

BREXIT in Northern Ireland

URGENT

TO THE PRESIDENT OF THE EUROPEAN COUNCIL

Dear President Tusk,

I do hope you receive this letter with the respect, urgency and attention that has been intended in its creation. Why I write to you is because I am aware of the barriers we face in Northern Ireland in accessing the EU judicial system, having acted as Litigant in Person to Appeal court level (2016--2017) against the NI Government and local Council in bringing an environmental case. Further, in respect of the urgency of this matter and the recent evidence that legislation has not been transposed effectively from EU Directives, that the UK seems to be protected by the Commission ([page 43 – no UK fines](#)), the only avenue afforded to me is to write to you with a (relatively) short summary on key points that are critical to Northern Ireland's future and to ask for your valued influence to save Northern Ireland from inevitable destruction following Brexit.

The purpose of this letter is to explain how removed Northern Ireland is from the rest of the UK and has been "forgotten" as part of the EU Member State¹. In this regard, I believe that Brexit should, to be fair to the people of Northern Ireland, not have been a UK-wide decision as Northern Ireland is so distinct from, and even, has been treated as the lesser country within, the UK generally, and with reference to Brexit.

Background

Living in Northern Ireland growing up, I then followed my career in England and Scotland, studying and working in the field of marketing communications. This experience of living in three countries within the UK, and where I returned to Northern Ireland in 2013, has given me invaluable insight into the extent of how unbalanced and irregular Northern Ireland life is, compared to the other two.

Apart from the distinct systems in rates, education, health, council services, voting systems and the holistic public services ways of working (eg no duty of candour nor care), Northern Ireland has not been afforded the benefit of an essential service for the safety and health of its public's future. This is related to, inter alia, the environment.²

In each of the countries in the UK and Ireland, the public enjoy the benefits from an independent Environment Protection Agency (Ireland has two such bodies, one pertaining to radiation alone), all except for Northern Ireland. This protection is also denied on our seas where Northern Ireland is also the only country without a Marine Management Organisation, (MMO), albeit that these are within the respective Governments' departments..

Country	Environment Protection Agency	Marine Management Organisation
England	Environment Agency	MMO
Wales	Natural Resources Wales	MMO
Scotland	Scotland E P A = SEPA	Marine Scotland
Northern Ireland	NONE*	NONE**
Republic of Ireland	EPA and EPA Radiation (2)	Various organisations

¹ Regular reporting to the EU provides an average of UK data, NI would be off set by the data relevant to England – where NI data is outdated and/or incomprehensive eg see third last [page of report](#) on air quality data (not along east coast and breaches from 2013) used for (p11 of) the [Defra 2017 air quality report](#) for adherence to EU Directive. [Another example is para 556-7 of page 115](#) which does not distinguish NI from UK for data capture but does not show equal legislation to protect NI.

NOTES:

**Northern Ireland changed its Departmental structures in 2015 and introduced a Unit within DAERA called the NIEA (Northern Ireland Environment Agency). It is a Government body and does not provide any independence services including, inter alia, the management of Natura2000 sites, pollution monitoring, nor does it provide any radiation information or crisis management plan in the event of an atomic accident.*

***MMO was established from the Marine Coastal and Access Act 2009 (UK) however, only Part 4 is relevant to Northern Ireland which pertains to licensing only. All those aspects relating to protection of the seas are not relevant to NI.*

Please note that there are 17 points raised below that argue reasons why the Brexit vote and subsequent decision-making process has NOT been fair, just and sustainable for the people of Northern Ireland.

Historical Precedent of a Vote of National Importance

In 1998, a historical and unprecedented agreement was signed between the UK and Irish Governments which would change the political, economical and social characteristics of Northern Ireland forever. It cannot be denied that the impact of the Good Friday Agreement (GFA) was as influential on all three facets of those living in Northern Ireland as the impact will be for all those in the UK post-Brexit. Furthermore, the importance of the GFA is evident in that it alone has substantially directed (and has contributed to the delay of) the course of the Brexit Agreement progress.

The GFA has changed Northern Ireland ad infinitum just as will the result of Brexit. Where we do see a divergence, however, is in the process of our democracy in achieving that decision to change. In 1998, the people of Northern Ireland were provided a succinct and user friendly document (35 pages) for their digestion from 10 April 1998, prior to the formal vote on May 22 1998.

