

Transcript of Presentation by Dr Kevin McNicholl at Deliberative Forum (Morning Session)

Northern Ireland, Brexit and border issues

So, thank you very much for coming. In this short presentation, I'm going to take you through what we think are some of the main, most likely, plausible, post-Brexit border options. Now Brexit has the potential to impact a lot of different parts of society but we're just focusing on one, the border. And looking at just a range of different ways of what it might end up looking like. So, we're trying to answer a few key questions that are most important like what's it going to look like? Where is it going to be? Is it going to be where the current border between Northern Ireland and the Republic is or is it going to be in the Irish Sea? What sort of things are going to be affected? Is it going to affect trade? Is it going to affect people? I'm going to take you through some of these options and give you some key points for discussion afterwards.

So, some of the main questions that we're looking at here are, what are the possible outcomes of the Brexit negotiations? What impacts do these possible outcomes have on a potential border between Northern Ireland and the Republic of Ireland or a possible border between Northern Ireland and Great Britain, that's England, Scotland and Wales? This is an Irish Sea border then. What would you feel about checks that you might encounter as you cross over each of these borders, any potential documentation that you might have to show, your passport possibly? Also, we want you to consider the possibility that there could be protests that occur and what kind of protests, not necessarily what you support personally, what kind of protests do you think might have support in the community in Northern Ireland? What kind of levels of support do you think people might have for that kind of behaviour?

So, there are five overall possible outcomes to what the border might end up being like after Brexit, depending on what way the negotiations go. And within each one there are a number of little differences as well. The first one is the whole UK, Northern Ireland, England, Scotland and Wales leave the European Union in its entirety, including all of its associated treaties, including the customs union and the single market. That could end up looking a number of different ways if it occurs. However, under another outcome, the entirety of the European Union, sorry of the UK rather, will leave the European Union but remain either in the single market and/or the customs union. Depending on which of these they remain a part of, this could end up having a number of iterations in terms of how a border between Northern Ireland and Republic of Ireland would look or with Great Britain. Option C is Great Britain, England, Scotland and Wales leaves the European Union but Northern Ireland stays in either the single market and/or the customs union and that will have its own implications of what the border might look like, in the Irish Sea especially. The other option is Great Britain, England, Scotland and Wales leaves the European Union but Northern Ireland in its entirety stays in the European Union. So, that could happen a number of different ways. That could occur and there could be big differences of what might happen to the border then. Or, option E is, for whatever reason, the entirety of the UK remains in the European Union and the referendum was ignored. So, let's have a look at each of these options and spell out what each of these iterations might look like.

So, let's say the UK leaves the European Union in its entirety. So, this would have an impact on the free movement of people from the European Union to the UK, because part of being part of the European Union, especially being part of the single market, means free

movement of people from all over Europe to and from the UK and vice versa. It would also have an impact on the free movement of goods. Goods would be taxed as they cross over in from Europe; including from the Republic of Ireland into Northern Ireland. This would mean that there is a new land border between the European Union and outside the European Union and this border would occur between where the border between Northern Ireland and the Republic of Ireland is at the minute.

Now, the way this might end up looking, we have three different ways that this could end up appearing. The first is a low visibility North-South border using elements of high technology. This would mean cameras, primarily. Cameras that occur around the roads at the border and these cameras would look at registration plates of cars that cross over, and people, just to keep an eye that the cars and the people that are crossing over are the people that should be. The goods that move across, they will incur taxation because the UK is no longer part of the European Union. So, they make sure that the registration plates of all cargo lorries crossing over the border, that they have all of their forms up to date in terms of the tax that they are paying. Now this is one iteration of how it might be physically possible to move across the border as a person but it will be difficult because there's a certain level of scrutiny of who comes across the border.

However, there's another way that this could end up looking, a North-South border with minimal policing. So that means that, rather than cameras, you don't have really much policing. A strategic decision is made that yes, the entirety of the UK leaves the single market, customs union and the European Union meaning that there is going to be taxation and restrictions on the movement of people, but you wouldn't actually see much of policing at the border. Maybe one in a very small number of lorries gets pulled over to check the cargo for standards, to make sure they paid their taxes and people will be pulled over in their cars very seldom, just to make sure that they've got documents that are up to date. If they're allowed to move into the country or not. This means that if someone from the rest of Europe comes into the Republic of Ireland, as they're allowed to as part of the European Union, they'll physically be able to come into for example Belfast from Dublin but as soon as they try to engage with any services, try to get a job or a driver's licence or something like that, then they'll encounter some difficulties. Similarly, if they try to go from Belfast to Great Britain by plane, they will have certain issues when doing that.

