

THE CASE FOR
THE NORTH
TO ACHIEVE
**DESIGNATED
SPECIAL
STATUS
WITHIN
THE EU**

CONTENTS

Introduction	1
Special status for the North within the EU – what must be delivered in the upcoming negotiations	2
Protection of the peace process	2
Access to EU single market	2
Remain part of the Common Travel Area	2
Maintain all EU Funding streams	2
Protect EU access to employment, social security and healthcare	3
Workers’ rights and conditions	3
Environment	3
Political representation	3
Achieving special designated status within the EU	4
Protection of the Irish Peace Process	5
Rights, Safeguards and Equality of Opportunity	6
Political Institutions	7
Assembly	7
North/South Ministerial Council	7
British-Irish Council	7
Continuing to demand change at EU level	8

Introduction

On 23rd June 56% of the people in the north of Ireland voted to remain in the EU. They did so because it is in their best interests politically and economically.

There is growing concern in the north and on the entire island of Ireland about the economic consequences of Brexit, the negative implications of which are already becoming clear.

What is certain is there is no good outcome from Brexit and there is no way to manage or minimise the negative impact of Brexit. It runs entirely contrary to Irish national interests.

The North being forced to leave the EU against the expressed wishes of its people will also represent a major set-back for the political process in the north, and directly challenge the integrity of the Good Friday Agreement and would have huge consequences for protections contained within it. It also fundamentally undermines the principle of consent.

Under the terms of the Good Friday Agreement there is an inherent right for those born on this island to Irish citizenship, and by virtue of that right, citizenship of the European Union as well. It is illogical that citizens who enjoy that right would not be afforded the benefits of that citizenship.

There is an urgent need and indeed an opportunity for new thinking.

A special status relationship outside of the EU would do little to deal with the massive political, social and economic challenges thrown up by Brexit.

Sinn Féin believes that the only credible approach is for the north to be designated a special status within the EU and for the whole island of Ireland to remain within the EU together.

This document examines how this can be achieved in the here and now and details what this means in relation to:

- » The case for the North to Remain within the EU through designated special status and what that means for the upcoming negotiations.

- » The Irish Peace Process and integrity and status of the Good Friday Agreement
- » Change needed at EU level.

We also cite examples where the EU has shown itself to be flexible in coming forward with pragmatic arrangements for dealing with complex situations. We need only look at unique arrangements between Greenland, Denmark and the EU as an example of how the EU has thus proved itself capable of accommodating unique circumstances and political flexibility.

It is quite obvious the British government is on a collision course with the EU in which our economy and successive peace process agreements are regarded as collateral damage.

The British government is already indicating that it intends to repeal the European Communities Act leaving all EU legislation on the statute books so that the Westminster Parliament can pick it apart and decide what is to be kept, amended or deleted. This would have very serious consequences. It is our view that a Legislative Consent Motion should be required to be passed in the Assembly as would any changes to the NI Act 1998 which is the legislative basis underpinning the Good Friday Agreement.

Sinn Féin will enter any forthcoming negotiations to defend the democratic mandate of the people to remain within the EU and we will act in Ireland's national interest.

The prospect of the North being removed from the EU against the will of the people, and the return of a hard border in Ireland, has brought the issue of Irish re-unification firmly back onto the political agenda. Sinn Féin believes that Partition has been a failure - politically, socially and economically. We are seeking to initiate a genuine and inclusive debate about the reunification of Ireland and the prospects for new constitutional, political and economic arrangements which better serve Ireland in 2016.

Special status for the North within the EU – what must be delivered in the upcoming negotiations

Brexit is unprecedented with no Member State leaving the EU before now. Therefore the direction of the British Government's withdrawal negotiations once Article 50 is triggered remains unpredictable.

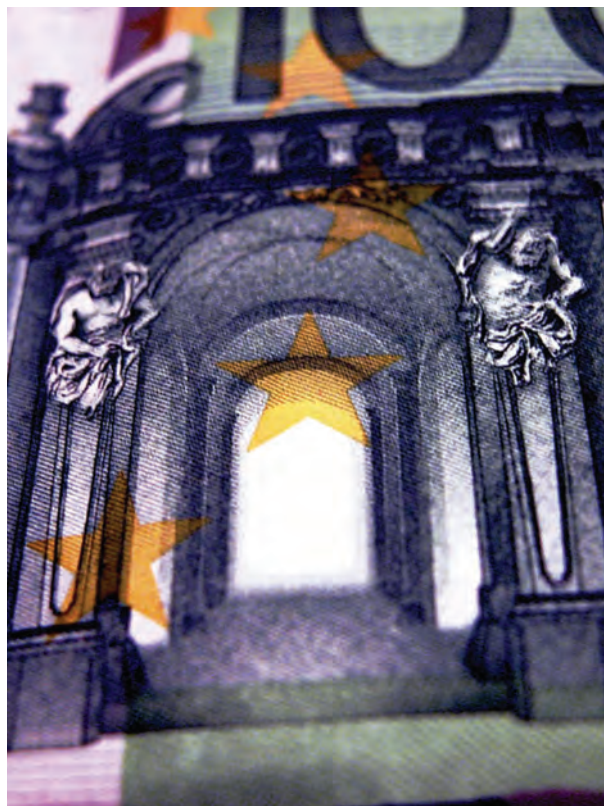
The North of Ireland has held membership status within the EEC and EU since 1973. Since the Good Friday Agreement 1998 and restoration of power-sharing in 2007 the European Union has been a critical partner for peace providing substantial political and financial aid which has led to greater economic and social progress on an all-island basis.

The NI Taskforce was established in 2007 - the first of its kind where the European Commission has worked so closely with a single region within the EU. President of the European Commission Jean-Claude Juncker announced on 14 January 2016 its continuation.

