bodies set up by the BGFA – such as the Special EU Programmes Body's (SEUPB) management of the €1.4b PEACEPlus Programme jointly funded by the EU, UK and Ireland InterTradeIreland's (ITI) promotion of the all-island economy.

Also continuing their parallel BGFA work on East/West (E/W) cooperation are the institutions set up under Strand Three. The absence of the Executive has not halted the activity of the British Irish Council (BIC) that promotes joint activity on matters of mutual interest between all the administrations of these in islands. Nor that of the British Irish Intergovernmental Conference (BIIGC). Indeed, UK Prime Minister Rishi Sunak attended one of its most recent meetings and another is being held next week (June 19<sup>th</sup> 2023).

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