

Keynote speech at the 54th Plenary Session of the British-Irish Parliamentary Assembly

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Good afternoon everybody and thank you very much for the invitation to address you here today and I very much hope that our visitors greatly enjoy these few days in this lovely part of our country.

This assembly has witnessed now several decades of history being made between the islands of Ireland and Britain. In its first tentative years in the 1990s I doubt that too many people imagined what eventually became the peace process and what flowed politically from that even if it remains still imperfect.

As a journalist from the early 1980s until 2003, I covered major events from the 1985 Anglo Irish Agreement through to the 1998 Good Friday or Belfast Agreement and for several years after that as the Agreement became embedded I covered its ebbs and flows. I lived in Belfast for a period in the late 1980s and witnessed too what happens in the absence of peace.

Looking back I see that what gave momentum to what eventually became the peace process and what gave eventual concrete reality to the process was the willingness of political and other leaders from both sides to step away at times from the tight chains of their tribe and truly give leadership. Some did it knowing they might and indeed did pay a heavy political price. Others did it aware that the price might be even deadlier than that.

You come together this week in a period of great political uncertainty in many parts of these two islands and on a day when the second round of the Brexit negotiations begins in Brussels. I can't therefore think of a time in recent years when your collective work is of such urgency and of such importance and where the collaborative leadership that this Assembly might be able to contribute to this turmoil is so needed. And I wish you well in that work.

As European Ombudsman I stand apart from the political cut and thrust of Brussels politics but the work that I do exists in a political environment and is not hermetically sealed from it. As the watchdog of the EU institutions, agencies and bodies, I see their flaws just as I see the benefits that they bring and it is through that prism that I largely observe Brexit.

My office was created by the Maastricht Treaty in 1993, the Treaty which also created formal EU citizenship. The intention was to give to people at an EU level what most have at a member



state level – easy access to an independent office with significant powers of investigation and who can find out for them whether an EU body has breached either a law or a principle of good administration and make a recommendation for redress.

Unlike EU commissioners, auditors and judges, the Ombudsman is not nominated by his or her government but rather goes forward as an independent candidate and is elected by the European Parliament.

My office deals with everything from simple failure to reply to complex competition or infringement cases where the Commission is alleged not have followed proper procedures in a case. I deal with small businesses who have run into contract difficulties with an EU body and NGOs alleging conflicts of interest in Commission expert groups.

I deal with transparency and other matters in the European Central Bank for example and the European Investment Bank and also touch on issues concerning gender equality, disability rights and possible breaches of the Charter of Fundamental Rights notably concerning asylum and migration issues or trade deals.

I chair the Network of European Ombudsmen – including good colleagues in the UK, Northern Ireland, Scotland and Wales – where we work or share advice on issues involving either domestic or EU competence and sometimes both.

Just a few month ago my office held our first ever awards for good administration event, to acknowledge the often unseen work of the EU institutions, bodies and agencies and to share good practice among them.

The overall winner was the Commission's health directorate and its work in bringing together what are called reference networks in 24 member states to collectively work towards finding treatments and perhaps even cures for people suffering from rare disease throughout the EU.

In some countries only a handful of people might suffer from a particular disease and the benefit to them of this collaborative approach – which also includes encouraging the pharmaceutical companies to engage in this area – is obvious. When I met with the winning team some weeks ago, they remarked on how important the involvement of their British colleagues had been and how they hoped that even in a post-Brexit landscape, some way could be found to continue that involvement.

I also work on investigations on my own initiative – that is on cases of significant public interest but where either I haven't received a specific complaint or I have received a string of complaints on an issue and it therefore needs a systemic approach. The first one I rolled out concerned the transparency of the negotiations between the EU and the United States in the Transatlantic Trade and Investment Partnership deal.

