



Creativity and its limits in the approaches to Brexit

Dr Anthony Soares (Deputy Director, Centre for Cross Border Studies)

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Before I begin I'd like to thank the organisers of the William Carleton Summer School, and in particular Paddy Fitzgerald, for having invited me to be with you here today.

The reason Paddy gave me some months ago for extending the invitation for me to speak on the subject of Brexit was because of the extensive work the Centre for Cross Border Studies (where I'm the Deputy Director) has been undertaking over the last number of years on the UK's withdrawal from the European Union.

However, when I finally got round to begin writing this talk I have to confess that I was daunted by the title I had sent Paddy: "Creativity and its limits in the approaches to Brexit".

What had seemed to me at the time as a sufficiently vague enough title to allow for the fact that when Paddy sent me the invitation little was known about what Brexit will actually look like, now appears to me (and perhaps to you) as something so grandiose that whatever I say during my allotted time will come as a severe disappointment.

Nevertheless, I'm now going to test the limits of my own creativity – and of your patience – as I set out where we are with Brexit and how we might shape it.

So, where are we?

But perhaps, before I begin answering that question, it would be fair to warn you that I will be repeatedly using that subject pronoun – *we* – throughout this talk. As individuals you may include yourselves or not within this "we" as I proceed, but I believe that the issue of Brexit is one that implies the direct or indirect involvement of collectivities who have given rise to it, opposed it, want to shape it and will undoubtedly be affected by it for years to come.

Returning to the question of where we are, the time is now fast approaching when the 27 remaining EU Member States – including Ireland – will decide whether enough progress has been made in the negotiations over the UK's withdrawal to begin discussions on the shape of future relations.

To put it another way, we are coming to the point where one side in the current negotiations in Brussels may be wanting to move from a process of destruction to one of creation, whereas the other side is insisting that the singular focus must be on the consequences of each element of the process of destruction, or disentanglement, before we can move on to the more creative phase.

In the world of cultural production, the rise of new movements at times present themselves as a total rupture with what has preceded them. Surrealism, Futurism, cubism, Dadaism, for example, initially at least drew their energy from a sense that existing moulds of artistic representation were no longer adequate and totally new forms were needed for new times.

Others, however, such as the Romantic movement, were less of a rejection of all that went before them, and rather a break from a cultural present that had lost its way, often seeking inspiration from a more or less distant past to create a better future.

The arrival of new cultural movements can be greeted with shock, derision, repulsion and incomprehension. Perhaps their ultimate success in surviving the initial storm depends on their ability to communicate with an audience that at first cannot see anything of themselves or the world around them in what they are being presented with.

This is not to suggest that artistic production in whatever field should aim for the familiar: to offer up comforting copies of ourselves and of our moral or political values. Cultural creation can challenge us to look at ourselves and the way we see the world in new ways, and with a new artistic language. Maybe the challenge is a dual one: not creating something that is so self-absorbed, that speaks only to the person who created it in a language deliberately made opaque and incomprehensible to all; and at the same time audiences need to invest the energy to see whether there is something of value once they have overcome the initial sense of shock or repulsion at what may be new – to see whether they can or want to embark on the same journey of imagination with the artist or author.

With Brexit we are now living through a *political* journey of the imagination. It is a collective one in terms of its production, and will likely result in us abandoning another collective effort – what is often referred to as the “European project” – and one in which the UK was perhaps never wholeheartedly engaged, or has simply decided to reject as being in a language that had become opaque and behind which there is little it can see of value.

The DUP MP, Ian Paisley Jr, in arguing for the need to divorce ourselves completely from the jurisdiction of the Court of Justice of the European Union, recently described Brexit as a revolution.¹ To succeed, it must result in a total severance from a Union seen as no longer fit for our current and future purposes. From this perspective, to remain in the European Union is to be drained of the energy necessary to forge – or to create – the path for the Union that is the United Kingdom where the EU can no longer be a hindrance. We are leaving to have the power and the focus to create what the Prime Minister describes as a “Global Britain” – a shorthand term for the UK that omits Northern Ireland.

