

SECURING OUR FUTURE IN EUROPE



PROPOSALS
FOR A SPECIAL
STATUS FOR
NORTHERN IRELAND
WITHIN THE EU

Foreword

The result of the referendum on membership of the European Union has had profound consequences on Northern Ireland.

Our economic plans, our social cohesion and the very stability of our local democratic institutions have all been shaken by the decisions taken in London and elsewhere. The confusion and inertia shown by those who are attempting to claim the sole right to steer this process has meant that valuable months have been lost and people's fears, rather than being assuaged have been compounded.

The sparse comment that has been forthcoming from the British Government has been devoid of any clarity and provides no comfort. This is an uncertain time for everyone on these islands but the risk to Northern Ireland is the greatest of all.

The inability of Northern Ireland's outgoing Executive to agree a common position, to secure a role in discussions or to raise the issues most pressing to our circumstances, has simply been a dereliction of duty. A clear majority of the people of Northern Ireland expressed their wish to stay within the European Union. This result cannot be ignored.

While the Scottish and Welsh administrations have put forward comprehensive proposals and published broad ranging papers, our own Executive has failed to agree on even a common starting point. The silence over the last seven months from the Executive Office has been inexcusable.

In the days and weeks following the referendum the SDLP met with a broad range of Irish and European partners. We put forward the case clearly and consistently that Northern Ireland must secure Special Status within the European Union. We committed to pursue every political, parliamentary and legal route to securing Northern Ireland's future in Europe.

While we welcome An Taoiseach's initiative in calling an All Island Forum we believe that a standing body is required to ensure that the full range of issues are addressed. The scale of the challenges facing our society in the coming years are such that all voices and sectors must be allowed to contribute to the fullest ability. We believe that the need for this forum becomes ever clearer by the day.

The combination of the Common Travel Area, the Customs Union and common membership of the European Single Market has meant that travel and trade has moved more freely across this island than ever before. This freedom has only been made possible through the European Union.

That is why Europe as an inspiration, vision, and arena of politics has always been at the core of the SDLP's philosophy and principles. As members of the Party of European Socialists (PES), the SDLP are the only party within Northern Ireland to be part of a mainstream European political family. This unique position has allowed us to work with social democratic parties across Europe to raise the concerns and circumstances of Northern Ireland.

The role that the European Union has played in securing peace within Northern Ireland, reconciliation across the island of Ireland and building relationships between our two neighbouring islands cannot be overstated. The creation of institutions which embraced the diversity of a continent of 500 million citizens but which also allowed for the collective working of common ground, was a direct inspiration on our own political evolution. Core principles within the Good Friday Agreement were only made attainable through common membership of the European Union.

The common ground which Europe provided has enabled new approaches to addressing many of our long-standing issues. The ability of the European institutions to provide imaginative but substantive solutions should also act as proof of the strength and wisdom of this approach.

The unique and particular circumstances of Northern Ireland, our history, political environment and societal context, all demand that a bespoke solution is identified and secured as quickly as possible. It is inconceivable that a hard border should or could be imposed across the island of Ireland.

A hard border cannot be enforced in any manner, electronic or otherwise without significant disruption to the life of this island. We have been clear that if any border is to emerge as a result of this referendum it must be around the island of Ireland and not across it. The SDLP are committed to securing the freedom of movement for all European citizens across this island and across the European Union.

The SDLP are putting forward this paper in order to contribute to and progress a wider public debate as to how we ensure that the principles of the Good Friday Agreement are upheld over the coming years.



Colum Eastwood, SDLP Leader



An invitation to our European Partners

The SDLP welcome that Michel Barnier on behalf of the European Commission and Guy Verhofstadt on behalf of the European Parliament have made clear that their efforts include securing special arrangements for Northern Ireland. They recognise the challenges and difficulties presented and the overriding need to ensure the integrity of the Good Friday Agreement.

We invite the European Commission and European Parliament to build upon their representation in Northern Ireland and establish a broad and continuous fact finding mission located within and focused solely on Northern Ireland.