Now the third option is a highly militarised, highly visible North-South border. Let's imagine that an attempt at high technology at the border failed. They were vandalised and it was incapable of policing this border very well. So, if that occurs, a decision might be made, well either we go for the second option where we police it very seldom, or we really make an effort to make sure that the border is heavily policed. This would mean potentially police or soldiers at the border who guard, customs officials who will be checking documents as you go through. There's a very high likelihood in this case that there'll be queues, there'll be delays to cross the border and this would restrict peoples access. And in all of those options, the movement of people, the movement of goods would be highly restricted in terms of taxation and migration policy.

Now, one thing to consider in all three of those options is you may, everyone in this room may, be able to move across the border freely, you may not need any additional documents if the common travel area between the Republic of Ireland and Great Britain, the UK, remains in force. That may or may not be the case. But certainly, you might still have to have the delays like everyone else to be able to prove that you are one of the people that is allowed to cross over the border. Someone from France unlike someone from the Republic

of Ireland however, may have difficulty, may have to produce extra documents but you may not. That's difficult to know. Another thing to note in this highly militarised version is, the army and the police there, they may be Irish or they may be British, or both.

In the next few options, we're going to be talking about different variations of whether the UK or Northern Ireland stays in the single market or the customs union. Now we hear a lot of the single market and customs union being discussed in the news but I think it's worthwhile at this point just to give a very, very brief overview of what these treaties are and what they mean. So, both the single market and customs union include all European Union member states, but both contain a number of other non-European Union member countries. The customs union means that goods can move across all those custom union countries whether they're European Union or not and they're not taxed as they cross over. There's no taxation, there's no restrictions on the movement of goods across there for tax purposes. It also means that goods from outside the European Union, let's say from China, if they move to anywhere in the customs union, they're all taxed at the same rate. A customs union state cannot get a special deal with an outside European Union country. The taxation level will be decided by the European Union.

However, the single market goes a lot further than that. It involves what they call the four freedoms. That is the free movement of people, free movement of goods, free movement of capital, that's money, and free movement of services. So, it's not just about taxation between them, it's also about people moving between any of these states unrestricted. You don't need any extra security or visas or anything like that to move between any single market country. Furthermore, it also requires a uniformity in the standard of goods. So, that means that if you're in the customs union but not in the single market, the lorries might still get pulled over to check to see if the goods are of the right standards. But they won't necessarily pay any taxes as they cross over. So, that's a very basic overview of what those two treaties mean and we'll take it through each of the options now to see what impact that might have on any potential border.

So, let's say the entirety of the UK, Northern Ireland, England, Scotland, Wales, they leave the European Union, however they either stay in the single market and/or the customs union. So, if the UK stays in the customs union but leaves the single market, that means there'll still be checks on lorries coming across from the Republic, to and from the Republic of Ireland, for standards, but not for tax. If you're in the customs union, they are taxed at the same rate. So, there is no taxation on lorries, on the movement of goods between the border between Northern Ireland and the Republic of Ireland, however, there still might be checks for standards. The customs union does not deal with movement of people. There will still be restrictions on the movement of people. Now that means someone from France moving between the Republic of Ireland and Northern Ireland, they'll be likely be expected to produce new documents to make that movement across the border and there will still be the same delays for people, but not on taxation of goods.

However, if the UK in its entirety stays in the single market, but not in the customs union, that means there might be checks for taxes on lorries that move across between Northern Ireland and the Republic of Ireland, just to make sure that they've paid the tax that they have to, but it will mean free movement of people. All people will be able to move across there freely but it will just be goods that are checked. However, if the UK stays in the single market and the customs union but leaves the European Union, that means that the border between Northern Ireland and the Republic of Ireland remains very much the same as it is today. There'll be really no change of effect there at all. But the entirety of the border here

is between Northern Ireland and the Republic of Ireland, there will be no difference in moving between Northern Ireland and Great Britain.