¹ BBC Radio 4, *Any Questions?*, 25 August 2017.

Perhaps we also need to remind ourselves – if indeed we need reminding – that in this part of the world the DUP was not the only political party in favour of Brexit. There were other parties coming from a very different perspective from that of the DUP who also felt the European project had become a malign influence. But in their case it was because they viewed the European Union as essentially a conveyor of neo-liberal capitalist values. To remain in the EU, therefore, would be to continue offering support to the spread of neo-liberalism, and thereby to undermine the creation of a society based on socialist or other values.

These two political factions may have agreed on the need to leave the EU, but their rationale for doing so was very different, as are their visions for what will come after Brexit.

Ultimately, however, it will be the UK Government and the EU and its 27 remaining Member States who will determine the shape of things to come. And by the happy or unhappy circumstance of our geographical position, the process of disengaging from the EU and then creating a new position for the UK will have to pay considerable attention to the future of Northern Ireland, particularly in terms of its relations with the Republic of Ireland.

Flexible and imaginative solutions have been called for to address the future situation of Northern Ireland and its relations with the Republic. Crucially, that call was included in the negotiating directives issued to the European Commission and its chief negotiator, Michel Barnier, by the European Council following the UK Prime Minister's triggering of Article 50.

Our border stands as the paradigmatic test of the limits of the flexibility and imagination seen as necessary to face the “unique circumstances and challenges on the island of Ireland”.² Those circumstances and challenges include – again, as the European Union itself points out – continuing to support peace, stability and reconciliation on the island of Ireland, not undermining the 1998 Belfast/Good Friday Agreement in any of its parts, avoiding the creation of a hard border, maintaining the Common Travel Area, *but doing all of this* while respecting the laws governing the European Union.

The UK Government, along with the Dublin Government, share many of the objectives voiced by the European Union. They, too, have set out approaches to the negotiations that include the desire to continue to support the peace and reconciliation process, to respect the 1998 Agreement, avoid a hard border, and maintain the Common Travel Area. However, the challenge facing the UK Government is to set out how it intends to achieve these outcomes while at the same time insisting that it will no longer be within the EU's Single Market and Customs Union, nor remain in any way under the jurisdiction of the Court of Justice of the European Union.

This creates a tension between looking to maintain things much as they currently are for us here, but doing so while departing from a common European framework that has come to underpin the nature of relations within and between these islands, and between these islands and our EU partners on continental Europe. Or to put it another way, to abandon the ongoing creation of a common European project is – from an EU perspective – to impose change on our situation here, including on the nature of our border.

² European Council, “Directives for the negotiation of an agreement with the United Kingdom of Great Britain and Northern Ireland setting out the arrangements for its withdrawal from the European Union (22 May 2017), paragraph 14.

Resolution of these tensions has resulted in a battle of wills as to who has the responsibility for applying their creative efforts to coming up with imaginative and flexible solutions for our border. This has not only meant the EU placing the burden on the UK to come forward with proposals to resolve the border conundrum, but also the Irish Government suggesting that technical solutions (such as electronic controls) will be insufficient without political solutions capable of encompassing not only the border, but also the wider context of Northern Ireland, its relations with the Republic, and the status of those in Northern Ireland with Irish citizenship, and therefore EU citizenship.

So, what are the UK's proposals in terms of Northern Ireland and the border? After mounting frustration in Brussels, Dublin and elsewhere in Europe on the lack of concrete proposals from London, the Government published its position paper on Northern Ireland and Ireland on the 16th of August, shortly before the third round of negotiations with the EU began. Its proposals focus on four key areas: upholding the Belfast/Good Friday Agreement in all its parts; maintaining the Common Travel Area and its associated rights; avoiding a hard border for the movement of goods; and preserving North-South and East-West cooperation, including on energy.³

Taking each of these areas in turn, the paper sets out the Government's belief "that the UK and the EU should be mindful of the full breadth of commitments made in the Belfast ('Good Friday') Agreement", and considers that "Ensuring that nothing is done to undermine it will require detailed and close engagement between the UK and the EU throughout the negotiations".⁴ These opinions are followed by three more or less concrete proposals: that the UK and Irish Governments, along with the EU, affirm their continuing support for the peace process; that there is formal recognition that the citizenship rights set out in the 1998 Agreement will continue to be upheld; and that PEACE funding for Northern Ireland and the border counties of Ireland will continue.