At the same time, the Northern Ireland Executive office in Brussels must be tasked and resourced to provide information and research for our political partners in Brussels.

There must be certainty regarding potential future constitutional developments on this island and membership of the European Union. In the event of a successful referendum for a united Ireland, those resident in what is currently Northern Ireland must have immediate access to the European Union as part of Ireland, a full member state. Clarity and certainty must be provided as to the application of multilateral treaties and the extent and reach of international responsibilities and protections.

The role of the Northern Ireland Assembly

The findings of the recent Supreme Court judgment in respect to Northern Ireland marks a significant and serious departure from our devolution settlement. While Northern Ireland voted to remain in the European Union, the Northern Ireland Assembly is being denied any role or rights in the upcoming negotiations with the European Union.

The SDLP is now the only party standing by the will of the majority of people in Northern Ireland at Westminster. We will be the only voice of the 56% who voted to remain.

Although the Supreme Court disagreed that there is a legal requirement to gain legislative consent from the Assembly, it remains our view that it is a fundamental political requirement to allow the Northern Ireland Assembly to reflect and defend the interests of the people of Northern Ireland.

This will be top of our agenda in any post-election negotiations.

The SDLP finds it unacceptable that protections and standards currently derived from European legislation may be removed by Westminster and any future attempts at restoration may be vetoed by the actions of one party in the Assembly. It is vital that the Assembly is empowered to create a modern, vibrant and socially just society within Northern Ireland and the Assembly has the full range of powers to do so. The SDLP will continue to seek a Commission to devolve further powers to our local institutions to ensure we can adequately address our unique challenges and circumstances.



MAKE
CHANGE
HAPPEN

Summary of proposals for Special Status for Northern Ireland

- Securing Northern Ireland's membership of the European Single Market and the four freedoms it provides: free movement of people, goods, services and capital. This is in line with the proposal of the Scottish Government.
- Ensuring Northern Ireland's continued participation in European funding and programmes. This will entail a recasting of the North - South bodies to serve as an institutional gateway to Europe for the Northern Ireland Executive and its Departments.
- Measures to ensure the further development of the all island economy. This will build on the Common Travel Area, common membership of the Single Market and strengthened North - South bodies, particularly as regards investment and infrastructure.
- Securing of human rights and protections derived from European legislation.
- Drafting and implementation of protocols to ensure the protection of rights of cross border workers and to avoid any 'race to the bottom' as regards environmental standards and social provisions.
- Securing all island representation in the European Parliament, Committee of the Regions and other European structures to ensure direct dialogue between the European institutions and Northern Ireland.

Securing the North - South structures

The set of public sector bodies established in 1999 whose operation extended over the entire island of Ireland was seen as an opportunity to overcome 80 years of division. These bodies centred upon areas of European funding and common compliance with European standards.

As such, central to an agreed Special Status, the SDLP are proposing a recasting of the North - South bodies. This would include both a realignment of thematic areas and an intensification of existing work. We believe that agreeing a new thematic approach, with appropriate oversights and accountability arrangements, would offer an attractive structure to both local stakeholders and our partners in Europe for the retention of European Union funding for the entirety of the island of Ireland.

European funding is vital for many of our economic sectors and it is imperative that we secure uninterrupted access to Structural and Investment Funds, social cohesion funds, access to grants and tender calls, Peace monies and agricultural subsidies. Our private sector, universities, hospitals and other public services must not be damaged by a withdrawal or interruption of funding.

*Colum Eastwood
with Sergei
Stanishev, former
Prime Minister
of Bulgaria and
President of the
Party of European
Socialists*



To make the most of the institutions the existing North - South bodies need to be empowered and through new political impetus allowed to fulfill their potential. To aid in this the SDLP are calling for a realignment of the existing agencies and their incorporation into new more comprehensive structures.