1. The Draft Brexit Deal of 585 complicated pages ☒
2. The document was only provided AFTER the vote ☒
3. And only because of a Commons vote to do so ☒

On the latter date, 94% of voters in Ireland accepted the Agreement while 71% in Northern Ireland supported it. There was a clear majority from all those involved.

4. The Brexit Vote results showed that three of the five countries involved, (UK and Gibraltar) voted to remain - clearly not a majority of all those countries involved, nor was the overall consolidated result a substantial majority to leave ☒
5. One bilateral vote does not 'fit' all five countries who demonstrate very distinct legal, political and environmental and social systems ☒

Purpose of Deal

When the public voted on 23 June 2016, they voted on a bilateral question, solely on leaving the European Union. The Government is still lacking in the knowledge of the rationale behind the votes. The Deal, therefore, could have very little, if any, relevance to "what the people voted for".

6. There was no reference on the ballot papers to provide a rationale for the vote ☒
7. Nor was there any review or analysis undertaken by the Government to understand the rationale of public's vote ☒

The Government is also not aware of the public's opinion on the withdrawal of the UK from European Atomic Energy Community and the implications of that withdrawal for example, that the UK loses legal regulation of the nuclear industry. The title of the Draft Deal was the first time for the majority of the public to become aware of this substantial change to their future, the title being:

"Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, as agreed at negotiators' level on 14 November 2018."

If the withdrawal from European Atomic Energy Community was a fundamental condition as is inferred in the Draft Deal, this should have been made clear in the bilateral vote on 23 June 2016.

8. It was not until the Draft Deal was published on 14 November 2018, nearly 2 ½ years after the vote, did the majority of the public become aware of, (and understand the consequences of), the withdrawal from the Euratom Treaty

Legality of Deal

Due to the inclusion of the withdrawal from the Euratom Treaty and with regard to the implications of the deregulated, and indeed potentially self-regulated, UK nuclear industry, the UK, and furthermore Northern Ireland are put at increased national risk with regard to **environmental threats** from nuclear development, operation, decommissioning and waste disposal. These risks are in addition to the threat of local nuclear plants and munitions becoming targets in the ever-increasing likelihood of war.

9. If any Deal is accepted (by default or otherwise) that erodes protection from nuclear regulation, our human right to protect our life and our home are in question
10. If any Deal is accepted (by default or otherwise) that erodes our human rights (ECHR) and access to that judicial system, our right to ALL human rights including right to a fair trial are in question
11. If any Deal is accepted (by default or otherwise) that does not provide environmental targets in lieu of and in parity to those provided by EU Directives, the adherence to the current membership of the EU is not met in meeting targets set for 2020 (eg air, water, landfill, biodiversity and climate change) and therefore the legality of this agreement is in question under the UK's current membership of the EU
12. If any Deal is accepted (by default or otherwise) that does not provide a fair legal system for all countries within the UK to have parity and fairness in judicially reviewing environmental decisions (in particular but not exclusively, Northern Ireland), set up before the decision is made, the adherence to the Aarhus Convention is in question
13. If any Deal is accepted that does not protect our environment on par with those enjoyed by long-term EU member states, and in particular those neighbouring the UK, the UK's adherence to the Espoo Convention is in question as the Deal would have implications on other member states but they, to date have not been afforded a formal consultation process

As stated on Page 1, the case of Northern Ireland's further exacerbated due to the fact that it is not afforded an Environment Protection Agency (EPA) nor a Marine Management Organisation (MMO) as all other countries within the UK and Ireland.

14. The UK has the authority but has failed to establish both independent bodies before, or as part of, the Deal. By doing nothing to establish these bodies the adherence to EU Directives eg Habitats, Water Framework, SEA and EIA Directives are in question in ensuring systems are in place to meet the objectives of this legislation

Further, in the case of Northern Ireland, there has been no fair representation for the people of Northern Ireland throughout the Agreement process. The vote was undertaken at a time where the Leader of the Northern Ireland Assembly was under investigation for misspending of public money.

