**The Irish Parliament and Brexit**

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**ABSTRACT**

The economy predicted to be most negatively impacted by Brexit is not that of the United Kingdom (UK). It is Ireland’s, whose close trading relationship with the UK makes it peculiarly vulnerable to any deterioration in the trade now safeguarded by common membership of the European Union (EU) single internal market and customs union. Ireland is also the only state with a land border with the UK, the focus of a conflict with 3,500 deaths which ended with the 1998 Good Friday Agreement. All this and the close linguistic, cultural and historical ties plus the existence of a common travel area between Ireland and the UK mean that the economic, political and social ramifications of Brexit for Ireland extend beyond those of other EU member states. The worried attention of Irish politicians and the public has unsurprisingly focused on the prospect of Brexit since before the 23 June, 2016 vote. But how has this been reflected in the activities of the Irish legislature, the Oireachtas? What influence have Oireachtas members been able to exercise on the Government position on Brexit? Has the legislature brought any added value? This paper seeks to answer such questions while examining the constitutional, procedural and party-political dimensions of Brexit in Ireland.

1. **Introduction**

The Irish parliament has not traditionally been among the stronger parliaments in exacting accountability in relation to European affairs, either in terms of institutional strength or its activity level. Although systems of grading national parliaments must be accepted cautiously (Costa and O. Rozenberg 2018), it is indicative that one recent ranking of 40 European Union chambers put the Irish upper and lower Houses at 21st and 25th respectively in terms of their institutional strength.[[2]](#footnote-2) (Auel, Rozenberg and Tacea 2015, 79) The Oireachtas has historically (correctly) been deemed a ‘slow adapter’ to European integration (Maurer and Wessels 2001). Parliament’s responding adequately to European integration was for long hindered by a tradition of executive dominance, assisted by a particularly strongly-entrenched party-political system (and mainly majority governments); a Westminster-style parliamentary system without strong committees, chronic under-resourcing, and an electoral system rewarding primarily constituency work. Over time, however, the Oireachtas role, like that of other national parliaments, has evolved. By 1995, an early version of the present Joint Committee on European Affairs emerged. Later, the political package securing the reversal of the 2001 Nice Treaty referendum defeat boosted the parliamentary role in European affairs, providing for scrutinising European legislation; departmental reports on EU affairs, and promising pre-Council ministerial appearances before Oireachtas committees.

The Lisbon Treaty’s December 2009 entry into force saw a Treaty-level upgrading of national parliaments role. This included Protocol No 2 entering into force with its early-warning mechanism (see Kiiver 2012)) and a general Treaty provision on representative democracy explicitly recognising the important role of national parliaments in securing democratic accountability.[[3]](#footnote-3) Another article enumerated many of the most important roles of national parliaments.[[4]](#footnote-4)

In Ireland, like other EU countries, the Lisbon reforms produced several domestic-level changes in European-related parliamentary functions, implementing and complementing at statutory[[5]](#footnote-5) and constitutional level[[6]](#footnote-6) EU-ordained changes. The Lisbon changes also provided a (still-ongoing) stimulus to developing national parliamentary involvement in EU affairs, (Barrett 2012, 213; Barrett 2018, 281 *et seq.*)

Economic crisis brought (or coincided with) further developments. After the 2011 general election (following the November 2010 EU-IMF bailout of Ireland), *ex ante* statements to the Dáil (lower House) on European Council meetings were added to the already extant *ex post* statements. Scrutiny of EU legislation was mainstreamed to sectoral committees. Other reforms, including the promise that government ministers would now normally appear before Oireachtas committees prior to Council meetings failed to materialise. However, broader reforms (*e.g.,* establishing a Select Commmittee on Budgetary Oversight in 2016 and a Parliamentary Budget Office in 2017) have given the Oireachtas a greater *de facto* budgetary role, including in relation to European-related matters (although the role of national governments has been restricted *de jure* with the European semester process).

The February 2016 general election yielding inconclusive results, a minority government (supported by a confidence-and-supply agreement [[7]](#footnote-7) with the largest opposition party), was formed (only several months after the election and after tortuously long negotiations). The relatively unfamiliar experience of minority government has yielded broad changes in the legislature-executive relationship. Several parliamentary reforms were introduced, including the election for the first time of the Ceann Comhairle (speaker of the Dáil), selection of committee chairs via the d’Hondt system, assignment of the Taoiseach’s former prerogative of setting the Dáil agenda to a new Business Committee, and a more generous approach to private members’ bills. Accurate assessment of the impact of these changes should await the election of a majority administration. Insofar as passing legislation is concerned however, the 32nd Dáil (which was elected in February 2016) has shown itself considerably less efficient than its predecessors (MacGuill 2017).

It is into this context that the political hand grenade of the UK referendum vote to leave the EU was lobbed on 23 June 2016. Remarkably, the economy predicted to be most negatively impacted by Brexit is not the UK's. It is Ireland’s. Its close trading relationship with the UK makes it peculiarly vulnerable to any deterioration in the commercial relations now safeguarded by common membership of both states in the EU single internal market and customs union (Kelly 2018). Ireland also has the only land border with the UK, separating it from Northern Ireland, the focus of a conflict involving 3,500 deaths, which ended formally with the 1998 Good Friday Agreement. Given also the close linguistic, cultural and historical ties and the existence of a common travel area between Ireland and the UK, the ramifications of Brexit for Ireland go further than those for any of the other 26 member states which will remain after Brexit occurs in March 2019. The attention of Irish politicians and the public has unsurprisingly focused (largely with concern and dismay) on the prospect of Brexit even before the referendum vote. This paper seeks to examine how such concerns have reflected in the activities of the Irish parliament. It asks *inter alia,* what, if any, influence Irish parliamentarians have exercised on the Irish position regarding Brexit and indeed what added value the legislature has brought.

1. **Brexit and the Oireachtas: the Constitutional Dimension**

In this section, a number of questions are posed. First, how has the executive-legislative relationship played out over Brexit to date – in other words is Brexit just one more example of the ‘same old scene’, parliamentarily speaking? Or are there ways in which the Government-Oireachtas relationship differs from the norm when it comes to Brexit?

*The Executive-Legislative Relationship and Brexit*

A chronological overview of the main aspects of Oireachtas activity relevant to Brexit seems an appropriate starting place.