Now, let's imagine Northern Ireland did its own thing, slightly different than Great Britain. Great Britain leaves the European Union in its entirety, but Northern Ireland stays in the single market and/or the customs union. What happens then? Well, what happens now is let's say Northern Ireland stays in the customs union while the rest of Great Britain leaves. This means that goods that move between Northern Ireland and Great Britain, so let's say a ship taking cargo from Belfast to Scotland, they would be taxed as if they were moving between two different countries. Let's say then even further than that, Northern Ireland stays in the single market while all the rest of the UK leaves, well that means there'll be checks on cargo going between Northern Ireland and Scotland, let's say, to make sure their standards are the same. Standards of goods in Northern Ireland will remain the same as in the rest of the European Union, but this may be different than in the rest of the UK. There will also be extra checks on the movement of people. So, people can move between Northern Ireland and the Republic of Ireland without any restriction whatsoever, but as soon as they go from Northern Ireland to Great Britain, they cross over the Irish Sea. At that point, they'd have to produce some sort of extra documentation to prove that they're allowed to do that. If Northern Ireland remains in the customs union and the single market, that means there will be a border between Northern Ireland and Great Britain in terms of goods and movement of people. Any of these options will help to serve a free North-South border. The border between Northern Ireland and the Republic of Ireland stays exactly the same, as it is. Free movement of people, free movement of goods. There will be a border in the Irish Sea. The border moves in these cases from Northern Ireland and the Republic of Ireland, to the Irish Sea. So, movement between Scotland, England and Wales and Northern Ireland.

Okay, let's imagine then that Great Britain, England, Scotland and Wales, leaves the European Union, single market and customs union but Northern Ireland remains in all of them. Well, that means there'll be even more checks and taxes of goods as they move between Northern Ireland and Great Britain so this is the border in the Irish Sea again. And, again as in the last iteration, the North-South border between Northern Ireland and the Republic of Ireland is just not there. It stays the same way as it is now. This could happen a couple of different ways. It could end up being somehow part of the negotiation that occurs at the moment between the UK government and the European Union, or this could also happen if there is a successful border poll to unify Ireland.

The last option is the UK as a whole stays in the European Union and well, no surprise there, it's just the same as it is now. There'll be no real border between Northern Ireland and the Republic of Ireland and there'd be no change in the border in the Irish Sea. However, just in the same way as it is today, there'd be the same limits on movements of people from outside of the European Union; so, someone coming from the US or China coming here, they'll face exactly the same restrictions as they do today. There'll be checks on taxes and goods that come from outside the European Union but the border between Northern Ireland and the Republic of Ireland and Northern Ireland and Great Britain will be exactly the same as it is now. The referendum result will have been ignored.

So just to summarise what you heard there, it is quite complex to understand. If the UK leaves the European Union in its entirety, it means a significantly harder border between the north and the south but how that looks, it could be high technology, it could be strategic minimal policing or it could be very heavy policing. If the UK leaves the European Union but the entire UK stays in the single market and customs union, that means there will be

increased border security at the North- South border, but this could either affect goods or people or both. If Great Britain leaves the European Union but Northern Ireland stays in some elements of the European Union, such as the single market and customs union, there'll be no change to the border between Northern Ireland and the Republic of Ireland. However, there will be a change to the border in the Irish Sea. If Great Britain leaves the European Union but Northern Ireland stays in the European Union, there'll be a significantly harder Northern Ireland/Great Britain border than there was before. And if the UK stays in the European Union in its entirety, there'll be no change, it will be as if Brexit never happened.

So, in your discussions I want you to have a think about the particular issues that this throws up. Let's imagine the border remains the same as today, so you'd have free movement of people to come and live and work in Northern Ireland from the rest of the European Union, just as it is today; and the same issues to do with taxation from outside of the European Union countries in terms of goods, how would you feel about that? Is it important to you that there is a change? Or is it important to you that it stays the same? If there were minor changes like just the addition of a few cameras that didn't really restrict your journey or very rare, seldom checks, but there was still a very real legal border there. How would you feel about that? If there were permanent check points of some kind that did delay your journey, let's imagine you had to wait another ten minutes, twenty minutes, half an hour, it's difficult to say how much, how would you feel about that? And let's imagine then that there were permanent check points that also had the police or the army permanently there to add security to border officials and that there was an increase in the amount of documents that you had to show as you went by. How would that make you feel? And this is between Northern Ireland and the Republic of Ireland.