- 15. The UK Government's adherence to the Nolan Principles of Public Life are in question as the vote and subsequent discussions should have been made with integrity, objectivity, accountability, openness and leadership. For a country that voted to remain, the UK Government have not supported any leadership in representing that regard ☒**

As in the GFA process, both Northern Ireland and the Republic of Ireland voted for its acceptance. Under the same Agreement, there are two areas of "shared waters", namely, Lough Foyle and Carlingford Lough. We are still not informed as to whether the waters are within the Brexit vote or outwith the vote.

- 16. The UK has made a legal decision on the governance of these waters without the vote of the Republic of Ireland. This brings into question the premise of the Good Friday Agreement. ☒**

It is my understanding that the Brexit Deal was agreed on the basis of all legislation being transposed effectively into primary and secondary legislation. I have been following these amendments with interest and have not found one paper to date that brings our existing, very lax, legislation to the same jurisprudence as that indicated by the EU Directives.

Further, in all instances I have read, there has been no assessment against the compatibility of human rights. For example [this environmental protection amendment](#)³ which is very complex in nature as it refers to numerous Directives has as its *Explanatory Note* "An impact assessment has not been produced for this instrument as little, or no, significant impact on the private or voluntary sector is foreseen."

- 17. The UK has made decisions on NI legislation amendments that have not made any effective enhancements to existing legislation to ensure its equivalence and has not assessed these changes against the EC Human Rights. ☒**

Based on the fact that Northern Ireland is clearly distinct from the rest of the UK in a clear majority of its systems, all of which are less effective in providing equal rights and those afforded through international treaties, it extremely vulnerable to:

- Poverty
- Ill-health (mental and physical)
- Poor education
- Polarised dual economy
- Pollution
- Environmental destruction
- Stagnant economy (reliant upon "Peace" funding⁴)
- Internal (within NI and within UK) conflict
- Corruption
- Discrimination

³ EXITING THE EUROPEAN UNION, NORTHERN IRELAND ENVIRONMENTAL PROTECTION, NORTHERN IRELAND *The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019*

⁴ Peace funding has been reliant upon the division of the people and, in my opinion, is contrary to the ethos of peace.

What I am kindly requesting is that you, in the absence of any political person representing the majority of Northern Ireland, attempt to influence Mrs May to do one of the following, if you believe that these propositions are rational, fair and just:

- 1) That a 2nd vote is carried out across the UK and to ask if each country individually would want to accept
 - a. The Deal and leave the EU but not Euratom
 - b. The Deal and to leave Euratom Treaty
 - c. The Deal and to remain in the United Kingdom
 - d. To revoke Article 50 and remain in the EU as long as all legislation is transposed effectively, or,
- 2) That an extension (of full membership) is provided for at least a year to carry out due diligence/jurisprudence in the transposition of EU legislation given that no one to date has been given or taken on this responsibility nor have any amendments been effective in adhering to EU Directives. Please request that the Environment Directorate carry out an assessment on the link provided above as an example.

PLEASE NOTE THAT NORTHERN IRELAND IS NOT AFFORDED HUMAN RIGHTS⁵ NOR ACCESS TO ECJ FOR ENVIRONMENTAL CASES – BREXIT WILL DESTROY ANY LAST GLIMPSE OF HUMAN RIGHTS WE MIGHT HOLD

Trust is at an all-time low in the UK and further in Northern Ireland. The inequality living and working in Northern Ireland has become more apparent throughout the Brexit process. There is now an inherent unease and a threat of civil unrest due to our lack of human rights.

I am requesting, that you bring these issues to the table of your peers and to afford this **critical request** your immediate attention to progress further to ensure that Northern Ireland is treated fairly and consistent with other Member States as it is now still a full, and **grateful**, Member of the EU. I have submitted a Petition on the EU Website to request a second vote and a suggestion on how this may be moved forward. I do hope that you are provided access to this Petition.

Thanking you in advance for your attention with this urgent matter and I do hope that you have the time and influence to help the people of Northern Ireland in our plight to be treated fairly now and well into the future.

Yours sincerely,



Christine Gibson

Keep it Green

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████████████████

████████ Northern Ireland

PS If you would like any further evidence on any matters raised here please ask and I will gladly forward

⁵ No gay marriage rights, abortion rights, cultural language rights, access to justice rights, right to vote for UK parties, environmental rights (our air, water and lands are not monitored and assessed for pollution – including our drinking water)