Continuity is the name of the game here – keeping things as they are, even as the UK withdraws from the EU. But apart from what may strike us as somewhat alarming that, almost twenty years after it coming about, the UK Government should feel it necessary to seek an affirmation of continued support for the peace process, to keep the other things as they are require resolution in other areas unless its proposals are to become mere wishful thinking.

For example, in terms of citizenship rights the UK Government's paper states: "As long as Ireland remains a member of the EU, Irish citizenship also confers EU citizenship, with all the rights that go with this. This is as true for the people of Northern Ireland who are Irish citizens – or who hold both British and Irish citizenship – as it is for Irish citizens in Ireland" (p.5).

But this straightforward statement of facts as they currently operate fails to take properly into account that some EU citizenship rights depend on a financial commitment for them to be exercised, and that EU citizens have the option of recourse to the Court of Justice of the European Union to uphold their rights. So, without the UK agreeing to continue making the necessary payments it won't be possible, for example, for a person from Northern Ireland with Irish – and therefore EU – citizenship to make use of the European Health Insurance Card, unlike an Irish citizen from the Republic.

³ HM Government, "Northern Ireland and Ireland – position paper" (16 August 2017), <https://www.gov.uk/government/publications/northern-ireland-and-ireland-a-position-paper> [last accessed 12/09/2017].

⁴ HM Government, "Northern Ireland and Ireland", p.4.

Similarly, continuation of the EU PEACE funds beyond 2020 (when the current programme ends) will depend on the UK Government making the necessary post-Brexit financial commitment, not to mention the fact that the PEACE programme, along with other EU programmes such as INTERREG that enable a wide range of cross-border, North-South and East-West projects, operate under EU regulations.

In fact, the UK Government's paper *does* put forward the possibility that it is willing not only to provide the necessary funds to allow the current PEACE programme to continue until its end in 2020 (which, as far as the Centre for Cross Border Studies is concerned, should not be placed in any doubt and to suggest otherwise would be to undermine previous statements from the Treasury), but also to implicitly do so for a future programme post-2020. However, in doing so it also makes clear that this suggestion should not be interpreted as implying any commitment to any other of the EU's structural and investment funds or its regulatory or judicial structures, or to any discussions on its wider financial settlement. Essentially, the UK Government wants its proposals in relation to the PEACE programme to be considered in isolation from other issues.

And here we begin to see more clearly some of the tensions caused if not by the EU's imposing limits on the UK's will to be creative (if indeed that is what it is – and I'll return to this question in a moment), then on the process of creation. What I mean by this is that some of what is being proposed by the UK Government in relation to citizens' rights under the 1998 Agreement and the continuation of PEACE funding is caught up with other fundamental matters on which the EU must judge sufficient progress has been made in the negotiations before moving to discussions on future relations with the UK. These other matters include the rights of EU citizens in the UK and of UK citizens in the EU, and the financial settlement.

So, in terms of the status of those from Northern Ireland with Irish citizenship, the question of the future role of the Court of Justice of the European Union in upholding EU citizens' rights continues to be a point of contention between the UK and the EU in their negotiations over the wider issue of citizens' post-Brexit rights, with the UK insisting that UK courts will have sole jurisdiction, and the EU for its part insisting that its court will continue to rule on these matters in relation to EU citizens in the UK. Similarly, although the UK Government may want to reach agreement on the continuation of funding for the PEACE programme, this may not be acceptable to the EU, which requires agreement on all financial matters related to the UK's departure. In other words, the UK may want to reach agreement on issues relating to Northern Ireland, but these cannot be divorced from other issues where the EU considers agreement essential for progression to the next stage of the negotiations in which future relations will be discussed.