The SDLP propose that these new structures include thematic areas such as:

- ⌚ Strategic development of infrastructure projects, telecommunications and connectivity. It is vital that all parts of the island can move freely and have secure connections to the wider world.
- ⌚ The consolidation of an agricultural, maritime and rural affairs incorporating Food Safety, all island labelling, the protection of our inland waterways and shipping, administration of the Common Agricultural Policy and funding on an all island basis.
- ⌚ The retention of the Language Body / An Foras Teanga / North-South Body o Leid and an extension of its operations to include creative industries, cultural assets and artist products from the entire island of Ireland.

- ⌚ The securing of the Special European Union Programmes Body and the continuing access to and oversight of the PEACE, INTERREG and other European funding opportunities.
- ⌚ A new agency to formulate and coordinate a single trade, investment and development strategy for the island of Ireland. Investors, both domestic and international, see Ireland as one island. We cannot develop Derry without factoring in Donegal. The establishment of InterTrade Ireland as part of the Good Friday Agreement was in recognition that the sum of our local economies would be greater than the parts. This must be expanded upon to secure regionally just economic development.
- ⌚ The protection on an all island basis of environmental standards and the provision for an independent all island Environmental Protection Agency. This would allow us to ensure the improvement of both private sector compliance and government accountability, protecting the environmental standards and protections currently derived from European legislation.

Securing accountability and transparency

The North South Ministerial Council should be the key body in delivering the overall programme of North - South development but it requires a major reform including the provision of appropriate oversight powers to administer European funding.

It must move from being an organiser of relatively formal, often scripted meetings, to being a real driving force behind strategy and implementation. This is the best way to deliver results and ensure value for money.

Securing our Freedoms and Protections

The result of the referendum has and will raise a range of issues about the protection of human rights and compliance with European and wider obligations.

There is a need for an urgent refocus on the protection and progression of citizen and community rights in Northern Ireland, part of which will require new initiatives on the island. This should be an explicit element in the upcoming negotiations and an explicit feature of North - South.



The SDLP have committed to pursue every political, parliamentary and legal route to securing Northern Ireland's future in Europe.

**MAKE
CHANGE
HAPPEN**

This should entail a new conversation on a Northern Irish Bill of Rights including a new initiative on a Charter of Rights for the island of Ireland with the respective Human Rights Commissions taking forward a dedicated work programme.

Adopting a comprehensive Bill of Rights for Northern Ireland, incorporating the European Convention on Human Rights along with other measures would provide much needed reassurances to those listening with alarm to the British Government's comments on the Human Rights Act. It would also secure for the people of Northern Ireland the broad range of evolving human rights as advised by the European Union's Fundamental Rights Agency spanning social, economic, cultural and political rights.

Noticeably absent within Northern Ireland's political rights framework is the lack of voting rights for Irish citizens in Northern Ireland. While people born within Northern Ireland have the right to Irish citizenship and cultural expression they are still denied the right to participate in elections to the Oireachtas.

Extending human rights protections, including provisions for political rights, through an All Island Charter of Rights would secure our access to European routes of justice but also provide a democratic and constitutional link to European Union.

The SDLP believes that a redrawing of the European Parliamentary constituencies to cover the island of Ireland is required. This will ensure Northern Ireland's voice is still heard in the European institutions. The seats in the European Parliament currently held by British MEPs will post-Brexit be redistributed across the remaining member states and it is anticipated that Ireland's representation will increase to a minimum of 12 MEPs. As part of this reallocation the inclusion of the residents of Northern Ireland is practical and feasible.

Securing protections for cross border workers

The SDLP believes that securing the freedom to move, trade and work across the border is central to the upcoming negotiations. However this freedom of movement is not enough. Those working on a cross border basis must also be protected by the principles of non-discrimination and equal treatment. More specifically the protections which are currently in place for the equality of treatment in respect of any conditions of employment and work as regards pay, dismissal and, should workers become unemployed, reinstatement or re-employment.

Cross border workers within the European Union are currently subject to the legislation of the country of employment and enjoy the same social and tax advantages as national workers. That 30,000 people travel across the Irish border each day to earn their living is hugely important for both the social and economic prosperity for both the border region and the island as a whole.