We believe that as part of the Brexit negotiations, it is essential to argue the case for designated special status for the North within the European Union. Such a negotiation must include:

Protection of the peace process - Brexit undermines the institutional, constitutional and legal integrity and status of the Good Friday Agreement – the foundation stone of the Irish Peace Process - and defines the relationships within and between Ireland and Britain. The Good Friday Agreement political institutions, human rights guarantees and All-Ireland bodies, and the constitutional and legal right of the people to exercise their right to self-determination and a united Ireland through consent, by referendum north and south, must all be protected.

Access to EU single market – The North must continue to have access to the single market



which allows for the free movement of our people, goods, services and capital on a north/south basis and between the other member states of the EU enabling us to benefit from the biggest trading bloc in the world.

Remain part of the Common Travel Area – We must maintain the free movement of people and goods without trade tariffs, physical checks or passport controls. External international EU land borders and border controls within the island by land, air or sea would be strongly opposed.

Maintain all EU Funding streams – The north received £340million in agriculture and fisheries funding in 2015, along with £160 million in structural and investment funds and £270 million



in Peace funding. These bring massive economic and social benefits in helping to consolidate peace and securing reconciliation and must be continued.

Protect EU access to employment, social security and healthcare – The existing unfettered cross-border and EU wide access must be protected, e.g. equal pay under Article 157 TFEU.

Workers' rights and conditions, including health and safety, working hours, maternity/paternity leave, contracts, etc are all important protections and standards set by the EU in our domestic laws, e.g. Framework Directive (2000/78/EC), Health & Safety Article 155 TFEU.

Environment - Climate change and environmental protection are big challenges for every State which requires high standards

of regulation on issues including, waste management, air pollution, cutting green gas emissions, flood mitigation, etc. Environmental Protection, Article 191-193 TFEU of EU energy law applies to the wholesale electricity market for all of Ireland which aims to increase the level of competition and increase security of supply. 'Third package' Directives aim to have electricity market integrated across the whole of the EU.

Political representation - Ministers from the Executive occasionally attend Council of Ministers meetings. This should continue and be formalised. As a result of Brexit 73 MEPs will be reallocated to other member states, we should make the case that there should be at least 3 more MEPs for Ireland when the 6 County population is factored into consideration. We should also look for additional seats in the Committee of the Regions and the European Economic and Social Committee.



Achieving designated special status within the EU

We are in uncharted territory since no member state has left the EU before. However, given there is already a recognition at EU level of the special circumstances that pertain on the island of Ireland it is an entirely rational position to argue for the north to extend this to designated special status within the EU.

In order to achieve this, it will need to be part of the upcoming political negotiation and common agreement by the Member States of the European Council - of which the Irish State is one of 27 members.

Sinn Féin is not alone in arguing this position. The Joint Oireachtas Committee on European Union Affairs made the same recommendation in its June 2015 report on the implications of Brexit for Ireland when it recommended, ***“That the Irish and UK Governments negotiate bilaterally to have Northern Ireland recognised (in an EU context) as having ‘a special position’ in the UK, in view of the Good Friday Agreement. Recommends further that special arrangements be negotiated at EU level in that context, to maintain North-South relations and Northern Irish EU citizenship rights and protections attached to such rights.”***

Over the last number of decades, the EU has shown itself to be flexible in dealing with different forms of integration for member states and non-member states with the EU.

No precedent exists for a jurisdiction to remain a member of the European Union whilst the Member State it is linked to ends its membership. However, the inverse of this scenario was Greenland, a Danish dependent territory with limited devolution, who voted to leave the EU in 1985 while Denmark as the Member State remained. Greenland was then transferred to Overseas Countries and Territories status.

A trilateral declaration agreement has existed between Denmark, Greenland and the EU, which was updated in 2015.

25 Overseas Countries and Territories (OCT), have a special relationship status with the EU



without being Member States in their own right and are linked with Denmark, Britain, France and the Netherlands who benefit from access to the single market and other entitlements negotiated between the Member State/OCT/EU. They are however all linked to a Member State.

The Overseas Countries and Territories status is defined by EU law within the Treaties, not constitutional law of the Member State to which it is linked. An EU task force within the European Commission exists to lead on the definition and updating of the association of EU/OCT relations.

Britain currently has 12 Overseas Countries and Territories. This does not include the North of Ireland, Wales, Scotland or Gibraltar.

Within the EU other forms of integration include the Eurozone and Schengen where most Member States participate, while others do not - and non-member states either using the Euro or participating in Schengen.

The same applies to the customs union and Free Trade Agreement with Turkey, and the single market EEA with Liechtenstein, Norway and Iceland.

Protection of the Irish Peace Process

Over the past two decades the island of Ireland has been transformed as a result of the Irish peace process, where we have emerged from decades of political conflict and towards a more prosperous, peaceful and democratic society, of which the Good Friday Agreement 1998 is the foundation stone.

The agreement was reached after the IRA and loyalist ceasefires which resulted in two years of multiparty negotiations, forming the basis of a bi-lateral political agreement between the Irish and British Governments.

The agreement which received overwhelming endorsement in referenda held North and

South represents the institutional, constitutional and legal framework which defines the new relationships that now exist within and between Ireland and Britain.

The Agreement also enshrines the right of the Irish people alone to exercise their right to self-determination and a united Ireland through consent, by referendum north and south.

Sinn Féin believes that Brexit and the insistence of the British Government to drag the North of Ireland out of the EU with it, will undermine the institutional, constitutional and legal integrity and status of the Good Friday Agreement – an international treaty.