First, a few parliamentary Committees have produced reports. A rapid start was made with the publication by the Joint Committee on European Union Affairs on 23 June 2015 (*ie.,* precisely one year *before* the date of the UK referendum) of its report ***UK-EU Future Relationship: Implications for Ireland* (see** Oireachtas 2016.)**The report, while expressing** respect for the right of the British people to decide whether or not to remain in the EU, and concluded unambiguously that an EU without the UK would weaken both Ireland and Europe. It recommended Irish Government engagement with the UK and the EU in order to reflect the special relationship that exists between the UK and Ireland. The report, already unusual in that it concerned the topic of a referendum in another country, was launched in the UK with the assistance of the Irish Embassy and given much publicity. There was also an active campaign by the executive to encourage Irish voters in the UK referendum to vote against Brexit in June 2016 (Anon. 2016 and Wintour 2016).

The Committee’s conclusions corresponded with the Irish government position,[[8]](#footnote-8) and its efforts to publicise its report encouraged by the Department of Foreign Affairs.[[9]](#footnote-9) The report, however, was the work of the Joint EU Affairs Committee in the 2011-16 parliamentary period. To some extent, it proved a false dawn: rather remarkably, no report relating to Brexit has been produced by the Joint Oireachtas Committee in the subsequent parliamentary period, although over two years have now passed since the Brexit referendum.[[10]](#footnote-10)

Some sectoral committee reports concerning Brexit have also been produced in the new parliamentary period *i.e.,* since February 2016. The number has been surprisingly small, however: five in total, two of which were produced by the same Joint Oireachtas Committee (the Committee on the Implementation of the Good Friday Agreement) and one of which was produced by a Committee of the Seanad (Senate or upper House) set up to look at Brexit. Tremendous work was put into some of these reports (one the Good Friday Committee reports runs to 452 pages). However, given widespread parliamentary concerns about Brexit, its seems remarkable that this has translated into reports by only a tiny minority of the now-32 sectoral Committees.[[11]](#footnote-11) (See Table 1 below for details.)

**Table 1 : Brexit-Related Reports Produced by Oireachtas Committees in Post-February 2016 Parliamentary Period [[12]](#footnote-12)**

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| --- | --- |
| Joint Committee on Agriculture, Food and the Marine | *Impact of the UK Referendum on Membership of the European Union on the Irish Agri-Food & Fisheries Sectors* (February 2017) [[13]](#footnote-13) (124 pp.) |
| Joint Committee on Jobs, Enterprise and Innovation | *The Likely Economic Impact of Brexit with Particular Emphasis on Jobs and Enterprise* (March 2017) [[14]](#footnote-14) (48 pp.) |
| Joint Committee on the Implementation of the Good Friday Agreement | *The Implications of Brexit for the Good Friday Agreement: Key Findings* (June 2017) [[15]](#footnote-15) (46 pp.) |
| Seanad Special Select Committee on the Withdrawal of the UK from the EU | *Withdrawal of the United Kingdom from the European Union Brexit: Implications and Potential Solutions* (July 2017) [[16]](#footnote-16) (80 pp.) |
| Joint Committee on the Implementation of the Good Friday Agreement | *Brexit and the Future of Ireland Uniting Ireland & Its People in Peace & Prosperity* (August 2017) [[17]](#footnote-17) (452 pp.) |

A second Brexit-related activity was that shortly after the referendum, but in advance of the new parliamentary period, the Dáil Business Committee hosted a symposium on the economic implications of Brexit for Dáil, Seanad and European Parliament members. Leading economic, diplomatic, business and union figures addressed the symposium in Dublin’s Mansion House (*i.e.,* away from the parliament buildings) on 22 September 2016. The idea was that of informing debate: parliamentarians constituted the audience.

Thirdly, the Joint Oireachtas Committee on European Union Affairs sought to inform itself on the Brexit process (and engage in relationship building) by visiting Brussels in February 2017 (assisted by the Oireachtas National Parliament Office in Brussels (Barrett 2018, 261-2)). The visit involved, among other things, meetings with, Michel Barnier, EU Chief Negotiator and head of the Task Force for the Preparation and Conduct of the Article 50 Negotiations with the UK (who expressed interest in hearing suggested solutions to anticipated difficulties in the negotiations[[18]](#footnote-18)) and Guy Verhofstadt, the European Parliament’s representative in the Brexit negotiations. The Committee on Agriculture, Food and the Marine also visited Brussels in December 2017. This visit was less Brexit-focused, however and since then, no other Oireachtas sectoral committee has visited Brussels.

Fourthly, work has been done by Committees other than producing reports. If reports are few, debate seems plentiful – a search on the parliamentary website for Committee debates on Brexit yielded 4,843 results and 243 pages of links to debates. Some (extremely limited) accountability is sought to be exerted on Irish ministers participating in General Council meetings through the Joint Oireachtas Committee on European Affairs being briefed publicly by the Minister of Foreign Affairs or the Minister of State for European Affairs on some upcoming such meetings.[[19]](#footnote-19) Given the sensitivity of the Brexit negotiations, however, there have also been private briefings.

A fifth way in which Brexit has received consideration has been through debates in plenary sessions of both Houses. A search for parliamentary debates in both the Dáil and Seanad using ‘Brexit’ as a search term by this writer yielded over 6,000 returns (with the list of links stretching over 309 pages), indicating plentiful interest in the topic. Brexit-level activity of this kind goes beyond set-piece debates. Brexit can and has been discussed *e.g.,* in statements by ministers; in ‘topical issue’ debates ; debates on private members’ motions; in questions to ministers; and in discussing the Order of Business in a House. A particularly Brexit-focused forum of consists of the Taoiseach’s *ex ante* and *ex post* statements on European Councils (which are followed by an opportunity for each of the Opposition parties to make statements) and which invariably see Brexit discussed, due to its propensity to feature either in the agenda or as a marginal issue in European Councils.

Sixthly, the setting up of a Seanad Special Select Committee on the Withdrawal of the UK from the EU demonstrated the taking of a novel approach by this upper House. The Committee sought to approach Brexit strategically and to seek solutions for potential problems. It also attempted to fill in perceived gaps work by earlier parliamentary Committees. Hearings were organised on Thursdays, with former high office holders, including former Irish premiers and a former European Parliament president, and various industry, social partners and some academics being given a public platform to reflect publicly on Brexit. The Committee also attempted to involve Northern Irish participants mirroring the equivalent organisations and individuals from the Republic.[[20]](#footnote-20) The Committee then produced the eighty-page report *Withdrawal of the United Kingdom from the European Union Brexit: Implications and Potential Solutions.* Since then, it has not engaged further although it may seemingly renew its activities in the future.[[21]](#footnote-21)

Seventhly, the encouragement by Commission President Jean-Claude Juncker to Commissioners to visit national parliaments [[22]](#footnote-22) has also had Brexit-related consequences for the Oireachtas: on 21 February 2017, European Commission Vice-President Frans Timmermans addressed a Joint Sitting of the Joint Committee on Foreign Affairs and Trade, and Defence and the Joint Committee on European Union Affairs on the topic of Brexit, and engaged in dialogue with its members.

