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Arthur Cox and Company

Text of address by Mary McAleese

It was on October 19th 2018 that I agreed to give this talk on March 29th, a day we all knew was no random day but the historic deadline voluntarily chosen by the United Kingdom to be the day it left the European Union.

Back in October with six months to go we had no idea what shape Brexit would take and the then eighteen months of intensive negotiations between the UK and the EU were at a particularly fraught stage, one of many fraught stages. That very day the EU had issued a statement saying that not enough progress had been made by the United Kingdom in the Brexit talks on the Irish border backstop to require a special Brexit summit the next month, November. Yet on 13 November 2018, the UK and EU reached an agreement on the wording of the 585 page withdrawal agreement and the very next day it was approved by the British Cabinet.

Since then the convoluted process of obtaining UK parliamentary approval for the withdrawal deal has made phenomenal copy for comedians and satirists, expert and armchair analysts and political commentators but it has shed almost no light on what a Brexit future will look like since we have yet to move to discussions about the long-term future relationship. Observing the chaos surrounding this merely preliminary process has been like watching a form of political necrotising fasciitis. It has devoured time, effort, goodwill, patience, reputations and relationships engendering considerable worries, anxieties and frustrations along the way. It has rendered the word “meaningful” meaningless. We have learnt new terms like “indicative” votes that brought us back to those childhood grammar lessons when we learnt of the three moods in the English language- indicative, imperative and subjunctive. I went back to a pre-Brexit grammar book and was bemused to find these

examples: **“indicative mood- It has arrived/ Has it arrived? Imperative Mood/ Please Leave/Get out/ Subjunctive Mood/ If only I could/.....”**

Yet trial lawyers will recognize these days as the door of the court moment when after a lengthy process of swapping of documents and preparation for trial, reality breaks through the bluster, the parties face their strengths and weaknesses with a cold realism and decisions are made that bring the proceedings firmly to a close. We are not yet at the moment of closure and though I believe Teresa May’s deal is the only hope and the best hope for an orderly Brexit it is even at this late stage impossible to predict how this will all end. So, I will not even try to wade through the tsunami of knowable and unknowable implications save to repeat that Brexit when it happens will be like pulling a tooth with ten thousand roots. There is no reference book, no navigation guide, no expert who has done this before.

On the EU side and on the Irish side there has been a laudable farsightedness, clear-sightedness and solidarity which has been reassuring. There has been a formidable commitment and a huge amount of energy expended in Ireland and the EU in preparing the ground for British withdrawal and its impact. This has been admirable and reassuring but our leaders at home and in the EU have also been honest in admitting that it will be difficult to avoid pain across many sectors.

Adapting to whatever new regime will eventually govern the EU and our relationship with the United Kingdom will rapidly become part of our future and will reshape that future for generations to come. There is little doubt but that Ireland will be particularly impacted.

We in Ireland have cause to know only too well the centuries’ long shelf life of immensely disruptive decisions like Plantation and Partition. Westminster has watched in surprise as those two overlooked hens have come home to roost loudly on its twenty-first century perches. We could have told them. Indeed some of us tried to no avail.

It was of course the ugly disruptive force of serial European wars and the evil of the Holocaust in particular which drove despairing European idealists in the mid twentieth

century to dream of a Europe of the nations, a true and enduring partnership for peace and prosperity. St Columbanus had offered the same vision of “totius europae” as a solution to the prevalent violence of a warring post Roman Empire Europe. These past decades of peace have more than justified faith in the EU. These past decades of collaboration, debate, consensus building fifty year underpinned by an egalitarian ethos have been heartening but they have been only the opening chapters of a project designed to develop, evolve and sustain over the coming centuries. It was never intended to be a fifty-year project.

Joining the Union that was forged between once warring European neighbours proved crucial and hugely beneficial to Ireland at many levels. While the UK is a major trading partner today our membership of the EU notably helped us to reduce our economic dependence on Britain and to become a sophisticated globalized nation exporting all over the world. Among the more subtle but very real benefits of membership has been the gradual recalibration of the historically difficult relationship between Ireland and the United Kingdom, between colonized and colonizer. Around the Union table we are equals and partners.

Day after day, year after year in thousands of EU encounters between politicians, civil servants, representatives of industry, commerce, education, the arts, trade unions, professions, agriculture, Erasmus students and a list forty-six years long, the Irish and the British crafted a new rapprochement as we worked together, planned together, found consensus together. Even as a devastating war raged in Northern Ireland with dire consequences also in England and Ireland, an eventual ease and mutual comprehension grew between the Irish and the British. A newfound respect and reconciliation emerged between us, thanks to those everyday human encounters which generated trust, friendship and mutual understanding. With these very human tools we were able to lay the foundations for the peace process and the eventual joint stewardship of the international treaty that is the Good Friday Agreement.

We should be in no doubt of the importance of our shared membership of the European Union in promoting healthier and more effective relationships between Ireland and

the United Kingdom. We should be in no doubt that the absence of that everyday contact around the Union table will be a formidable and irreplaceable loss as its baleful effects will reveal over time unless we act to infill those gaps. We should not rely on the institutions of the Good Friday Agreement alone to fill all those gaps for though better than an abyss, they were never constructed for that purpose and are not adequate in current form to the scale of the task.