Rights, Safeguards and Equality of Opportunity

The Good Friday Agreement, European Union and European Convention on Human Rights are core components which are interlocking and interdependent within the arrangements established within the Agreement.

Strand One of the Agreement states that the Assembly will have the authority to pass primary legislation in devolved areas, subject to the European Convention on Human Rights, (ECHR).

It also states that the neither Assembly nor public bodies can infringe the ECHR and that key decisions and legislation are to be proofed to ensure that they do not infringe the ECHR.

Both the Human Rights Act and the Northern Ireland Act 1998 enacted by Westminster respectively, provides the legislative basis for the Agreement's implementation and incorporates into law the European Convention on Human Rights (ECHR), providing direct access to the courts and remedies for breach of the Convention, including power for the courts to

overrule the Assembly legislation on grounds of inconsistency.

The Human Rights Act 1998 is also critical to providing the framework for human rights compliance of the new Policing dispensation in the North. A key aspect of the Policing Boards oversight role is to monitor compliance of the police under this legislation. The PSNI code of ethics for police personnel is also designed around the framework of the ECHR as provided for by the Act.

The Parades Commission also operates within a human rights framework, while adjudicating on competing rights as outlined in the ECHR.

Accordingly, any attempt to repeal the Human Rights Act or derogate from the ECHR will have serious consequences for our new governance, policing and parading dispensations, and is detrimental to the integrity of both the Good Friday Agreement and St Andrews Agreement.



Political Institutions

Assembly

The legislative competence of the Assembly and the power sharing Executive is underpinned by the Good Friday Agreement and the NI Act 1998. The Act makes clear that no Minister or Government Department has the power to make, confirm or approve any subordinate legislation which is incompatible with any of the Convention on rights or is incompatible with EU Community law, or which discriminates against a person or class of person on the ground of religious belief or political opinion.

Sinn Féin believes that in order to amend this Act, legislative consent and political agreement by the Assembly parties, and the Irish Government as co-guarantors of the Agreement, would first be required by the British Government.

North/South Ministerial Council

The Good Friday Agreement accepts that all of the institutional and constitutional arrangements are interlocking and interdependent and that in particular the functioning of the Assembly and the NSMC are so closely inter-related that the success of each depends on that of the other.

The NSMC has responsibility to develop co-operation and action within the island of Ireland – including through implementation on an all-island and cross-border basis – on matters of mutual interest within the competence of the Administrations, North and South.

In relation to the European Union, the Good Friday Agreement states that the NSMC will, “consider the European Union dimension of relevant matters, including the implementation of EU policies and programmes and proposals under consideration in the EU framework. Arrangements to be made to ensure that the views of the Council are taken into account and represented appropriately at relevant EU meetings.”

Sinn Féin considers the shared sovereignty relating to the North/South institutional and cross-border bodies to be of critical importance, which must be protected and advanced and the benefits of North/South co-operation fully recognised.



There is an expectation from parties, key sectoral interests and citizens that the Irish Government as a Member State of the EU will be a strong voice for the whole island of Ireland, using its influence and making it count at the European Council in order to defend the national interest and the imperative for the whole island of Ireland to remain within the EU together.

British-Irish Council

The BIC comprises the Irish and British Government's, Welsh and Scottish Governments, Northern Executive and the Isle of Man and the Channel Island Governments. There is provision for two or more members to develop bilateral or multilateral arrangements between them.

“Such arrangements could include, subject to the agreement of the members concerned, mechanisms to enable consultation, co-operation and joint decision-making on matters of mutual interest; and mechanisms to implement any joint decisions they may reach. These arrangements will not require the prior approval of the BIC as a whole and will operate independently of it.”

Sinn Féin believes it is in our interests to find common cause with other regions within the BIC who share our objective to also remain and work together to argue our case in forthcoming negotiations on Brexit.

Continuing to demand change at EU level

Sinn Féin has had a longstanding policy of critical engagement with the EU where we support measures that are in Ireland's interests and oppose and campaign for change on those which are bad for Ireland.

Sinn Féin MEPs work on a daily basis to advance progressive reform the EU. We have consistently opposed the transfer of power from member states to the EU institutions – political power, economic power and fiscal power. We have consistently argued that successive waves of treaty change from Maastricht to Lisbon have worsened the democratic, political and economic crisis at the heart of the EU. A one size fits all monetary policy was part of the problem and a one size fits all fiscal and budgetary policy made matters worse.

We strongly opposed the European Commission's austerity agenda which stripped back the gains of earlier battles to build a social Europe. Our MEPs stood against this agenda. We opposed cuts to the EU budget for strategic sectors such as agriculture, regional development and investment in jobs and growth. We opposed the attack on the wages and conditions of working people and defend public services and public utilities.

Ireland's place is in the European Union but the European Union needs to change. Among the reforms which we want to see are:

- » Economic policy decided in Ireland – not in Brussels or London – by politicians elected by and accountable to the Irish people, north and south.
- » An EU Convention with a clear mandate to identify powers to be returned to members states.
- » Reduce the power of the Commission by ending its right to propose legislation unless requested to do so by the Council or Parliament.
- » Lift the secrecy surrounding the

European Council by holding meetings in public.

- » Increase the power of smaller member states by reforming the operation of Qualified Majority Voting and increasing the number of MEPs elected from smaller states.
- » Maintain one Commissioner per member state and making them accountable to the parliament of that member state.
- » New measures to protect workers' rights and public services.
- » Opposition to the creation of an EU army or any other initiative aimed at increasing the militarisation of the European Union. We will defend Irish neutrality.

Sinn Féin will continue to work with progressive allies in Europe to enhance the positives of the European Union, combat the negatives and hold the institutions to account.