An eighth feature of parliamentary activity has been prominent speakers on Brexit appearing in the lower House chamber. The form of appearances differed, but all addressed gatherings full of Irish parliamentarians. EU chief Brexit negotiator Michel Barnier addressed a Joint Committee Sitting of both Houses in a crowded Dáil chamber on 11 May 2017. Barnier’s address followed an opening statement by the speaker of the lower House and was followed by statements by party and group leaders and a closing address by the speaker of the upper House.

European Parliament Brexit Coordinator, Guy Verhofstadt also addressed a full Dáil Chamber on 21 September 2017, focusing on Brexit negotiations and the future of Europe. Formally, this differed from the Brexit visit in being a meeting of three parliamentary committees - the Joint Committee on European Affairs, the Joint Committee on Foreign Affairs and Trade and Defence and the Joint Committee on the Implementation of the Good Friday Agreement. This was reflected in party leaders being preceded in responding to Verhofstadt’s address by the chairs/representatives of the committees (several of whose members also participated in the ensuing discussion).

Subsequently, European Commission President Juncker also addressed a full Dáil chamber on the topic of Brexit on 21 June 2018, reassuring his listeners of Commission support for Irish interests in the negotiations. Formally, this differed from the previous two events in being a joint sitting of both Houses. It was commenced and closed by the Dáil speaker, with President Juncker’s address being followed by statements by party and group leaders or representatives and a statement by the Seanad speaker.

Ninthly, apart from the foregoing well-publicised events, in the background, other Brexit-related occurrences are taking place. Many parliamentary delegations from other EU member states have visiting the Oireachtas, partly because resolving the Irish border issue seems key to the success of the Brexit negotiations. Visitors have included both the House of Lords EU Select Committee, which has visited twice (see House of Lords EU Select Committee 2017 and 2016) and the House of Commons Exiting the European Union Committee (Anon. 2018). Among other member state parliaments to have sent visiting delegations are Germany, France, Latvia and the Czech Republic.[[23]](#footnote-23) Irish parliamentarians have also undertaken some visits abroad. Apart from the visits to Brussels chronicled above, Brexit has featured as an issue in fora including the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC), the Conference of Speakers of EU Parliaments and the Meeting of the Secretaries General of EU Parliaments, all of which have recently had Oireachtas-based speakers. Such events are focused on networking and information-sharing and generate little publicity.

What conclusions are to be reached regarding the foregoing? In terms of its normal level of activity, Ireland’s parliament may be said to have engaged actively regarding Brexit. Constitutionally, however, the Government-parliament relationship has not diverged in any meaningful way from the normal state of affairs. Nor, arguably, is parliament making optimum use of the potential that exists for it to play a role in the Brexit crisis. The proportion (and absolute number) of parliamentary questions relating to Brexit is high. The effect is that both the Taoiseach and his deputy (the Tánaiste) are interrogated week in, week out, about various aspects of Brexit – the level of domestic preparedness, the current status of negotiations, where tensions are emerging *etc.*. This has constituted a ‘deep dive’ into the subject, involving hundreds of Brexit-related questions over time.[[24]](#footnote-24)

Parliament has therefore not been inactive. And yet more might perhaps have been expected. It seems remarkable, for example, that no special parliamentary Brexit committee or sub-committee has been created. This omission might possibly be because no Brexit Department or Minister was created by the Government. It nevertheless contrasts strikingly with the more dynamic approach taken to the political crisis caused by the 2008 referendum rejection of the Lisbon Treaty. That crisis led to the establishment of a parliamentary Sub-Committee on Ireland’s Future in the European Union chaired by the then Senator Paschal Donohue, which issued a very well-regarded report in November 2008.[[25]](#footnote-25) A similar reaction to Brexit might have been hoped for either from the Joint Committee on European Affairs or perhaps the Joint Committee on the Implementation of the Good Friday Agreement. The establishment, hearings and report of the Seanad Special Select Committee on Brexit were novel and useful, and the few other reports compiled by parliamentary committees have been generally substantial and useful. However, more engagement on Brexit itself, the domestic response thereto might have been expected from parliamentary committees as a whole.

*Brexit: opportunity for the Oireachtas to gain new influence over EU affairs, or a path to (further) marginalisation?*

Traditionally, it has been a struggle to interest Irish parliamentarians in European affairs, lacking as they do much voter interest and hence much relevance to re-election prospects. Brexit has changed this. Issues are now being considered (such as the customs union, the single market and the Common Travel Area) which do not normally attract much public attention, because the threat of Brexit has highlighted their very real economic consequences for constituents (particularly in border areas). The level of Irish parliamentarians’ interest in the speeches by Barnier, Verhofstadt and Juncker testifies to the political salience of Brexit. All spoke to packed Dáil chambers, when in earlier times a mere Committee room might well have sufficed.[[26]](#footnote-26) The interest of constituents and parliamentarians alike in Brexit is clear. The question is of whether parliament has used the political opportunity thus generated to gain new influence over EU affairs, or whether it has been marginalised in the Brexit process.

Parliamentary involvement in the Brexit process largely appears to match expectations formed on the basis of parliament’s previous behaviour. Brexit has very much been a case of ‘business as usual’: neither parliamentary powers nor influence have increased much, if at all. Insofar as the operation of the Committee structure is concerned, parliament has actually disappointed with its lack of systematic Brexit-related reporting activity. There has, however, been much activity in terms of parliamentary questions and debates and - both via debates in plenary proceedings and committee proceedings - parliamentarians have increased their understanding of Brexit. The Seanad Special Select Committee on the Withdrawal of the UK from the EU provided a public forum for debate by expert speakers and addressed questions of strategy regarding Brexit. The Oireachtas has also provided a forum for prominent speakers and has been used by the European institutions in turn to provide much-needed reassurance on Brexit directly to Irish parliamentarians and voters. The pre-Brexit Joint Committee on EU Affairs report was also an innovative attempt to influence the outcome of a referendum in another jurisdiction - even if its success was clearly limited.