It was our common membership of the European Union which helped recast the character of NI from a place of two terminally estranged communities to one in which over time a culture of respectful consensus could emerge from the twin track identities of unionist/European and nationalist/European. The GFA's provision for power-sharing governance, referenda to test constitutional preferences, its status as an international treaty, its underpinning by UK and Irish membership of the EU were together to create the alchemy that would significantly reduce intercommunal tensions, end paramilitarism and deliver a peace based on parity of esteem that all could believe in and work together for.

The GFA never contemplated much less provided for a situation in which the UK would withdraw from the EU. Had such an idea been within contemplation in 1998 the agreement would have not only encountered great difficulty in getting over the trust line but would have had to make provisions not unlike those the Irish government sought and achieved during the Brexit process. The most important of those provisions ironically is not in my view the backstop, essential though it is, for the backstop is unlikely ever to be used assuming the Brexit deal negotiated in good faith by the EU and the British Government is soon agreed to and honoured as I hope it will be.

By far the most important protection for the GFA principles was obtained in the immediate aftermath of the referendum in Britain in 2016 when then Taoiseach Enda Kenny secured the agreement of the EU that if in the future, under the terms of the GFA and the Irish Constitution partition was ended leading to Irish unity, then Northern Ireland would seamlessly reenter the EU.

This was a recalibration of the Irish unity debate of potentially massive proportions particularly given the strength of cross-community support in Northern Ireland for remaining in the European Union. I say potentially because the debate on Irish unity has conventionally focused on the crude numbers of Catholic/nationalists versus Protestant/unionists and the demographic changes which will in a relatively short time likely give Northern Catholics a voting majority. It has in some quarters been normatively presented as a righting of old wrongs, with an unhealthy focus on the past. Now we have an opportunity to uncouple the crude Catholic/Protestant Unionist/Nationalist numbers game with its binary win-lose character from deliberations on the future of this island, always accepting of course that under the terms of the GFA simple majorities North and South are all that is required. However, what is desirable is that we use this opportunity to recast the unity debate by developing a wholly fresh focus on the future, making it a place of transcendence, where multiple identities can be respectfully and generously accommodated and can grow to become one community gathered around the principles enunciated in the GFA and the values of the European Union.

But to do that effectively we need to learn from the Brexit debacle. And it is a sobering lesson worth NOT repeating. Consider what we have witnessed; an epic cathartic watershed referendum entered into with virtually no preplanning or preparation; a deadline too tight to be realistic; consequential panicked backfilling of an avalanche of issues so complex and contentious they should have been cleared by debate leading to consensus or compromise long before the button was hit on Article 50; a too short public debate that failed to move beyond broad brushstrokes and shibboleths; a public and political debate that left important players and issues out of the equation and in particular totally ignored the GFA and the Irish border until firmly reminded of them.

Brexit has been an object lesson in how NOT to go about radical constitutional change. The GFA and our Irish Constitution hold out the prospect of future radical change to the constitutional shape of this island. Simple demographics North of the border are advancing that prospect. Brexit has also potentially advanced it and shifted its parameters. But it is not a road to be taken lightly or as ill-prepared as the road to Brexit. We have other

important considerations to take account of as we look ahead not least is the still recent culture of paramilitarism.

The GFA has brought us all on this island to a new and healthy ordering of relationships. It promised that partition could be ended if the people so decided by referendum. Some day they will be asked to decide- north and south. Those of us who believe that the truest potential of this island and all its people will only be realized when Northern Ireland and Ireland merge and emerge as a thoroughgoing modern European democracy, inclusive of all, and respectful of all have a duty to ensure the groundwork that is laid carefully, sure-footedly and is not convulsive but convincing. Long before any future referendum goes live, we need to do what Brexit has abjectly failed to do- that is to delve deeply and objectively and in a considered way into all the many issues raised by a possible ending of partition, from fears over identity, to governance and representation from flags, emblems to the islands' relationship with the United Kingdom, from economics to esoterics. We need an army of scholars and a reservoir of credible goodwill from an engaged civic society North and South to approach these issues before they overwhelm us as they have overwhelmed and stymied Brexit.

Plantation and Partition were not noble undertakings and they cast long ominous shadows into the centuries ahead. No one foresaw or cared about the human consequences, the alienations, the resentments, the changed lives and futures, the violence, the injustices, the unthought out downstream consequences.... We live with their consequences still and we try conscientiously to make the best of them, try to bridge the gaps they opened up between neighbours, try to heal the hurts they inflicted, try to stand in each other's shoes for we all inherited this mess, we did not create it. But we do not want to keep on recreating it either. We try to build a decent shared egalitarian future of good neighbourliness for the child of planter, the child of the gael, the child of Ireland, the child of Northern Ireland. We try to build bridges to a better future. Do I believe Brexit will do that for Britain, for Ireland for Europe? I do not but time will tell only by then it may be too late for we know to our cost the clock cannot be turned back.

I wish our United Kingdom neighbours and friends well as they exit the European Union. I am heart sorry to see them go for things will not be the same and some of the hopes and dreams and even the reasonable expectations we once had for the future will no longer be realizable. Like many I harboured the hope that somehow, they would step back from the brink and recommit to the idea and ideal of the European Union, the greatest and noblest political undertaking in human history. It is a description unlikely to be ever attached to Brexit.