We seek to make the institutions of the EU more focused on delivering prosperity and safeguarding the rights of citizens.

We want to see the establishment of a European Union based on human rights protections and beneficial, mutual cooperation. However, we are opposed to the further federalisation of foreign and security policy. While working with other EU countries on international issues of mutual concern is to be welcomed, Irish foreign and defence policy should be formulated in Dublin, not Brussels. We will defend the sovereign right of Ireland to have an independent foreign policy and Irish neutrality. The attempts to create an EU army and the further militarisation of the EU must be opposed.

These are just some of the reform measures that we are calling for. We also published a more detailed document in the aftermath of the Lisbon Treaty setting out detailed proposals for change. *"A Better deal for Ireland and the EU"*.

Sinn Féin, 44 Parnell Square, Dublin 1, Ireland.
Tel: (353) 1 872 6100/872 6932
Fax: (353) 1 889 2566

Email: admin@sinnfein.ie

Sinn Féin, 53 Falls Road, Belfast, BT 12PD, Ireland.
Tel: 028 90 347350
Fax: 028 90 347386



www.sinnfein.ie

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**AN CÁS
LE GO mBEIDH
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FAOI LEITH
DON
TUAISCEART
SAN AE**

CLÁR ÁBHAR

Réamhrá	1
Sainstádas faoi leith don Tuaisceart san AE - an méid is gá a chur i gcrích san idirbheartaíocht atá le teacht	2
An próiseas síochána a chosaint	2
Rochtain ar Mhargadh Aonair an AE.....	2
Fanacht mar chuid den Chomhlímitéar Taistil	2
Gach sruth maoinithe de chuid an AE a choinneáil	2
Rochtain ar fhostaíocht, ar shlándáil shóisialach agus ar chúram sláinte an AE a chosaint.....	3
Cearta agus coinníollacha oibrithe a chosaint.....	3
Comhshaol	3
Ionadaíocht pholaitiúil.....	3
Sainstádas faoi leith a bhaint amach san AE	4
Próiseas Síochána na hÉireann a chosaint.....	5
Cearta, Cosaintí agus Comhionannas Deiseanna	6
Institiúidí Polaitíochta	7
An Tionól	7
An Chomhairle Aireachta Thuaidh Theas.....	7
Comhairle na Breataine- na hÉireann	7
Leanúint ar athruithe ar leibhéal an AE a éileamh	8

Réamhrá

Ar an 23 Meitheamh vótáil 56% de mhuintir Thuaisceart fanacht san AE. Rinne siad seo toisc go bhfuil sé lena leas féin ó thaobh na polaitíochta agus an gheilleagair de.

Tá inní mór ag teacht chun cinn ó thuaidh agus in Éirinn ina hiomláine faoin tionchar diúltach a bheidh ag Brexit, tionchar diúltach atá soiléir anois cheana féin.

Is rí-léir nach mbeidh aon toradh maith ann mar gheall ar Brexit agus nach bhfuil aon bhealach leis na hiarmhairtí diúltacha a bheas ann de bharr Brexit a laghdú. Ní luíonn sé le leas náisiúnta na hÉireann ar chor ar bith.

Céim mhór siar a bheidh ann do phróiseas na síochána ó thuaidh má thugtar ar an Tuaisceart an AE a fhágáil in éadan thoil an phobail agus tabharfaidh sé dúshlán chaighdeán Chomhaontú Aoine an Chéasta agus beidh iarmhairtí móra ann maidir leis na cosaintí atá mar chuid de. Baineann sé freisin an bonn ó phrionsabal an toilithe.

De réir théarmaí Chomhaontú Aoine An Chéasta tá ceart bunúsach acu seo a rugadh ar an oileán seo ar shaoránacht Éireannach agus dá thairbhe sin, ar shaorántacht an Aontais Eorpaigh freisin. Níl sé le ciall nach mbeadh na buntáistí a bhaineann le saoránacht ag saoránaigh a bhfuil an ceart sin acu.

Tá géarghá agus go deimhin deis ann le haghaidh smaointeoireacht nua.

Ní dhéanfaidh caidreamh stádais speisialta lasmuigh den AE mórán le dul i ngleic leis na dúshláin ollmhóra pholaitiúla, shóisialta agus gheilleagracha a bheadh mar thoradh ar Brexit.

Creideann Sinn Féin gurb é an t-aon chur chuige réadúil atá ann ná go mbíonn sainstádas speisialta ag an tuaisceart san AE agus go bhfanann oileán na hÉireann san AE.

Déantar plé sa cháipéis seo ar an dóigh ar féidir é seo a bhaint amach i láthair na huaire agus ar na himpleachtaí a bheadh ann maidir leis:

- » An cás le go bhfanfaidh an Tuaisceart san AE trí shainstádas faoi leith agus na himpleachtaí a bheidh ann maidir leis seo don idirbheartaíocht atá le teacht.

- » Próiseas Síochána na hÉireann agus caighdeán agus stádas Chomhaontú Aoine an Chéasta
- » Leasú ag teastáil ar leibhéal an AE.

Luaimid freisin samplaí ina bhfuil sé léirithe ag an AE gur féidir leis a bheith solúbtha agus socruithe praiticiúla á n-aimsiú aige agus é ag plé le cásanna casta. Ní mór dúinn ach amharc ar na socruithe ar leith idir an Ghraonnlainn, an Danmhairg agus an AE mar shampla den dóigh a bhfuil sé léirithe ag an AE gur féidir leis freastal ar chúinsí faoi leith agus ar sholúbthacht pholaitiúil.

Is ríléir go bhfuil rialtas na Breataine agus an AE in adharca a chéile agus go n-amharctar ar gheilleagar agus ar phróiseas na síochána s'againne mar dhamáiste comhthaobhach.