However, let's imagine instead of that, the border between Northern Ireland and the Republic of Ireland stayed the way it is now, however there was additional security as you moved across from Northern Ireland to Great Britain. If the border remained as today just with free movement of people and goods between Northern Ireland and Great Britain, how would you feel about that? Is it important to you that there is a change there or is it important to you that it stays the same? If there were increases in security or somehow minor changes, like you have to show your passport as you cross over to Great Britain when you didn't have to, how would you feel about that? Would additional security like cameras or checks occur when you cross on the ferry or the airplane over to Great Britain? However, if there was significantly more security at the airports and at ferries as you cross between Northern Ireland and Great Britain, that could add an extra 10, 20, 30 minutes to your journey, how would that make you feel?

Now, let's imagine as you cross between Northern Ireland and Great Britain there was a lot more security. There was a heavy police presence, or even soldiers at ferry ports and airports checking extra documents and restricting goods as you went across. How would that make you feel?

Now, let's turn the attention and have a think about different forms of protest that might occur. Now let's imagine one of these iterations occurred and there was an increase in border security between Northern Ireland and the Republic of Ireland. Some people might disagree with that to the extent that they are willing to engage in different forms of protest. Let's imagine there was a petition signing campaign. People collecting signatures from the population to present to elected representatives to say that we vehemently disagree with any border between Northern Ireland and the Republic of Ireland. Do you think that would

be supported by people? Not necessarily by you, but do you think there would be support for that?

Let's take it a stage further and imagine that instead of the petition, they actually had a peaceful, legal demonstration. There was a rally of people all collected together, holding placards and shouting slogans that they're very angry about a border between Northern Ireland and the Republic of Ireland. Is that the sort of thing that would be supported?

Now let's say these protestors took it one stage forward and they started breaking the law. They started blocking roads for example, restricting traffic to show their disapproval of a North-South border. Do you think this is the type of thing that might have a lot of support or do you think there'd be very little support in the community? What if you saw, as you drove past, what if you saw that the security cameras that had been put up to police the border between Northern Ireland and the Republic of Ireland, let's imagine someone had vandalised that as you drove past. Do you think if you saw that you would think it would be something people would support? Or would it be something that had gone too far, no one is going to support this?

And at the very extreme level, let's imagine there was either rioting or some other form of violence against persons at the North-South border. Is this something that the people would support? Or is this something that people would not support. Not necessarily you, but in the population could you imagine this sort of thing having a big level of support?

Let's turn our attention, instead of the North-South border, to the border between Northern Ireland and Great Britain. If there was an additional security there, if there were additional documents for people crossing over or increase in taxation of goods moving across the Irish Sea, as if they were two different countries, people might be very angry about that and might engage in various types of protest. Just the same as before, they might collect signatures as a petition to distribute to elected representatives, to show that people are very angry about this increased border in the Irish Sea. Or they might engage in peaceful demonstrations as before, rally, gather together in numbers of people with placards and slogans, very angry about increased border security in the Irish Sea. Is that the sort of thing that would be supported? And again, as before, if these protestors started breaking the law, started blocking roads, do you think this is the sort of thing that would have a lot of support in the community? And, as before, if there was additional technology policing the border between Northern Ireland and Great Britain, if this increase in technology like cameras at ferry ports and at airports, if these started getting vandalised, is that the sort of thing that if you saw that you would think 'yeah people will support that, people are angry about this border'? Or do you think people would have no support at all? And as in much the same way as before, let's imagine some people took it so far that they engaged in some form of violence against persons who are policing the border between Northern Ireland and Great Britain, is that the sort of thing you think would have a level of support in the community?