However, parliament has also found itself marginalised in a number of ways. As a public forum (see Rozenberg and Hefftler, 33), its role has to some extent been assumed by the All-Island Civic Dialogue on Brexit set up by the Government in November 2016 in order to bring the debate on Brexit to a wider range of participants, including, insofar as possible, Northern Ireland parties.

The Civic Dialogue, which has a ‘town hall meeting’ nature, held its fourth plenary meeting in Dundalk on 30 April 2018 with EU Chief Negotiator Michel Barnier delivering the keynote address and meeting key Brexit stakeholders. Since the Dialogue was initiated by the government, over 500 representatives of political parties, business groups, trade unions, non-governmental organisations and civic society groups from both the Republic and Northern Ireland have participated in four plenary meetings. Additionally, there has been a series of sectoral consultation events in which government ministers engaged directly with stakeholders (*e.g.,* industry and civic society groups) in many locations around the country on the implications of Brexit. Topics for such events (some of which have had over 200 representatives present) have included *e.g.,* agri-food, energy, transport, tourism and hospitality, higher education and research and human rights under the Good Friday Agreement. The All-Island Civic Dialogue has been described by the Government itself as “an important part of the Government's response to Brexit and…stakeholder engagement continues to be invaluable in shaping the Government's approach” (Department of Foreign Affairs 2018). Not only parliament’s communication role has to some extent been marginalised, however. In its role as a producer of expertise on EU matters (see Rozenberg and Hefftler 2015, 33). parliament has also been to some extent sidelined. Other entities in Ireland such as, *inter alia,* the Economic and Social Research Institute, the Institute of International and European Affairs, the Nevin Economic Research Institute, InterTrade Ireland, Tourism Ireland, the Department of Finance, Bord Bia, and the employers’ group IBEC and academics in various universities have produced research on Brexit and its impact on Ireland in large volumes. (This is without even looking at relevant material produced abroad by *e..g,* the House of Lords). The net effect may have been to deter the Oireachtas from engaging in the same exercise: for whatever reason, the latter’s output in terms of committee reports has been – as has been seen - very limited. The output of the Oireachtas commmittee system in no way compares with that of UK parliamentary committees concerning Brexit, even taking into account the very different resources available within the two jurisdictions.

The role of parliament as a forum either for influencing government positions (see Rozenberg and Hefftler 2015, 31) or even merely for extracting information from the executive has also been somewhat marginalised by the creation of a ‘Brexit stakeholders’ forum’ by the Government, chaired by the Tánaiste (deputy Taoiseach) and meeting every 6-8 weeks. Participants include representative groups, agencies and some academics, giving these an opportunity to be briefed in private and to express their views behind closed doors rather than on the floor of parliament.[[27]](#footnote-27) Private bilateral meetings briefing the Opposition leaders are also held, further avoiding an Oireachtas role. Politicians may also gain information by going to the UK or to Brussels or in interparliamentary meetings such as those of the British–Irish Parliamentary Assembly (BIPA) a deliberative body with members from the UK, Irish and Scottish parliaments, the National Assembly of Wales and the British crown dependencies, Jersey, Guernsey and the Isle of Man.

Overall, parliament’s benefiting from the opportunities presented by Brexit for increased influence has been handicapped by a lack of ambition, [[28]](#footnote-28) a lack of an overarching strategy, competition by other fora and perhaps too by the perennial difficulty of parliamentarians' electoral interests residing in local constituency issues rather than general national strategies.

1. **The Procedural Dimension of Brexit as Reflected in Parliament**

This section seeks to look at the procedural dimension of Brexit. Issues addressed include the balance between formal and informal arrangements in parliamentary Brexit scrutiny and whether the effect of procedural rules is to empower parliament or the opposite. The section also addresses the question of whether parliamentarians influence the process and direction of negotiations.

*Irish parliamentarians and influence over the process and the direction of negotiations*

Any consideration of the influence which Irish parliamentarians are capable of exercising over the Article 50 negotiations is framed by the reality that the Irish state is not a direct party to them. Rather they are between the EU and the departing member state. Conducted by the Commission, they will be concluded on behalf of the Union by the Council, acting by a qualified majority after obtaining the consent of the European Parliament. The qualified majority system implies that individual member states like Ireland have no legal veto.[[29]](#footnote-29) Individual states themselves are therefore to some extent marginalised in the negotiations, let alone parliaments. It is not clear that a parliamentary vote on the outcome of the Article 50 negotiations will occur in Ireland. None has yet either been called for by parliament or promised by the Government. This may change as the end of 2018 approaches and the substantive outcome of the negotiations emerges. Whether a parliamentary vote happens will be a political decision. Given the provisions of Article 50, even if the Irish government votes on the basis of any parliamentary vote, this may not be decisive regarding the outcome of the negotiations. The question over whether Ireland will be given a *political* veto over the outcome of the negotiations is ultimately up to the other member states. The Commission President, the President of the European Council and the EU Chief Negotiator for Brexit have all indicated at various times however that a deal will not be done in defiance of Ireland’s wishes concerning the need for a frictionless Northern Irish border and to date this position appears to have the support of the other member states. (O' Regan and O'Halloran2018; Kelly (2) 2018;Barnier 2018.)

The Irish government of course has its own position regarding Brexit. The minority character of the government in office since 2016 and the fact that it retains its grip on power thanks only to a confidence-and-supply arrangement with the Opposition put the latter in a strong position to exert influence and give the government a strong incentive to keep it informed about Brexit negotiations and to take Opposition views carefully into account. Thanks to the political circumstances then, influence *is* capable of being exerted on the government by Opposition parties. The channels of such influence tend not to be parliamentary proceedings. however, but rather the confidential channels of private meetings between party leaders and the (closed-door) stakeholders’ forum.[[30]](#footnote-30)

There is however broad cross-party consensus on the objectives which should be sought in the Brexit negotiations (focusing largely on the need to avoid a ‘hard’ border with Northern Ireland). In consequence, by and large, the concerns of the Government do not differ from those of the Oireachtas.