I am also working on the transparency of the Council, that is the Council that brings together Member State Ministers and whose consent is needed, alongside the Parliament as a



co-legislator, for the passing of laws. My aim is to allow people greater access to and understanding of the workings of the Council so that they can see what the EU Commission is responsible for and what is agreed by their own democratically elected Ministers accountable solely to their own parliaments and electorates.

It was therefore in the context of the public interest that I began my work on Brexit immediately after last year's referendum. I judged that something that was likely to have such significant impacts on people through all 28 member states needed to have the greatest possible transparency and openness attaching to it so that no one could be surprised when the negotiations eventually end.

Many people's individual lives, the lives of their families and the future of their businesses depend on what is happening today in Brussels and what will happen over the next period of time. At the very least they have the right to know to the greatest extent possible what is being negotiated on their behalf.

The response from both the Commission and the Council has been positive. Indeed the Commission spoke of allowing very high levels of transparency in the negotiations which didn't surprise me. While much of Brexit is highly technical and bureaucratic, it is still being played out on a political stage and if greater transparency is seen to be useful to one side then greater transparency we shall have.

It will not have gone unnoticed in Brussels that – certainly before the general election – the British Government was urging secrecy around the talks process and counselling in very strong terms against leaks. In a divided, divisive and febrile atmosphere, uncontrolled leaks risk undermining both the negotiating team and the government itself.

However, and this is a point I made in the letters to the Commission and the Council, it is inconceivable that leaks won't happen given that many documents will have to be shared between all member states and it is therefore better to publish as much as possible proactively in order to keep some control over the 'spin'.

But what is happening today in Brussels is only one fraction of what will eventually influence the overall outcome of Brexit, and by that I mean not just the legal and other arrangements that may be eventually agreed between the UK and the EU but the hundreds of other outcomes seen and unseen that will affect day to day lives from trade, to human rights, to environmental protection, to working conditions, to public services, and to every area of regulation that affects us as citizens.

Everything, in a sense, is up for grabs. We see it in the bidding for the EU agencies currently sited in the UK, we see it in the 'will they won't they' moves of banks and other financial services institutions, we see it in Easy Jet opening an Austrian hub to be on the safe side, or Dublin duelling with Frankfurt for trophy businesses or public institutions. We see it in the UK reaching out to possible future trading partners the outcomes of which deals no one can possibly know.



And in that context another part of my work is allowing people to see as much as possible who is attempting to influence the EU-UK negotiations. You will all have observed the heightened activity of legal firms and all sorts of consultancies as they try to grab a piece of the Brexit cake for themselves in a world where – at least at the moment – there is much that seems chaotic and bewildering.

The EU chief negotiator Michel Barnier is being transparent in relation to his meetings but influence is attempted to be peddled at all levels and in every member state with a stake in the outcome of these negotiations. The transposition of EU laws and regulations into the UK legal framework is an area also ripe for lobbyists and while that of course is none of my business, I expect that this is where UK politicians will be keeping a close eye.

All of you will have witnessed and indeed been part of the shifting political sands both European and British since the referendum and those sands continue and will continue to shift. From a position last year, where the so called hard Brexit was deemed to have been what the collective majority voted for – and I acknowledge the different individual outcomes in Scotland and Northern Ireland – we now appear to have several options floating before the eyes of the people under the general title of soft Brexit.

Yet anything less than a hard Brexit – exiting the single market and customs union – implies the continuing jurisdiction of the European Court of Justice and freedom of movement of EU citizens and given that opposition to both was one of the strongest hallmarks of the Leave campaign how will that go down? Would such a scenario even during a transition period be palatable to everyone?

On the other hand we also hear the increasingly loud voices of British industry added to the voices of those who want to retain the regulatory and future human rights protections of the EU urging a softer approach. And added to that mix are what many in Brussels hear as mixed signals coming from the Cabinet in relation to the direction in which they wish to take the talks.