Transcript of Presentation by Professor Brendan O’Leary at Deliberative Forum (Afternoon Session)

The Constitutional Implications of the UK’s Vote to Leave the EU

Good afternoon, everybody. Our subject this afternoon is the constitutional implications of the UK’s vote to leave the European Union. Just to refresh your mind, this map illustrates the vote for Remain and the vote for Leave in the referendum held in June 2016. As you’ll recall, the vote was close in the UK as a whole. Rounding, 52% voted to leave. But within the UK, that result was differentiated. In Scotland and in Northern Ireland, there was a clear and decisive vote in favour of remain; and in England and Wales, there was a clear and decisive vote in favour of leaving. So those are the outcomes of the referendum, just to refresh your memory.

What are the constitutional implications of the result of 2016? We believe five major questions are raised with implications for the future. One is, as you’ll recall, immediately after the referendum, the former deputy First Minister Martin McGuinness immediately called for a referendum on Irish reunification. That’s one possibility. A second possibility that will flow from the UK’s departure from the European Union is a possible reconstruction of Northern Ireland’s own institutions. A third possibility is that there might be a change in North-South institutional relationships: what might that be like? A fourth possibility is changes in the possible overall institutional relationships across all these islands in Great Britain and Ireland and the islands around them. And, lastly, there are possible implications for the protection of rights in Northern Ireland and I’ll try and briefly allude to all of these as we go forward.

So, just to recall, a core feature of the Good Friday Agreement was the principle of consent: that there would be no significant change in the constitutional status of Northern Ireland without majority consent inside Northern Ireland. But, indeed, the question becomes, as a result of the vote on the European Union: has that fundamentally modified the Good Friday Agreement? Some say it has, some say it hasn’t. Now, given that there has been obviously some significant change, some have argued that there should be a referendum on Irish reunification.

The arguments in favour I will briefly outline, and then give you some of the arguments against. Some people argue that there should be a referendum on Irish reunification because Northern Ireland voted to remain within the European Union and it will be taken out of the European Union against its will. The terms of the Good Friday Agreement have been changed, one-sidedly, and so there should be an opportunity to vote on Irish reunification. Secondly, some people say there has been no poll on Irish reunification since 1973. After 44 years, perhaps it’s time for another opportunity. Thirdly, some argue there are all sorts of turbulence that follows from leaving the European Union and there would obviously be turbulence from Irish reunification. Why should Northern Ireland go through two sets of possible turbulence? Why should it not have the opportunity to remain in the European Union but join with Ireland and therefore avoid the possible consequences of leaving the European Union?

What are the arguments against such a referendum? First of all, there’s the argument it would be deeply polarising. People in Northern Ireland are already divided. Having a fresh referendum on a deeply divisive question might further antagonise the local populations. The second argument is that the conditions for holding such a referendum have not been

met. In the provisions of the Good Friday Agreement and in the Northern Ireland Act, the Secretary of State is obliged to call a referendum when there is evidence of a demand for change in the status of Northern Ireland. And we know from elections that support for nationalist parties in Northern Ireland hovers currently at around 40% – not the 50% that might be required to produce a decisive change. The third argument against having such a referendum is that many people who favour a united Ireland fear that if they hold a referendum now, they might lose, and it might damage the prospects of future Irish reunification. So, these are some of the core arguments for and against a referendum.

If it were to be held, the question would arise of when should it be held? Should it be held now? Should it be held perhaps more sensibly in 2021? Which is our current best judgement of when the UK will fundamentally leave European institutions, because those of you who have been reading newspapers and watching TV will know, there is currently a planned transition period from 2019 that will last roughly two years. That would be one possible date for holding such a referendum. Another possible idea for a referendum would be to hold one later. To hold it ten years after the experience of leaving the European Union to give people in Northern Ireland a choice about what they wanted to do in light of the consequences of leaving the European Union. So, that's the big constitutional question and we're interested in hearing your views about whether your attitude to a united Ireland is linked in any way to the possible outcomes of the UK's negotiations with the European Union. Does it shape your view for or against or make no difference to a united Ireland? And we'd like you to think about this against four possibilities that are related to what Kevin talked about this morning.