*Balance between formal and informal arrangements in scrutiny of Brexit*

The use of various formal avenues open to parliament, via plenary and committee proceedings has been noted, and the view expressed that the opportunities offered by the existence of sectoral committees could have been deployed more extensively, particularly through writing reports and holding hearings. However, committees also have a less formal an aspect to them in that rather than being directed at the production of reports on Brexit, they can and have been used as fora for discussions and for committee members to inform themselves. Furthermore (as already noted) the unstructured use of parliamentary questions to keep parliamentarians abreast of Brexit-related developments has been considerable. (This follows the strong tradition in the Dáil of the use of this technique to exact accountability and obtain information in relation to EU issues (Barrett 2018, 239-252).) The use of more informal non-parliamentary arrangements *e.g.,* private briefings for Opposition party leaders, (incentivised on the Government side by the need to sustain the supply-and-confidence agreement with the leading Opposition party on which the Government depends for its survival) and a specially-created stakeholders’ forum – has also already been noted. Parliamentarians also participate in the All-Island Civic Dialogue on Brexit which has the twin advantages of its ‘town hall meeting’ style and of including participants from Northern Ireland. At international level, the Oireachtas has been able to rely upon formal international organisations and structures (such as COSAC, BIPA,[[31]](#footnote-31) the Conference of Speakers of the European Union Parliaments and the Meeting of the Secretaries General of the European Union Parliaments and the Oireachtas National Parliament Office in Brussels) to keep itself informed of Brexit-related developments, but has also used the informal networking and dialogue opportunities provided by the same activities and combined them with other informal approaches such as hosting a steady stream of Brexit-related visits from parliamentarians from other states and parliamentarians and occasionally committees undertaking visits to Westminster and Brussels. Some politicians have organised Brexit seminars for their constituents, rather than merely rely on little-reported Oireachtas committee meetings to communicate developments. One official commented to the author that “there is a lot of politicking and media briefing going on around Brexit, but not so much of it on the floor of the Oireachtas.” [[32]](#footnote-32)

*Procedural rules - empowering or disenfranchising the Oireachtas?*

In some respects, the Oireachtas is procedurally weakly armed to enforce executive accountability, having neither at its disposal the mandate system seen in parliaments such as that of Denmark nor the scrutiny reserve system seen for example in the Westminster parliament.

The Irish state itself does not have a legal veto over the outcome of the Brexit negotiations, but rather merely voting rights under the qualified majority voting system, under which Ireland can be outvoted. On the other hand, the other member states may be willing to concede what in effect is a political veto to Ireland in relation to the issue of ensuring a frictionless border with Northern Ireland. One way or another, and whatever the status of the Irish government’s position on the Article 50 Brexit negotiations, the absence of a mandate system in relation to them means that the Oireachtas has no procedural guarantee of helping determine that position.

As already noted, it is not clear if there will be a parliamentary vote (either *ex ante* or *ex post*)on any eventual Article 50 agreement which the Government chooses to vote for. Should there be, it might well be regarded as *politically* binding, but would certainly not *legally* require Government compliance.That much said, the minority status of the government (provided this continues) requires a respectful attitude to be taken to any Opposition concerns that may emerge. Once again, however, such concerns seem as likely to be communicated via the informal channels of the Brexit Stakeholders Group or private briefings as via parliamentary proceedings.

The nature of Brexit as a political issue counts for a great deal. A strong degree of consensus between all political parties exists regarding Brexit, and further (and perhaps more importantly) the economic importance of an Article 50 agreement between the EU and the UK is so great that a Dáil vote against the Government’s approving an Article 50 deal seems somewhat unlikely (in the event that a Dáil vote is actually held). This is more particularly the case given the economically disastrous alternative to any deal that a ‘no-deal’ Brexit would constitute (although it must be said that a deal which results in a significant hardening of the Northern Ireland border would likely increase parliamentary opposition).

This degree of consensus concerning Brexit is so great that even existing procedural rules are not being used to challenge the Government. Hence motions challenging or condemning Government negotiating strategies are not regularly being put forward by Opposition parties. A private member’s motion entitled ‘Brexit and Special Designation for the North’,[[33]](#footnote-33) moved by Sinn Féin, *was* voted on in the Dáil on 16 February 2017. Although rejected by the Dáil, a Fianna Fáil party amendment to it[[34]](#footnote-34) calling on the Government, *inter alia,* “to report to the Houses of the Oireachtas, on a quarterly basis, regarding developments in the Brexit negotiations with a specific sectoral analysis to inform public debate and ensure genuine accountability” was accepted. Although the Government has subsequently been occasionally accused in debate (in particular by Sinn Féin) of having ignored this motion, it appears that such accusations are made with little forcefulness, something probably explained by the degree of political and public consensus on the issue of Brexit.[[35]](#footnote-35)

A Danish-style mandate system has never been seriously contemplated in Ireland. A scrutiny reserve system, in contrast, has been urged by parliamentary committees three times (Oireachtas 2008*,* 2010 and 2014 and Barrett 2018, chapter 6). Its non-introduction apparently reflects opposition within the executive and a lack of serious interest in such a development by parliamentarians.[[36]](#footnote-36) The absence of a scrutiny reserve may be irrelevant during the Article 50 negotiations, since these should not automatically produce EU legislation. However, its absence could become felt in a number of situations. One is if the Council, beyond reaching an Article 50 agreement, additionally produces heads of agreement for a EU-UK trade agreement, and enshrines these in a regulation. Another is if and when EU legislation needs to be amended because the UK is no longer a member state. Another is if any EU-UK trade agreement is subsequently implemented via EU legislation

The establishment of the future EU-UK relationship is likely to be highly contentious, given the varied economic and other interests involved. Any future-relationship agreement itself would require ratification by all member states if (as expected) it is a ‘mixed’ agreement. Such a ratification process may involve some parliamentary participation: Article 29.5.1° of the Constitution requires every international agreement to which the State becomes a party to be laid before the Dáil.[[37]](#footnote-37) If it involves any charge on public funds, then to be binding its terms must also be approved by the Dáil. Furthermore, in the dualist system contemplated by Article 29.6 of the Constitution, international agreements become part of Irish domestic only to the extent determined by the Oireachtas.

Procedural rules have not inhibited innovations to facilitate speakers addressing parliamentarians in unprecedented ways. Special motions were adopted by both Houses to facilitate the addresses by Michel Barnier, Guy Verhofstadt and Jean-Claude Juncker.

On the other hand, procedural arrangements may have indirectly and negatively affected the parliamentary performance regarding Brexit in more indirect, ways. Thus the mainstreaming from 2011 on of European affairs to various sectoral committees, if arguably part of a necessary process of maturation of the Oireachtas committee structure, has equally arguably defanged the Joint Committee on European Union affairs by preventing it from exercising leadership regarding various substantive areas affected by Brexit.[[38]](#footnote-38) In practice, the EU Committee has largely confined itself to relationship building, examining the negotiation process, and considering Irish Brexit-preparedness.