I realise that thus far we have only addressed one of the four key areas outlined in the UK Government's position paper, but I want to briefly return to a question I raised earlier, which is the extent to which we are being presented with something creative in terms of Northern Ireland and the border. I would suggest that up to now we have seen little that is truly creative – *new* – with, as I noted before, the emphasis being on safeguarding as far as possible the post-Brexit continuity of things as they currently stand for Northern Ireland and the border. But perhaps the novelty – the creativity – lies elsewhere in the Government's proposals.

Well, the second key area identified in the position paper doesn't immediately resonate with the notion of creativity, of the revolutionary: *maintaining* the Common Travel Area. By wanting to keep

the Common Travel Area – the CTA – is, as it explains, to keep “a special border-free zone comprising the UK, Ireland, the Channel Islands and the Isle of Man”.⁵ Dating back to the creation of the Irish Free State, this arrangement essentially means that no passport controls are needed for citizens travelling within the CTA, but its original scope only extended to citizens from the territories that make up the CTA. With the later entry by the UK and Ireland into what would become the European Union, and the subsequent establishment of the Single Market and its fundamental principle of the freedom of movement of EU citizens between its Member States, the CTA had to extend its scope to include all EU citizens. In other words, a French citizen, for example, having first arrived in Dublin, doesn’t need to go through any form of passport control if he or she decides to travel on to Belfast or Manchester.

So, will this French citizen be able to do the same thing after Brexit, bearing in mind that one of the main drivers for the UK to leave was the desire to control immigration from the EU? Once the UK has left the EU, to prevent this Frenchwoman – let’s say that’s who she is – from travelling from Dublin to Belfast passport controls would have to be introduced at the border between the two jurisdictions on the island of Ireland, which would certainly not be keeping things as they are.

But perhaps this is where, to maintain the Common Travel Area, a bit of creative thinking – if that’s what we’d want to call it – would come in. In other words, an element of novelty would have to be introduced in order to keep our border open to the movement of people since Ireland – as a continuing EU Member State – will not be allowed to prevent EU citizens from entering the Republic.

The answer, as the Centre for Cross Border Studies noted before the June 2016 referendum and since then, is to allow EU citizens to cross our border. *And not only that* – to allow them, if they so wish, to travel on to Great Britain from Northern Ireland, without imposing any new border between us here and England, Scotland and Wales. To do this some form of immigration management would have to be introduced in order to avoid the imposition of passport controls at the border.

In October 2016, for example, in evidence to the House of Lords, the Centre for Cross Border Studies suggested that “an approach could be taken that would permit the entry of non-Irish EU citizens into Northern Ireland from the Republic of Ireland in the knowledge that those who do so without the requisite entitlement would not legally be able to reside, seek employment, study or gain access to social welfare and healthcare services or benefits”, and that this approach should be extended to the movement of non-Irish EU citizens from Northern Ireland into Great Britain.⁶

If, then, this approach were to be adopted, how would you distinguish between someone coming from the Republic of Ireland eligible to live and work in Northern Ireland and Great Britain, and someone who was not? This is where we have to look elsewhere for the element of imagination or creativity – if that’s what we’d want to call it.

In a separate position paper submitted to the negotiations in Brussels, this time on the rights of EU citizens in the UK and UK citizens in the EU, the UK Government not only makes clear that the

⁵ HM Government, “Northern Ireland and Ireland”, p.7.