We also hear increasingly – at least sotto voce – what I call the singing horse scenario. I refer to a story told after last year's referendum about a man condemned to death who goes to his king to beg for mercy and in return he will teach his horse to sing. The king agrees, the man goes back to his cell and his cellmate asks why he has made such a nonsense deal. Well you never know, he replies, a lot can happen in a year; the King might die, I might die, or... the horse might sing.

The Brexit equivalent of the singing horse is no Brexit although even those who would wish it and even those who take heart from the political disarray and doubt and confusion around the process have to consider the consequence of the anger of those who believed that last year's referendum was the final word. Political leadership is challenging and, as the late Irish Prime Minister, Taoiseach Garret Fitzgerald once remarked, politics itself is the most ethically challenging of all the professions.

In all of this, you as politicians, have to have the interests of those people you represent at front



and centre of your work. Irrespective of your views on Brexit, the people at the very least deserve honesty, and honesty at every stage of this process. Both remain and leave have had to resile over this past year from positions struck and claims made during the referendum campaign yet it was those positions and those claims that led to the most seismic event in recent British history.

A political campaign is by its nature often written in bold and brash strokes but as the next two years unfold, people need to be given as much neutral information as possible about what is emerging or may emerge and what the consequences of that might be.

Certainly, as far as the Republic of Ireland is concerned a singing horse – No Brexit – or a soft Brexit would be the best outcome. I have yet to see any sign of what a ‘soft border’ might look like and the economic and political consequences of a hard Brexit have been spelled out by the Irish government and particularly to the EU negotiators.

We are all involved in the chess game of our lives. The EU side believes itself to be in the driving seat with its hand further strengthened by the alleviation of the 2016 and early 2017 populist fears, by the emergence of a strongly pro EU French President, and by the political uncertainty caused by the outcome of the UK general election. Equally Brexiteers such as Nigel Farage insists that the UK has the upper hand and perhaps doesn’t realise this, while tempting tales of future trade deals are still being dangled before what must be a somewhat bemused public.

Before I conclude and take any questions you may have for me, I want to describe a moment just last week which to me encapsulated much of the emotion – including great sadness – that surrounds the Brexit process.

I happened to turn on the TV last Thursday evening just as one performance on the opening night of the Proms was coming to a close. The performer was the Russian-German pianist Igor Levit and he had been called back for an encore after a stunning performance of Beethoven’s Piano Concerto No.3.

And what he chose to play, with quiet intensity, was the final movement of Beethoven’s Symphony No 9, otherwise known as Ode to Joy, otherwise known as the anthem of the European Union. In case anyone missed the point, Levit also wore a small EU pin on his jacket.

For me, and for some at least of the audience, it was both a sublime and a sad moment. Sublime because of the music and the sheer joy of that quintessentially British event – the Proms – and sad, because of the looming sundering – at least politically – of that union with the UK.

Some might dismiss that emotional response or question the restrained politicisation of a concert by Mr Levit, but people cannot always exist in the untranscended world. The history of the EU – its *raison d’etre* – often changes with the teller of that history. For some, indeed most, it is a redemptive tale, the building of peaceful unity from the human ashes of the second world



war. Others cast it differently and with emotions that range from cynicism to loathing.

For me, as an Irish woman I owe the chance that I got to play a role in the public sphere – as a journalist and then in public service – to Ireland’s accession to the EU in 1973. That same year, as part of the conditions for entry, Ireland was forced to lift the marriage bar for women working in the public service. I left school just two years later. My human rights had been gifted to me, not by my own sovereign government but by what people so casually like to describe as the faceless Brussels bureaucrats, the same people who, in the next few decades would also make us clean up our rivers and lakes under EU environmental regulations and enable so much else that we had not done or had chosen not to do with our full sovereignty intact. Losing control had its upside...

But in between the dreamers and the cynics when it comes to the European Union, are the people on both of our islands caught up in the political play desperately casting round for some firm anchor on which to hold fast to their dreams for their futures and for the futures of their children. We owe it to them to make sure that the anchor that they find is not just real but also very, very firm.