One, we might call a hard exit in which the entire UK leaves both the European Union customs union and the single market. By contrast, a soft exit [is one] in which all of the UK leaves the European customs union and/or the single market, or just one of them. Thirdly, a mixed exit in which Great Britain leaves the European Union customs union and single market but Northern Ireland remains in both. That's special status. It wouldn't mean the creation of new countries, Northern Ireland would still remain inside the UK, but it would remain inside the institutions of the European Union, the most important institutions – the single market and the customs union – while Great Britain left. Another compromise option would be a staged exit in which Great Britain left the single market and the customs union before Northern Ireland, in order for Northern Ireland to have more time to adjust to the consequences. So those are four possible exits. Do they shape your view of a united Ireland? A hard exit, a soft exit, a mixed exit and a staged exit.

Your views on a united Ireland could be positive, negative or indifferent, but are they shaped by what you think a united Ireland might look like? We think it's worth thinking about whether there are three basic configurations of what a reunified Ireland might look like. One is Ireland would basically expand northwards. There would be no parliament in Belfast at Stormont, there would be no special Northern Ireland assembly, there would be a Dublin parliament as of now, and basically Ireland would be reunified by absorbing Northern Ireland. A second possibility is that Northern Ireland becomes part of a united Ireland but keeps its own parliament in Belfast, as is provided for in Ireland's constitution. And the power-sharing arrangements that exist now will be transferred by Northern Ireland inside a united Ireland. The third possibility is that Ireland is remade as a federation in which there are federal regions and a common all Ireland federal parliament. And there are at least three ways in which that could be constructed. One would be a two-unit federation of Northern Ireland and the existing Republic of Ireland. Another would be to recreate the four historic provinces like the four rugby teams: Ulster, Connacht, Leinster and Munster. And the third

option would be to rebuild Ireland as a federation around new city regions. One in Dublin, one in Belfast, one in Derry/Londonderry, one in Cork, one in Galway etc. Building around new urban units with their own respective rural areas. So, we're interested in your views on these questions.

The second big constitutional question is: what are the consequences of what's happening now for future institutional arrangements in Northern Ireland? As we know, the Good Friday Agreement established a power-sharing executive and a novel assembly with special power-sharing rules. We're interested in your views on whether you think the UK's departure from the European Union makes a Northern Ireland executive and assembly more important, less important or makes no difference. Do you think that the UK's departure from the European Union makes forming a government here in Northern Ireland more difficult, less difficult or makes no difference? Thirdly, do you think that the impact of the UK leaving the European Union has damaged cross-community relations inside Northern Ireland? Improved them? Made no difference? What impact has it had in this domain? Lastly, we'd like you to consider whether, if the major parties in the Northern Ireland government cannot decide an agreed position on the consequences of the UK leaving the European Union, should they actually form a government together?

When we think about the internal arrangements in Northern Ireland, some people have advocated change for a long time. Some people have said we should have changes because of the UK's departure from the European Union. One change that has been on the horizon for a long time is whether we should change the titles of First Minister and deputy First Minister. Should they simply both be First Ministers? Should we be done with the distinction in status which makes no difference to their powers, should we change their titles? More significantly, should we change the way the Northern Ireland Executive operates? Let me give you four possible ways in which that change might occur. In one change, the Northern Ireland cabinet would be formed as it is now under the D'Hondt rule, but if parties refused to take their positions we would simply allocate the places to parties in order and a cabinet would be formed, even if that meant that there was a minority government. What do you think of that possibility? A second possibility would be for a special majority rule, a qualified majority rule, for example, 60%, to be required before a cabinet was formed. But once it was formed it would hold office until the end of its term of office. There would be no way in which the Assembly could bring it down. It would be, so to speak, entrenched until the end of its term. A third possibility would be to stop the current procedures under which either the first minister or the deputy first minister can call a snap election. Should we require both of them to be in agreement before a snap election is called? Lastly, we might ask, what is locally called doing the hokey pokey, whether that should be outlawed. That's the process by which one party might nominate a minister to a particular portfolio and then take them out quickly and replace them quickly with another person, as a way of registering their protest against other parties. Should that come to an end?