⁶ Centre for Cross Border Studies, “Submission to the House of Lords European Union Select Committee’s Inquiry on Brexit and UK-Irish Relations” (4 October 2016), p.2, <http://crossborder.ie/site2015/wp-content/uploads/2015/10/CCBS-submission-to-House-of-Lords-EU-Committee-Inquiry-Brexit-and-UK-Irish-Relations.pdf>.

principle of free movement will no longer apply, but also how the operation of future immigration policy is likely to be implemented post-Brexit.⁷ For EU citizens living in the UK at the point at which the UK leaves the EU, the process they must follow if they wish to remain includes completing a period of five years' continuous residence before applying for what is termed "settled status", and if successful they will be issued with a residence document. Acquisition of this document is not just a legal requirement but, as the Government argues, it also has "an important practical reason" (p.7):

The residence document will enable EU citizens (and their families) living in the UK to demonstrate to third parties (such as employers or providers of public services) that they have permission to continue to live and work legally in the UK. Following the UK's exit from the EU, the Government may wish to introduce controls which limit the ability of EU citizens (and their families) who arrive in the UK after exit to live and work here. As such, without a residence document, current residents may find it difficult to access the labour market and services (pp.7-8).

Here is the potential solution to the conundrum of maintaining our border open in terms of the movement of people – a residence document proving eligibility to gain employment and access services. This novelty means employers and service providers are to be pulled into the management of EU immigration, denying access to those without the necessary documentation, and at the same time introducing a possible risk to social cohesion.

However, irrespective of the Republic of Ireland's continuing membership of the European Union, Irish citizens will be spared the need to apply for settled status or acquire a residence document, unlike their fellow EU citizens. This is made clear from the outset of the UK Government's paper on citizens' rights, which begins by affirming that its proposals in this area are "without prejudice to Common Travel Area arrangements between the UK and Ireland", before making the assurance that "Irish citizens residing in the UK will not need to apply for settled status to protect their entitlements" (p.3).

It appears that after the third round of negotiations in Brussels, the Common Travel Area is one of the issues where progress has been made.

So, having addressed two of the key areas outlined in the UK Government's position paper on Northern Ireland and Ireland, I would like to leave the third – avoiding a hard border for the movement of goods – until last, and instead consider what is put forward in relation to preserving North-South and East-West cooperation.

I have to admit that when we first read this position paper in the Centre for Cross Border Studies, we were concerned at why the issue of North-South and East-West cooperation had been separated from the section on upholding the Belfast/Good Friday Agreement. Such a separation becomes even less coherent as the UK Government itself explains how such cooperation takes place under Strands 2 and 3 of the Agreement and their respective formal structures, but without reflecting on the extent to which that cooperation is also embedded in European Union regulatory structures.

⁷ HM Government, "The United Kingdom's Exit from the European Union: Safeguarding the Position of EU Citizens Living in the UK and UK Nationals Living in the EU" (26 June 2017), <https://www.gov.uk/government/publications/safeguarding-the-position-of-eu-citizens-in-the-uk-and-uk-nationals-in-the-eu> [last accessed 21/08/2017].

The clue as to why this may have been done lies in one of the UK Government's proposals in this area, which also again highlights the possible limits to the UK's desire to be creative. It proposes that "Ensuring that the full spectrum of North-South and East-West co-operation can continue will require the type of bold and ambitious Free Trade Agreement that the UK has committed to".⁸ Here, the issue of North-South and East-West cooperation is clearly being linked to a Free Trade Agreement that – according to the phased structure of the negotiations agreed to by the UK at the outset – can only *even begin* to be contemplated in the second phase, once the EU is satisfied enough progress has been made on the issues to be dealt with in the first phase. Of course, one of those issues in the first phase is Northern Ireland and Ireland, which includes the question of cooperation – and on this point the EU's chief negotiator, Michel Barnier, noted during the press conference following the end of the third round of negotiations that more work needed to be done.⁹

So, let's turn to the remaining key area contained in the UK Government's position paper on Northern Ireland and Ireland, which looks at avoiding a hard border for goods. This is the area where we can see the UK trying to push the envelope of creativity into the realms reserved for the second phase of the negotiations. It's where, in proposing how to achieve as seamless a border as possible (an "as possible" that suggests things can't remain exactly the same), the references to flexibility, imagination, the unprecedented and the novel come thick and fast.