Tá Rialtas na Breataine ag léiriú cheana féin go bhfuil rún aige Acht na gComphobal Eorpach a aisghairm le go bhfágfar gach reachtaíocht de chuid an AE ar leabhair na reachtaíochta ionas gur féidir le Rialtas Westminster é a tharraingt as a chéile agus cinneadh a ghlacadh faoin méid atá le coinneáil, le leasú nó le baint amach. Bheadh impleachtaí tromchúiseacha leis seo. Is é an dearcadh atá againn ná go mbeadh Rún Toilithe Reachtaíochta le rith sa Tionól mar a gcéanna le leasuithe ar bith ar Acht TÉ 1998 atá mar bhonn reachtaíochta a bhfuil Comhaontú Aoine an Chéasta Bunaithe air.

Tabharfaidh Sinn Féin faoi idirbheartaíocht ar bith atá le teacht le mandáid dhaonlathach an phobail fanacht san AE a chosaint agus beimid ag gníomhú ar son leas náisiúnta na hÉireann.

Toisc go bhfuil seans ann anois go bhfágfaidh an Tuaisceart an AE in aghaidh thoil an phobail, agus go mbeidh teorainn chrua ann in athuir in Éirinn, tá ceist athaontú na hÉireann ar ais ar an gclár polaitiúil. Tá Sinn Féin cinnte de gur teip atá sa Chríochdheighilt - ar bhonn polaitiúil, sóisialta agus geilleagrach. Táimid ag iarraidh tús a chur le plé ceart agus cuimsitheach faoi athaontú na hÉireann agus na féidearthachtaí le haghaidh socruithe bunreachtúla, polaitiúla agus agus geilleagracha a chur i bhfeidhm a dhéanfaidh freastal níos fearr ar Éirinn in 2016.

Sainstádas faoi leith don Tuaisceart san AE - an méid ar gá a chur i gcrích san idirbheartaíocht atá le teacht

Níor tharla Brexit riamh agus níor fhág Ballstát ar bith an AE roimhe seo. Dá bhrí sin a luaithe agus a théann Alt 50 i bhfeidhm, ní féidir bheith cinnte cé bealach a rachaidh idirbheartaíocht Rialtas na Breataine.

Tá stádas ballraíochta ag Tuaisceart Éireann sa CEE agus san AE ó 1973. Ó síníodh Comhaontú Aoine an Chéasta agus ó cuireadh cumhacht-roinnt i bhfeidhm in 2007 bhí áit thábhachtach ag an Aontas Eorpach maidir i gcúrsaí síochána gur chuir sé ar fáil cúnamh ollmhór airgeadais agus polaitíochta a chruthaigh dul chun cinn níos fearr sóisialach agus sa gheilleagar ar bhonn uile-oileáin..

Bunaíodh Tascfhórsa TÉ in 2007 - an chéad cheann den chineál seo inar oibrigh an Coimisiún Eorpach chomh dlúth sin in aon réigiún san AE. D'fhógair Uachtarán an Choimisiúin Eorpaigh Jean-Claude Juncker ar an 14 Eanáir 2016 go leanfaí ar aghaidh leis.

Creidimid mar chuid den idirbheartaíocht ar Brexit, go bhfuil sé riachtanach an cás le haghaidh sainstádas faoi leith don Tuaisceart san AE a áitiú. In idirbheartaíocht den chineál seo ní mór plé a dhéanamh ar:

Próiseas Síochána na hÉireann a chosaint -

Baineann Brexit an bonn de stádas agus de chaighdeán institiúide, bunreachtúil agus dlíthiúil Chomhaontú Aoine an Chéasta - buncloch Phróiseas Síochána na hÉireann - agus sainíonn sé na caidrimh in Éirinn agus idir Éirinn agus an Bhreatain. Ní mór institiúidí polaitíochta Aoine an Chéasta, gealltanais maidir le cearta daonna agus forais Uile-Éireann agus ceart bunreachtúil agus dlíthiúil na ndaoine an ceart chun féinriail a chleachtadh agus Éire Aontaithe a bhaint amach trí thoil an phobail, trí reifreann thuaidh agus theas, a chosaint.

Rochtain ar Mhargadh Aonair an AE - Ní mór rochtain bheith ag an Tuaisceart ar mhargadh aonair



ina mbíonn cead saorghluaiseachta ag an bpobal, ag earraí, ag seirbhísí agus ag caipitil ar bhonn thuaidh/ theas agus idir ballstáit eile de chuid an AE agus éascaíonn sé sin dúinn leas a bhaint as an mbloc trádála is mó ar an domhan.

Fanacht mar chuid den Chomhlimistéar Taistil -

Ní mór dúinn saorghluaiseacht daoine agus earraí a choinneáil gan taraif trádála, seiceálacha fisiciúla ná srianta pais bheith ann. Bheifí go mór in éadan teorainneacha talún san AE ná srianta teorann ann ar an oileán, san aer nó ar muir

Gach sruth maoinithe de chuid an AE a choinneáil

-Fuair an tuaisceart maoiniú de €340milliún le haghaidh tamhlaíochta agus iascaireachta in 2015, in éineacht le £160milliún i gcistí struchtúrtha agus infheistíochta agus £270milliún



i maoiniú Síochána. Bíonn buntáistí ollmhóra gilleagracha agus sóisialta ag baint leis seo agus cuidíonn sé le síocháin agus athmhuintearas a dhaingniú agus ní mór dul ar aghaidh leis.

Rochtain an AE ar fhostaíocht, ar shlándáil shóisialach agus ar chúram sláinte a chosaint-

Ní mór an rochtain trasteorann gan srian agus an rochtain ar fud an AE atá ann faoi láthair a chosaint, msh. pa cothrom de réir Alt 175 TFEU.