The third big constitutional question that arises out of the UK's decision to leave the European Union is whether this should in any way reshape North-South relationships. As you recall, in the Good Friday Agreement or Belfast Agreement, there was extensive provision for a North South Ministerial Council with specific tasks to be performed across at least 12 domains and there were six implementation bodies granted power across border and all-Ireland. Given that the UK is going to leave the European Union and it seems the single market, should the powers of the North South Ministerial Council actually be increased because they'll have more tasks to perform, given the fact that things will become more complicated between the UK and the European Union and the UK and the Republic of

Ireland? And if there is no government in the North, should Irish ministers replace Northern Ireland ministers? Sorry, should British ministers replace Northern Ireland ministers and run the North South Ministerial Council in conjunction with Irish ministers? That's a possibility.

A fourth major theme of possible constitutional change might apply across these islands as a whole. Some of you talked this morning about crossing jurisdictions, going from Northern Ireland into Great Britain. It's easy to forget that there are islands attached to the isles: the Isle of Man, Jersey and Guernsey, which are already outside the European Union yet they're part of a Common Travel Area with Great Britain and Ireland. Do you think it might be an idea to expand the range of competences and powers of the British Irish Council which currently incorporates eight governments: the two sovereign governments, the three devolved governments in Scotland, Wales and Northern Ireland, and the three sets of the Channel Isles and Isle of Man. Should that body have some role to play in keeping the Common Travel Area working smoothly? Should it perform some kind of equivalent role to that of the European Union with the regulation of goods, services and capital? What do you think the impact of the UK's departure from the European Union might mean for the relations between all the peoples of these islands, negative, positive, or make no difference? In particular, we'd like you to think about the possibility that Scotland might leave Great Britain as a consequence of the UK leaving the EU? We know that the Scottish National Party is keen to hold a referendum to create exactly that possibility, as and when it gets the first opportunity. Would that be good for Northern Ireland, bad for Northern Ireland or make no difference?

Lastly, and perhaps trickiest, there's a whole series of questions related to rights that flow from the United Kingdom leaving the European Union. It's easy to make a mistake here and I'd just like to draw your attention to the fact that there are two important courts. One is known as the Court of Justice of the European Union, that's the court that regulates the single market and the customs union and, indeed, the Charter of Rights attached to the European Union. Then there is the European Court of Human Rights which sits in Strasbourg (the other court sits in Luxembourg) and, as its name suggests, it is primarily focused on human rights.

The decision to leave the European Union only has consequences for the first court, the Court of Justice of the European Union. But we know that Conservative ministers and Conservative politicians have previously expressed the wish to be free of the jurisdiction of both courts, both the European Courts of Human Rights and the Court of Justice of the European Union. Rights protections were at the heart of the Belfast and Good Friday Agreement. One of the items stated that the parties have confirmed their commitment to the mutual respect, the civil rights and the civil liberties of everyone in the community. Less noticed, but a core feature of the Belfast/Good Friday Agreement was a commitment by both the London and the Dublin governments to ensure the protection of rights equally on both parts of the Island of Ireland, to ensure—the language was—the functional equivalent of rights protection.

So, having digested all those mouthfuls, we'd like you to think about what are the implications of the UK leaving the European Union for rights protection in Northern Ireland? Do you think, for example, that Northern Ireland should remain under jurisdiction of the Court of Justice of the European Union as regards anti-discrimination law and employment rights? Because those rights are centrally connected to the European Union and its court, not the European Convention on Human Rights. Secondly, in leaving the European Union, is it your view that the UK government should pledge to remain part of the European

Convention on Human Rights? If only, but especially, with regard to Northern Ireland, and thereby, solemnly recommit to the pledges it made in the Belfast/Good Friday Agreement. Thirdly, even though the UK is leaving the European Union, should both governments recommit to supporting equivalent rights on both parts of the island, human rights, minority rights, protection of religious freedoms and so on? And, lastly, a very interesting and tricky question. One of the rights that you have all enjoyed as members of the European Union is the right to elect members of the European Parliament. When the UK leaves the European Union, as you know under existing provisions, people in Northern Ireland are entitled to either have Irish citizenship or British citizenship or both. Do you think they should retain the right if they're Irish citizens to elect members of the European Parliament to represent their interests in that parliament?

These are not the only questions attached to the constitutional significance of the UK leaving the European Union, but they're some of them. We are very interested to hear what you have to say. Thank you.