Similarly, conferring the role of ‘committee’ stage consideration of legislation on Oireachtas committees from 2011 on[[39]](#footnote-39) has filled the agenda of the justice, agriculture and finance committees in particular,[[40]](#footnote-40) inevitably leaving them with less time to consider strategic issues like Brexit. In practice, many committees are very domestically focused in their outlook.[[41]](#footnote-41)

Another procedural arrangement indirectly affecting the committee performances is the appointment procedure for Oireachtas committees. Essentially, this task is delegated to political parties, with their choice then rubberstamped by a Selection Committee. However, since each political party nominates its committee member without knowledge of what other parties are doing, this in effect moulds committee construction in the interests of political parties without anyone looking after the general public interest in optimising competence or expertise.[[42]](#footnote-42) Moreover the choice of committee chairs via the d’Hondt system, whatever its merits in terms of representativity, is not a system calculated to see chairs appointed on basis of merit or interest in a given committee’s subject field.

1. **The Party-Political Dimension of Brexit as Reflected in the Oireachtas**

The issue of the party political dimension to Brexit involves addressing the extent to which the governing Fine Gael party and opposition parties approach Brexit scrutiny differently, the opportunities provided by Brexit for opposition parties to exert influence they might otherwise not have, and the issue of whether Brexit is providing opportunities for Eurosceptic parties to mobilise opposition to the EU, or for pro-European parties to marshal support for further integration.

*Do governing and opposition parties approach Brexit differently ?*

The degree of consensus with which governing and opposition parties approach Brexit in Ireland has been surprising: it is far less contentious than many other issues. The deep divisions found, for example, within parliamentary committees at Westminster regarding Brexit are not found in Dublin. Such consensus seems explicable by reference to a number of factors. First, the economic and political importance of Brexit to Ireland’s future militates against its being made a political football. Secondly, the consensus reflects public opinion, which appears both strongly supportive of EU membership and strongly concerned about the implications of Brexit for Ireland.[[43]](#footnote-43) A further factor is that the Government’s stated priorities themselves are politically uncontroversial, consisting, in its own words, of “minimising the impact on our trade and economy, protecting the peace process and the Good Friday Agreement, maintaining the Common Travel Area with the UK, and securing Ireland’s future in a strong European Union” (Irish Government 2017, 4). The lack of political difference may also derive from the limited and indirect role which the Government has in the Brexit negotiations, where the main roles belong to the UK on the one hand and the Commission on the other. Finally, the Government’s minority status may have reduced the intensity of Opposition criticism, as the leading Opposition party is keeping it in power with a ‘supply and confidence’ agreement.

The degree of public consensus on Brexit seems remarkable given the Government’s rather high-risk strategy has of refusing to approve any settlement involving a ‘hard’ border between Ireland and Northern Ireland, even though such a stance (if respected by the other remaining member states) carries with it serious risks of Article 50 negotiations collapsing.

At the time of writing, some limited dissent appears to be emerging regarding Government tactics (as opposed to objectives). Rather remarkably, the Government has tended to be accused not of being insufficiently insistent on its high-risk ‘frictionless border’ demands, the implication being that the UK government is being allowed to gradually resile from guarantees about the border given in the agreed December 2017 Joint Report on the Article 50 negotiations (Joint Report 2017;Article 49; Anon. 2018; but cf O’Brien 2018, Barrett(2) 2018).

*Opportunities for Opposition parties to exert influence they might not otherwise have*

Opportunities exist for Opposition parties to exert influence over the Government position on Brexit. Three points can be made here. First, key here is not the issue of Brexit, but rather the minority status of the Government, which requires it to be particularly sensitive to Opposition feelings, including regarding this issue. We have seen that there are special closed-door fora for dialogue with the Opposition regarding the Brexit issue - namely the Brexit stakeholders’ forum and special private briefings. The Government’s minority status leaves it vulnerable to the Opposition flexing its muscles. In practice, however, the degree of consensus on the issue has meant that the Opposition has not done this.

Secondly, the invitation of key actors in the Article 50 drama (*i.e.,* Barnier, Juncker and Verhofstadt) to address the Oireachtas membership (and Irish MEPs) has also provided Opposition parties with both a direct source of information and an opportunity for direct dialogue with key players regarding Brexit.

Thirdly, political opportunities can also exist in the form of telling political arguments. As has been seen, the Government’s hardline approach regarding the so-called ‘December backstop’ has not been subjected to sustained criticism. That however may change if it appears that rather than block the introduction of a hard border, the Government position is simply preventing an Article 50 agreement being reached or at least failing to prevent the introduction of border controls with Northern Ireland. A linked line of attack might then also be Government overselling of the December agreement. Moreover, if a ‘no deal’ or hard Brexit occurs, the adequacy of contingency preparations for Brexit also seems likely to be challenged.

*Brexit - an opportunity for Eurosceptic parties or for pro-European parties?*

To date, the net political gains of Brexit have been made by the pro-European side. The shambolic nature of Britain’s exit process and widespread concern about the potential economic damage Brexit will wreak on Ireland have driven EU popularity to unprecedented heights, with appreciation having grown of the benefits of its protective embrace. In a May 2018 poll a remarkable 92% of respondents agreed that Ireland should remain a member of the EU.[[44]](#footnote-44) The Brexit debate has provided an opportunity to discuss the benefits of integration, and has allowed otherwise potentially controversial integration steps to be taken: *e.g.,* participation by (neutral) Ireland in Permanent Structured Cooperation (PESCO), a framework for structural integration forming part of the EU security and defence policy.

To this generally rosy picture, at least two important caveats must be added. First, recent poll figures notwithstanding, the EU still suffers from a popularity hangover from the economic crisis, in which Irish banks were bailed out of their self-inflicted crisis at enormous expense to Irish taxpayers, assisted by EU and IMF loans. The painful bailout process may have been inevitable, but its timing and strict conditionality were effectively determined by the EU, which in exchange harvested an unfairly large share of the odium attached to it (See Donovan and Murphy 2013). Secondly and more seriously, if the Article 50 negotiations go badly wrong, leading to a hard border or, worse, a ‘no deal’ Brexit and hence difficult trading conditions with the UK, with which Ireland has a strong trading relationship, it may well be that this will have negative repercussions for the popular perception of the EU and lead to a growth in Euroscepticism.