The SDLP is proposing a cross border protocol to be agreed in relation to labour legislation. This would coordinate and strengthen rights and protections in the workplace in line with European standards. The Assembly has devolved competence in the field of employment law and can establish a framework of protections suited to the needs of Northern Ireland.

We firmly believe that while existing protections derived from European legislation should be retained, there is a requirement for a political commitment across the island of Ireland to ensure no 'race to the bottom' develops which sacrifices workers' rights or allows a regulatory degradation.

Similarly, while the European Health Insurance Card (EHIC) scheme spans the European Economic Area (EEA) rather than the European Union, it is of vital importance to ensure all island access to this scheme. Under the terms of the EEA arrangements people are able to access immediate, necessary treatment under the terms of the EHIC. This policy must be secured during any upcoming negotiations.

*SDLP
representatives
at a rally in
Stormont in
support of
refugees*



Securing an open and pluralist society

The humanitarian crisis that has unfolded across north Africa and the Middle East is an enormous tragedy. We have all watched as women and children risk their lives fleeing oppression. This is a moment to stand strong and united by our unyielding common commitment to peace, freedom from oppression and in solidarity with those facing unspeakable hardship in the Middle East and elsewhere. It is a moral duty that we in Northern Ireland do all we can to address and end the incredible human pain which continues to characterise daily life for those suffering under persecution. The SDLP believes that we should continue to provide support and safety to those fleeing war and persecution and that such efforts are best provided by working together with our European neighbours.

Securing our Peace

In a global age the European Union has enabled us to participate in a common endeavour to combat terrorism, organised crime and human trafficking. Provisions in respect to PSNI access to the European Arrest Warrant, Europol Information System and the broad range of international criminal databases must be established without delay. We cannot afford to allow efforts to tackle cross border crimes such as fuel laundering, smuggling and illegal dumping to be set back by a lengthy period of negotiations and uncertainty.

Victims of exploitation and modern day slavery cannot be allowed to be neglected during any transition period. The continuing presence of paramilitary organisations operating within international and transatlantic webs requires an urgent focus so that more lives are not ruined and the oppressive shadow of paramilitarism is lifted from communities.

Transition Package and Arrangements

What is clear from the last year is that Northern Ireland is entering a period of great change. Relationships within Northern Ireland, the relationships on the island of Ireland and the relationships between these islands and the wider world are being recast at their most fundamental level. All parties from all quarters of this island and all sectors of society must be involved in shaping this transition.

To protect Northern Ireland from the potential disruption and dislocation as Britain reconfigures its trading relationships the SDLP believes that a transition package of funding should be made available to protect our society and economy from further damage and disruption and to promote the necessary adjustments. Our political systems, education and health services, and public and private sectors will all need realignment to adapt to the new dispensation.

Conclusion

While the SDLP believes that the proposals contained within this document are necessary to secure our future within Europe we also believe that these are only the beginning and they will need to evolve as the negotiations develop. We must not lose sight that Brexit remains the biggest threat to the economic, social and political interests of these islands. Northern Ireland is the most exposed of any part of these islands and yet our voice faces the risk of being sidelined and silenced. That is why in this election and beyond we need parties that are capable of working together and capable of overcoming difference to give voice to our common interests.

Working alongside other parties, the SDLP will offer the chance of a new team who will work in the common interest of gaining Special Status for Northern Ireland. We all need to be clear with the public as to what Theresa May's commitment to Brexit means and what our proposals are to weather the storm. We will not stand by and see a hard border re-imposed on this island, on business or working families. We will not allow a Brexit to undermine the Good Friday Agreement. Northern Ireland did not vote for any of these devastating consequences and we should not have to live with them.

Northern Ireland needs its voice at the negotiation table and our vote needs to be respected. The period ahead will be one which will challenge all those involved however, if the political will is there we feel that Northern Ireland should be able to secure our future in Europe.



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