The novelty lies in proposing customs and trading arrangements that would avoid a hard border but, as the Government acknowledges, are "innovative and untested",¹⁰ and also challenge one of the EU's core priorities in these negotiations, which is to protect the integrity of its Single Market. It is also clear, however, that the extent of the UK Government's desire to see flexibility, imagination and novelty in order to avoid a hard border on the island of Ireland doesn't stretch to making that a possibility if it were to create a customs border between Northern Ireland and Great Britain.

One of the "innovative and untested" arrangements proposed includes "a cross-border trade exemption that would recognise the unique economic, social and cultural context of the land border", and which "would ensure that smaller traders could continue to operate as they do now, with no new requirements in relation to customs processes" (p.17). Others rely on streamlining and simplification of customs procedures, and – in the Government's words – "to continue some of the existing arrangements between the UK and the EU" (p.16). This phrase underlines the crucial fault line in many of these proposals, as the existing arrangements *are not* between the UK and the EU; they are between one Member State of the EU and its Single Market and Customs Union – the UK – and other Member States of the EU and its Single Market and Customs Union, including Ireland.

Peppered among the references to flexibility, imagination and the unprecedented in this section there are also repeated mentions of another document published by the Government, entitled "Future customs arrangements: a future partnership paper".¹¹ It is from this document that the

⁸ HM Government, "Northern Ireland and Ireland", p.21.

⁹ European Commission, "Speech by Michel Barnier at the press conference following the third round of Article 50 negotiations with the United Kingdom" (31 August 2017), http://europa.eu/rapid/press-release_SPEECH-17-3043_en.htm [last accessed 14/09/2017].

¹⁰ HM Government, "Northern Ireland and Ireland", p.18.

¹¹ HM Government, "Future customs arrangements: a future partnership paper" (15 August 2017), <https://www.gov.uk/government/publications/future-customs-arrangements-a-future-partnership-paper> [last accessed 14/09/2017].

Government brings its most ambitious proposal for maintaining a seamless border between Northern Ireland and the Republic and, by extension, between the UK and the rest of the remaining Member States of the EU. This consists of “A new customs partnership with the EU, aligning our approach to the customs border in a way that removes the need for a UK-EU customs border”, and “would involve the UK mirroring the EU’s requirements for imports from the rest of the world where their final destination is the EU”.¹²

Setting aside how this new customs partnership could work in practice, what is noticeable in this proposal’s place in the UK Government’s negotiating document on Northern Ireland and Ireland is how it appears to be touching on a future the EU is not prepared to contemplate at this stage. Indeed, in a statement just over a week ago, Michel Barnier left no doubt as to the European Commission’s view that the UK was using the issue of Northern Ireland and the border as a means to bring forward discussions on the UK’s future relations with the EU. He said:

“What I see in the UK’s paper on Ireland and Northern Ireland worries me. The UK wants the EU to suspend the application of its laws, its Customs Union, and its Single Market at what will be a new external border of the EU. And the UK wants to use Ireland as a kind of test case for the future EU-UK customs relations. This will not happen. Creativity and flexibility cannot be at the expense of the integrity of the Single Market and the Customs Union”.¹³

In other words, the UK has chosen to leave the European Union, and in doing so it has also elected to create its future outside the EU’s Single Market and Customs Union. As a result, it must paint that future on an *entirely separate* canvas and can’t expect to use part of the canvas belonging to a movement it wants to break from in order to pursue its own creative endeavours.

The challenge facing us here is that the UK’s canvas is currently woven most tightly together with the EU’s canvas precisely at our border. Having rejected continuing membership of the Single Market and Customs Union it must now unstitch itself from the larger canvas it was once part of, and that process may be at its most complicated and perhaps most painful at our border.