Is cosaintí agus caighdeáin thábhachtacha iad **Ceartha agus coinníollacha oibrithe**, lena n-áirítear sláinte agus sábháilteacht, uaireanta oibre, saoire mháithreachais /atharthachta atá leagtha amach ag an AE inár ndlíthe intíre, msh. Creat-Treoir (2000/78/EC), Airteagal um Shláinte agus Shábháilteacht 155 TFEU.

Comhshaol-Is dúshlán mhóra iad athrú aeráide agus cosaint an chomhshaoil le haghaidh gach Stáit agus bíonn ardchaighdeán

rialachais ag teastáil ar cheisteanna lena n-áirítear bainistíocht dramhaíola, truailliú aeir, astaíochtaí gás ceaptha teasa, maolú tuilte, srl. Baineann Cosaint an Chomhshaoil, Airteagal 191-193 TFEU de dhlí fuinnimh an AE leis an margadh mórdhíola leictreachais don tír iomlán a bhfuil sé mar aidhm aige an leibhéal iomarcaíochta a mhéadú agus slándáil an tsoláthair a mhéadú. Tá sé mar aidhm ag Treoracha 'Tríú Pacáiste' an margadh leictreachais a chomhtháthú ar fud an AE.

Ionadaíocht pholaitiúil -Bíonn airí ón Tionól go minic ag freastal ar chruinnithe Chomhairle na nAirí. Ba chóir leanúint de seo agus é a dhéanamh foirmeálta. Mar thoradh ar Brexit déanfar 73 FPEanna a athdháileadh ar na ballstáit eile, agus ba chóir dúinn an cás a dhéanamh gur chóir go mbeadh ar a laghad 3 FPE eile le haghaidh na hÉireann nuair a ghlactar pobal na 6 Chontae san áireamh. Ba chóir dúinn freisin tuilleadh suíochán a lorg ar Choiste na Réigiún agus ar Choiste Eacnamaíoch agus Sóisialta na hEorpa.



Sainstádas faoi leith a bhaint amach san AE

Táimid in áit nach raibh muid riamh ann as siocair nár fhág ballstát an AE riamh. Sin ráite, tá sé aitheanta cheana féin ag leibhéal an AE go bhfuil cúinsí faoi leith ann ar oileán na hÉireann agus go bhfuil cás faoi leith le háitiú ann go mbeadh an sainstádas ag an tuaisceart san AE.

D'fhonn é seo a bhaint amach, beidh air seo bheith mar chuid den phlé polaitiúil atá le teacht agus beidh ar Bhallstáit na Comhairle Eorpaí seo a chomhaontú - agus tá Stát na hÉireann mar cheann de na 27 Ball.

Ní hé Sinn Féin amháin atá á áitiú seo. Rinne an Comhchoiste Oireachtais ar Ghnóthaí an Aontais Eorpaigh an moladh céanna ina thuarascáil i Meitheamh 2015 ar na himpleachtaí a bheadh ag Brexit ar Éirinn nuair a mhol sé

“That the Irish and UK Governments negotiate bilaterally to have Northern Ireland recognised (in an EU context) as having ‘a special position’ in the UK, in view of the Good Friday Agreement. Recommends further that special arrangements be negotiated at EU level in that context, to maintain North-South relations and Northern Irish EU citizenship rights and protections attached to such rights.”

Le breis agus fiche nó tríocha bliain anuas, tá sé léirithe ag an AE go bhfuil solúbthacht ann agus é ag plé le bealaí áirithe lánpháirtithe le haghaidh ballstáit agus tíortha nach ballstáit iad san AE.

Níl aon sampla ann le go bhfanadh dlínse mar chuid den Aontas Eorpach agus an Ballstát a bhfuil sé ceangailte leis ag cur deireadh lena bhallraíocht. A mhalairt den chás seo, áfach, ba ea nuair a vótáil an Ghraonlainn, críoch neamhspleách de chuid na Danmhairge agus déabhlóid theoranta aici, ar an AE a fhágáil i 1985 cé gur fhán an Danmhairg Mar Bhallstát. Aistríodh stádas na Graonlainne anseo go stádas Tíortha agus Críocha Thar Lear.

Mhair comhaontú tríthaobhach idir an Danmhairg, an Ghraonlainn agus an AE, a rinneadh a uasdátú in 2015.

Tá caidreamh faoi leith ag 25 Tír agus Críoch Thar Lear (OCT) leis an AE gan a bheith mar Bhallstát iontu féin agus tá siad nasctha leis an Danmhairg, an Bhreatain, an Fhrainc agus an Ísiltír a bhaineann leas as rochtain ar an margadh aonair agus teidlíochtaí eile a ndéantar idirbheartaíocht orthu idir na Ballstáit/OCT/AE.



Tá siad uile, áfach, nasctha le Ballstát.

Tá an stádas Tíortha agus Críocha Thar Lear sainithe an dlí an AE sna Conarthaí, ní ag dlí reachtúil an Bhallstáit

lena bhfuil siad nasctha. Tá tascfhórsa san AE laistigh den Choimisiún Eorpach chun ceannasaíocht a thabhairt ar an gcaidreamh AE/OCT a shainmhíniú agus a uasdátú.

Tá 12 Tír agus Críoch Thar Lear ag an mBreatain i láthair na huaire. Ní áirítear leis seo Tuaisceart na hÉireann, an Bhreatain Bheag, Albain ná Giobrálta.