**5. National and Territorial Interests and Brexit**

Three questions are addressed here: first, whether parliamentary activity reflects Irish national interests? Secondly, whether there is evidence of organised interests within Ireland advancing particular societal or commercial interests? Thirdly, whether the involvement of parliamentary actors in Ireland has potential to disrupt the common EU27 position on Brexit?

Parliamentary activities appear to represent major national concerns. For example, the topics of parliamentary committee reports on Brexit concern issues of general concern including the Brexit’s implications for peace in Ireland and more sectoral concerns such as its implications for the agri-food & fisheries sectors. Speakers visiting parliament have also tended to concentrate on strategic interests of concern to Ireland. An unusual feature of the Irish situation is that the issue given the most importance concerns not only the interests of the Republic but also a region of the neighbouring (exiting) jurisdiction – Northern Ireland. Interestingly, Irish parliamentary activities often seek to give a voice to Northern Irish interests. Hence, the Seanad Special Select Committee on Brexit gave a hearing not only to groupings representing the Republic but also to their Northern Ireland homologues. The same goes for the extra-parliamentary All-Island Civic Dialogue on Brexit. For political reasons, Northern Ireland Unionists frequently decline to cooperate with such activities but economic and civil society actors tend to be more appreciative of such efforts towards inclusivity.

*Organised Interests*

Numerous commercial, business and civil society groups have been active in the Brexit debate and engage in lobbying, campaigning, advocating and providing information about Brexit, including by organising seminars and producing research papers. Many have engaged with Oireachtas committees including the Seanad Special Select Committee on Brexit, as well as with the All-Island Civic Dialogue on Brexit, and have lobbied the Government in support of their aims. Many also lobby the Dáil or parliament generally: an August 2018 search revealed some 220 persons or entities had registered themselves as having lobbied either or both regarding Brexit.[[45]](#footnote-45) Some groups have additionally been involved in the Brexit stakeholders’ forum’.[[46]](#footnote-46) Such activities can be expected to intensify if an Article 50 agreement is reached and attention turns to the future EU-UK trading and broader relationship. Among active participants in Brexit-related activities are the Irish Farmers’ Association, IBEC, human rights groups, Science Foundation Ireland, the Irish Universities Association, the aviation sector, the Irish Fisheries Organisation, the Irish Congress of Trade Unions, the Irish Exporters Association, the Irish Road Haulage Association, the pharmaceutical industry and the retail sector. If there is still great uncertainty concerning Brexit, the lobbying register has at least made clearer the identities of many of those campaigning for particular responses to Brexit.

*Has Oireachtas Activity the Potential to Disrupt the EU 27’s Common Position?*

A concluding issue is whether parliamentary activity has the potential to disrupt an EU 27 common position. Although, the conclusion of a Article 50 agreement requires only a qualified majority from Council (which in turn means that each individual state of the 27 has only limited legal capacity to disrupt matters), it is possible that an effective *political* veto will be accorded by the other member States to Ireland over Irish opposition to the creation of a hard border with Northern Ireland.

In addition, if a subsequent ‘future relationship’ agreement with the UK is a mixed agreement this would involve each EU member state having a veto over its conclusion - including Ireland. This situation too would involve the possibility of Irish disruption of a common position by the EU27, However, given the ongoing closeness of the views of the Irish parliament and executive on Brexit, it seems probable that any future disruption will be at the behest of the Government rather than that of the Oireachtas. As one Irish official put it to this writer, “the Opposition will not bring down the Government over Brexit.” [[47]](#footnote-47)

**6. Conclusion: A Comparative Note**

Ireland’s parliamentary approach to Brexit shows many similarities to that of other EU member states examined in this volume. Overall, the telling remark of a Belgian parliamentarian that ‘we can organise as many debates as we want…but we shouldn’t kid ourselves, it’s the [government] who will decide on a position in the end” [[48]](#footnote-48) applies equally in Ireland, where (as elsewhere) the Brexit negotiations are executive-dominated. Parliament’s role is, as in Poland and Spain, mainly limited to monitoring and receipt of government information, with relatively few Brexit-related reports being produced.

Nonetheless, the Oireachtas is obtaining at least some of what most EU parliaments sought in the 27th COSAC report (COSAC 2017): regular information about Brexit negotiations, and the opportunity to ask questions (if not of the negotiating team, then at least of government) supplemented by visits by major players in the Brexit negotiations. If the number of Oireachtas visits of Commission officials/Commissioners has been less than in larger countries like Spain and Germany, it has nonetheless included a Commission President, Vice-President, and the Chief Brexit Negotiator.

Moreover, the Irish, like the Spanish, parliament cannot be accused of inactivity or indolence regarding Brexit. It has manifested considerable interest, (so that while Michel Barnier’s appearance in Poland was before the EU Affairs Committee, in Ireland he filled the lower House chamber). However, such interest frequently finds expression through parliamentary questions – a parliamentary tool easy to deploy, difficult for party leaderships to control, and yet not particularly powerful.

The description of the Czech chamber as ‘an active scrutiniser without actual attempts to influence the Government or the European Commission’ is not wholly applicable to the Oireachtas. Nonetheless, Oireachtas *attempts* at exerting influence (*e.g., via* reports) have been rare, and overall, evidence of *actual* parliamentary influence on Governmental positions appears, as in Spain, to be practically nil. Part of the reason is probably that such widespread parliamentary consensus exists concerning national Brexit-related priorities (as in Germany, the Czech Republic,[[49]](#footnote-49) Luxembourg and Spain, but unlike the UK where an open power struggle is being conducted involving parliament and government). Furthermore much (though not all) Irish parliamentary intervention has been reactive rather than proactive - a phenomenon also seen in Germany, the Czech Republic and Luxembourg.

Ireland arguably does better in securing accountability in Brexit-related European Council meetings than either Poland or Spain. But it could also learn from its Continental counterparts. Ireland has not managed to put into place a Brexit sub-committee like Spain (even if the latter has underperformed). And in seeking to upgrade its output of Brexit-related parliamentary reports and research, the Oireachtas could arguably do worse than put into place an equivalent of the Polish Department of European and International Law in its Bureau of Research.