Reactions in Brussels to the UK’s proposals following the end of the third round of the negotiations were not exactly positive, including on what relates to Northern Ireland and Ireland. Guy Verhofstadt, who leads the European Parliament’s Brexit Steering Group, compared the UK Government’s position to the painting “Ceci n’est pas une pipe” (“This is not a pipe”) by the Belgian Surrealist, René Magritte. His allusion points to the perception that while the UK says it is leaving the EU, at the same time it appears to want to keep many of the benefits of its membership, including unimpeded access to the Single Market, and a border between Northern Ireland and Ireland that would remain the same even as the UK says it doesn’t want to be in the Single Market *or* the Customs Union. So, the UK may say “we are not in the EU”, but the picture it is painting is remarkably similar to the UK being in the EU.

¹² HM Government, “Northern Ireland and Ireland”, p.16.

¹³ European Commission, “Statement by Michel Barnier on the publication of the Guiding Principles for the Dialogue on Ireland and Northern Ireland” (7 September 2017), http://europa.eu/rapid/press-release_SPEECH-17-3145_en.htm [last accessed 15/09/2017].

Senior EU officials described the UK Government's position paper on Northern Ireland and the border as "magical thinking".

Well, I have to confess that I admire magicians and their creativity, and creativity is what has been asked for in these negotiations. But for a magic trick to capture an audience, the magician's empty hat *must* produce a rabbit, and when he reaches up his empty sleeve to our amazement a bunch of colourful flowers *must* come out. For those of you who will remember, even Tommy Cooper managed to make a magic trick that appeared to be going horribly wrong to, in the end, come up with the desired rabbit or bunch of flowers.

Let's hope, for all our sakes, the UK Government isn't a poor man's version of Tommy Cooper, and that David Davis doesn't really – despite appearances to the contrary – have an empty sleeve or hat. Otherwise we will be left with the slapstick without any of the magic, and that could become rather tiresome.

You'll be relieved to know that I'm concluding now, but as I do so, I'd like to draw your attention to the Centre for Cross Border Studies' *own* contribution to a flexible and imaginative solution for the border and our wider North-South and East-West relations. It's one that by avoiding a hard border between Northern Ireland and Ireland doesn't introduce a new border between this island and Great Britain. It's certainly imaginative, and you may *even* think it's delusional – but we prefer to think it represents the ambition required to safeguard and exploit the unique framework we have, which binds these islands together.

That framework is the 1998 Belfast/Good Friday Agreement. It's a framework *all* of the parties to negotiations have agreed that *nothing* should be done to undermine the 1998 Agreement in *any of its parts*. From our perspective, those parts are represented in the Agreement by its three strands, and the institutions created under them, which support the entirety of the socio-economic relations within and between these islands.

Therefore, to reach any outcome of the UK's withdrawal from the EU that undermines *any one* of the strands of the Belfast/Good Friday Agreement and the geographical spaces they represent would be to undermine the *entire* Agreement given that they are all interdependent. We propose that, rather than the 1998 Agreement being regarded simply as a problem to be solved during the negotiations, it can become a potential solution to the challenges posed by Brexit to future relations within and between these islands.

It's an Agreement where one of its co-guarantors will continue to be an EU Member State, under the jurisdiction of the Court of Justice of the European Union, and within the Single Market and Customs Union. Ireland will also continue to be part of the institutions under Strands 2 and 3 of the Belfast/Good Friday Agreement, namely the North-South Ministerial Council, the British-Irish Council, and the British-Irish Intergovernmental Conference.

Without going into the details due to my time being up, under this framework we have proposed two models. One where the flow of goods and people between these islands would continue uninterrupted, although goods from the UK could go no further than Ireland; and the other where goods from Northern Ireland could not only flow into Ireland, but also on to the rest of the EU.

However – there *is* a catch. Our creativity will depend on the UK Government – if it insists that it will no longer be within the Single Market or the Customs Union – absolutely mirroring the standards and customs tariffs operating within the EU, and that any trade deal it concludes with other countries will not deviate from those standards or tariffs.

The reality is, *any* deviation from what applies in the EU *will* affect our border, and we have to be honest about that. To do otherwise will lead us to rummaging around in our Brexit hat for a rabbit that's not there.

Thank you!