Laistigh den AE tá bealaí eile comhtháthaithe ann lena n-áirítear an Eurozone agus Schengen ina nglacann an chuid is mór de Bhallstáit páirt, agus tá cuid eile nach nglacann - chomh maith le stáit eile nach ballstáit iad ag baint úsáid as ag Euro nó ag glacadh páirte in Schengen.

Is amhlaidh atá leis an gcomhaontas custaim agus an Comhaontú Saorthrádála leis an Tuisc, agus an margadh aonair EEA le Lichtinstéin, leis an Iorua agus leis an Íoslainn.

Próiseas Síochána na hÉireann a chosaint

Le fiche bliain anuas tháinig athrú ollmhór ar oileán na hÉireann mar gheall ar phróiseas na síochána, agus tháinig muid amach as na blianta de choimhlint pholaitiúil agus i dtreo sochaí níos rathúla, níos síochánta agus níos daonlathaí, agus tá Comhaontú Aoine an Chéasta 1998 mar bhunchloch aige seo.

Thángthas ar an gComhaontú seo i ndiaidh sosanna cogaidh ó Óglaigh na hÉireann agus dílseoirí agus mar thoradh air seo, bhí dhá bhliain ann den idirbheartaíocht ilpháirtí, a bhí mar bhonn le chomhaontú déthaobhach polaitiúil idir rialtais na hÉireann agus na Breataine.

Léiríonn an comhaontú, a fuair tacaíocht ollmhór i reifrinn Thuaidh agus Theas an chreat

institiúide, bhunreachtúil agus dhlíthiúil a shainíonn an caidreamh nua atá ann anois idir Éirinn agus an Bhreatain.

Cumhdaithe sa Chomhaontú freisin tá ceart mhuintir na hÉireann amháin an ceart chun féinriail agus Éire Aontaithe a bhaint amach trí thoil an phobail, trí reifreann thuaidh agus theas.

Creideann Sinn Féinn go mbainfidh Brexit agus díongbháilteacht Rialtas na Breataine Tuisceart na hÉireann a tharraingt as an AE léi an bonn de chaighdeán agus de stádas institiúide, bunreachtúil agus dlíthiúil Chomhaontú Aoine an Chéasta - atá ina Chonradh Idirnáisiúnta.



Ceartha, Cosaintí agus Comhionannas Deiseanna

Tá Comhaontú Aoine an Chéasta, an tAontas Eorpach agus an Coinbhinsiún (Eorpach) um Chearta an Duine lárnach agus tá siad fite fuaite trína chéile agus idirspeách ar a chéile laistigh de na socrúithe atá bunaithe sa Chomhaontú.

Luaitear i Snáithe a hAon go mbeidh sé d'údarás ag an Tionól bunreachtáíocht a rith i limistéir dhéabhlóidithe, de réir an Choinbhinsiúin (Eorpach) um Chearta an Duine, (ECHR).

Luaitear ann freisin nach féidir leis an Tionól ná forais phoiblí an ECHR a shárú agus go bhfuil príomhchinntí agus reachtaíocht le promhadh lena dheimhniú nach gcuireann siad isteach ar an ECHR.

San Acht um Chearta an Duine agus in Acht Thuaisceart Éireann 1998 a d'achtaigh Westminster faoi seach, tá an bonn reachtaíochta ann le go gcuirfear i bhfeidhm an Comhaontú agus cuimsíonn sé mar dhlí an Coinbhinsiúin (Eorpach) um Chearta an Duine (ECHR), agus tugann sé seo rochtain dhíreach ar na cúirteanna agus ar leasuithe ar shárú an Choinbhinsiúin, lena n-áirítear cumhacht ag na cúirteanna

rialú in aghaidh an Tionóil i ngeall ar neamhleanúnachas.

Tá an tAcht um Chearta an Duine 1998 fíorthábhachtach freisin go mbeidh creat ann maidir leis an dispeansáid nua Phóilíneachta sa Tuaisceart a chomhlíonadh. Tá monatóireacht ar chomhlíonadh na bPóilíní mar ghné lárnach de ról maoirseachta na mBord Póilíneachta de réir na reachtaíochta seo. Tá cód eiticí SPTÉ le haghaidh pearsanra sna póilíní ceaptha de réir chreat an ECHR mar a bhfuil foráil déanta air san Acht.

Feidhmíonn Coimisiún na Mórshiúlta laistigh de chreat um chearta an duine, agus déanann sé moltóireacht ar chearta iomaíocha mar atá léirithe san ECHR.

Ar an mbonn sin, beidh iarmhairtí tromchúiseacha ann dár ndispeansáidí nua rialachais, póilíneachta agus mórshiúlta má dhéantar iarracht ar bith an tAcht um Chearta an Duine a shárú, agus déanann sé dochar do chaighdeán Chomhaontú Aoine an Chéasta agus de Chomhaontú Chill Rìmhinn.



Institiúidí Polaitíochta

An Tionól

Tá Comhaontú Aoine an Chéasta agus Acht Thuaisceart Éireann 1998 mar bhonn le hinniúlacht reachtaíochta an Tionóil agus an Fheidhmeannais chumhacht-roinnte. Tá sé soiléir ón Acht nach bhfuil sé de chumhacht ag Aire ná Rannóg Rialtais ar bith reachtaíocht shóisearach ar bith a dhéanamh, a dheimhniú ná a cheadú nach luíonn le cuid ar bith den Choinbhinsiún ar chearta ná nach luíonn le dlí Pobail an AE, nó a dhéanann leithcheal in aghaidh duine ná aicme duine ar bhonn creidimh ná tuairim pholaitiúil.

Creideann Sinn Féin leis an Acht seo a leasú, go mbeadh comhaontú reachtaíochta agus polaitiúil ag na páirtithe sa Tionól, agus ag Rialtas na hÉireann mar chomhráthóirí ar an gComhaontú, ag teastáil ar dtús ó Rialtas na Breataine.