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1. \* Professor, Sutherland School of Law, University College Dublin. Thanks are expressed to several officials who generously shared their views during the writing of this paper, while wishing to remain anonymous. [↑](#footnote-ref-1)
2. Prior to 2011 reforms, both Irish Houses were ranked close to the bottom of the 40 chambers. [↑](#footnote-ref-2)
3. See now Article 10 TEU. [↑](#footnote-ref-3)
4. See now Article 12 TEU. [↑](#footnote-ref-4)
5. *E.g.,* s. 7(4) of the European Union Act 2009 (role for Houses in subsidiarity review proceedings). [↑](#footnote-ref-5)
6. *E.g.,* Article 29.4.8° of the Constitution (inserted by the Twenty-Eighth Amendment of the Constitution (Treaty of Lisbon) Act 2009 (requiring approval of both Houses for Lisbon Treaty *passerelles* to majority voting and co-decision (see Barrett 2018, 159-168). A similar constitutional role had already been provided regarding certain Nice and Amsterdam Treaty discretions. [↑](#footnote-ref-6)
7. Such agreements are deployed in parliaments based on the Westminster system in order to enable minority governments to function. Opposition parties either abstain or vote with the government in votes on Cabinet appointments, no confidence motions and budgetary/appropriation votes, but otherwise vote according to their own preferences. [↑](#footnote-ref-7)
8. Oireachtas official interviewed 29 June 2018. [↑](#footnote-ref-8)
9. *Ibid.* [↑](#footnote-ref-9)
10. The time of writing is September 2018. [↑](#footnote-ref-10)
11. Including expired committees, there have been 42 Oireachtas committees to date in the 32nd Dáil period. [↑](#footnote-ref-11)
12. As of 20 August 2018. [↑](#footnote-ref-12)
13. (32/AFM/04). [↑](#footnote-ref-13)
14. (32 JEI 004).. [↑](#footnote-ref-14)
15. (32/JCIGFA/01). [↑](#footnote-ref-15)
16. (32/SSSCWUKEU/01). [↑](#footnote-ref-16)
17. (32/JCIGFA/02). [↑](#footnote-ref-17)
18. Oireachtas official interviewed 26 June 2018. [↑](#footnote-ref-18)
19. At the time of writing (21 August 2018), there have been 37 General Council meetings (29 formal) in the lifetime of the 32nd Dáil, 35 (28 of them formal) have taken place since the election by that Dáil of the Taoiseach on 6 May 2016. In all that time, there have been just seven ministerial briefings of the Joint Committee on EU Affairs concerning such Councils, three of which have been *ex ante*, two *ex post*, and two simultaneously both *ex ante* and *ex post* briefings. In this period, 184 Council meetings took place. No other Council meetings are the subject of as many parliamentary committee briefings as are General Council meetings. [↑](#footnote-ref-19)
20. Northern Irish interests appreciated this. Given the ongoing collapse of the Northern Ireland Assembly in January 2017, they lack public fora in which to articulate their concerns. (Oireachtas official interviewed 29 June 2018.) [↑](#footnote-ref-20)
21. Oireachtas official interviewed 29 June 2018; Oireachtas official interviewed 26 June 2018. [↑](#footnote-ref-21)
22. In the three years before 13 September 2017, this occurred 650 times. (See Anon. 2017.) [↑](#footnote-ref-22)
23. Oireachtas official interviewed 29 June 2018. [↑](#footnote-ref-23)
24. Department of Foreign Affairs official interviewed 27 June 2018. [↑](#footnote-ref-24)
25. *Ireland’s Future in the European Union: Challenges, Issues and Options* (27 November 2008) [↑](#footnote-ref-25)
26. In 2015, the Commissioner for Trade, Cecilia Malmström addressed the Joint Committee on European Union Affairs and the chairs and members of two other Oireachtas committees, plus several MEPs (27 March 2015), an event accommodated in a Committee room. [↑](#footnote-ref-26)
27. Department of Foreign Affairs official interviewed 28 June 2018. [↑](#footnote-ref-27)
28. Leading to excessive focus of committees on mere networking and information gathering. (Oireachtas official interviewed 29 June 2018.) [↑](#footnote-ref-28)
29. Article 50 TEU. [↑](#footnote-ref-29)
30. Department of Foreign Affairs official interviewed 28 June 2018. [↑](#footnote-ref-30)
31. In which Brexit has been described as ‘at risk of dominating the agenda’. BIPA provides a useful forum in particular for Northern Ireland assembly members to discuss Brexit issues. (Oireachtas official interviewed 29 June 2018.) [↑](#footnote-ref-31)
32. Department of Foreign Affairs official interviewed 28 June 2018. [↑](#footnote-ref-32)
33. Moved by Sinn Féin leader Deputy Gerry Adams TD. [↑](#footnote-ref-33)
34. Moved by Fianna Fáil’s then Brexit spokesperson Stephen Donnelly TD. [↑](#footnote-ref-34)
35. Oireachtas official interviewed 29 June 2018. [↑](#footnote-ref-35)
36. A scrutiny reserve system, while capable of controlling the national position regarding EU legislation will not be capable of blocking its adoption at EU level if the legislative procedure involves qualified majority voting. [↑](#footnote-ref-36)
37. Involving a process of formal submission, which need not however involve any debate. [↑](#footnote-ref-37)
38. The Committee has apparently seen a reduction in its relative prestige: political parties showed relatively little interest in providing a chair for it in July 2016, under the d’Hondt system. (Oireachtas official interviewed 29 June 2018.) [↑](#footnote-ref-38)
39. Prior to this the ‘Committee’ stage was deliberated upon by a Committee of each House. [↑](#footnote-ref-39)
40. The Joint Committee on EU Affairs performs very little legislative scrutiny. (Oireachtas official interviewed 29 June 2018.) [↑](#footnote-ref-40)
41. Oireachtas official interviewed 29 June 2018. [↑](#footnote-ref-41)
42. Or gender balance: the Joint Committee on European Union Affairs has no female members. [↑](#footnote-ref-42)
43. See *e.g.,* the findings of the May 2018 Red C opinion poll, commissioned by European Movement Ireland. [↑](#footnote-ref-43)
44. *Ibid.* [↑](#footnote-ref-44)
45. Accessed 25 August 2018. [↑](#footnote-ref-45)
46. Department of Foreign Affairs official interviewed 27 June 2018. [↑](#footnote-ref-46)
47. Department of Foreign Affairs official interviewed 28 June 2018. [↑](#footnote-ref-47)
48. See chapter on Belgium in Fromage and Christiansen. [↑](#footnote-ref-48)
49. Not extending in this case to EU affairs generally. [↑](#footnote-ref-49)