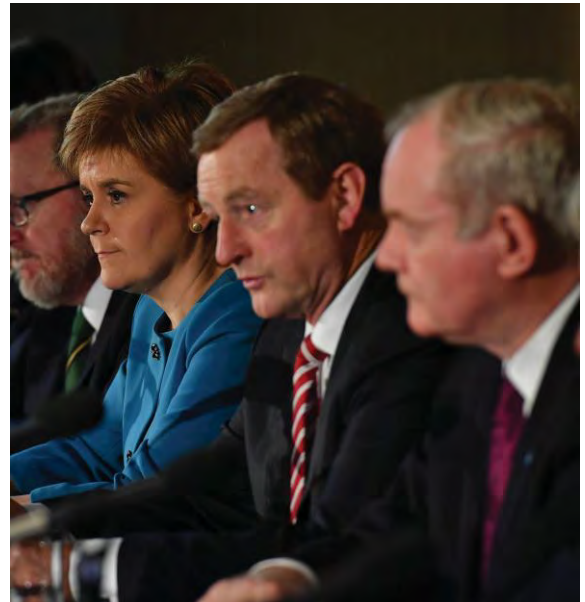
An Chomhairle Aireachta Thuaidh Theas

Glactar leis i gComhaontú Aoine an Chéasta go bhfuil na socrúithe institiúide agus bunreachtúla fite fuaite trína chéile agus idirspiléach ar a chéile agus go háirithe go bhfuil feidhmiú an Tionóil agus an Chomhairle Aireachta Thuaidh Theas chomh gaolmhar le chéile go mbíonn siad ag brath ar a chéile go n-éireoidh leo.

Tá sé de dhualgas ar an gComhairle Aireachta Thuaidh Theas comhoibriú agus gníomhaíocht a fhorbairt laistigh d'oileán Na hÉireann- agus áirítear leis seo cur i bhfeidhm ar bhonn uile-oileáin agus trasteorann - ar cheisteanna atá le leas na beirte agus atá faoi inniúlacht an dá Rialtas, Thuaidh agus Theas.

Maidir leis an Aontas Eorpach de, luaitear i gComhaontú Aoine an Chéasta go ndéanfaidh an Chomhairle Aireachta Thuaidh Theas an méid seo a leanas, *"consider the European Union dimension of relevant matters, including the implementation of EU policies and programmes and proposals under consideration in the EU framework. Arrangements to be made to ensure that the views of the Council are taken into account and represented appropriately at relevant EU meetings."*

Measann Sinn Féin go bhfuil géarghá leis an gceannasacht a bhaineann leis na forais trasteorann agus na forais institiúide Thuaidh/Theas fíorthábhachtach agus nach mór iad a chosaint, agus a chur chun cinn agus na buntáistí a bhaineann le comhoibriú Thuaidh/Theas a aithint go hiomlán.



Measann gach páirtí, príomhghrúpaí ó earnálacha áirithe agus saoránaigh gur guth láidir a bheidh i Rialtas na hÉireann, agus é ina Bhallstát den AE, le haghaidh oileán iomlán na hÉireann, agus go mbainfidh sé leas as a thionchar ag an gComhairle Eorpach le leas náisiúnta a chosaint agus lena léiriú go bhguil sé ríthábhachtach go bhfanann oileán na hÉireann san AE le chéile.

Comhairle na Breataine- na hÉireann

Is éard atá i gComhairle na Breataine- na hÉireann ná Rialtas na hÉireann agus na Breataine, Rialtais na Breataine Bige agus na hAlban, Feidhmeannas Thuaisceart Éireann agus Rialtais Oileán Mhanann agus Oileáin Mhuir nIocht. Tá soláthar ann inar féidir le dhá bhall socrúithe déthaobhacha nó iltaobhacha a shocrú eatarthu féin.

"Such arrangements could include, subject to the agreement of the members concerned, mechanisms to enable consultation, co-operation and joint decision-making on matters of mutual interest; and mechanisms to implement any joint decisions they may reach. These arrangements will not require the prior approval of the BIC as a whole and will operate independently of it."

Creideann Sinn Féin go bhfuil sé lenár leas le cúis chomónta a aimsiú le réigiúin eile i gComhairle na Breataine-na hÉireann a bhfuil sé mar chuspóir acu freisin fanacht agus bheith ag obair le chéile lenár gcás a áitiú san idirbheartaíocht atá le teacht maidir le Brexit.



Leanúint ar athruithe ar leibhéal an AE a éileamh

Tá polasaí fadbhunaite ag Sinn Féin maidir le rannpháirtíocht chriticiúil leis an AE ina dtacaímid le bearta atá le leas na hÉireann agus a théann in aghaidh agus a dhéanann feachtasaíocht i leith na n-athruithe sin nach bhfuil le leas na hÉireann.

Oibríonn Feisirí Shinn Féin ar bhonn laethúil le dul chun cinn forásach a chur chun tosaigh san AE. Chuaigh muid in éadan riamh aistriú cumhachta ó bhallstáit go hinstiúidí an AE - cumhacht pholaitiúil, gheilleagrach agus fhioscach. Táimid de shíor ag áitiú go ndeachaigh athrú i ndiaidh athraithe ar Chonarthaí ó Maastricht go Liospóin níos mó dochair don ghéarchéim dhaonlathach, pholaitiúil agus gheilleagrach ag croílár an AE. Mar chuid den fhadhb, ba í an tuairim go bhféadfaí an polasaí airgeadais céanna a chur i bhfeidhm i ngach cás, agus chuaigh cúrsaí in olcas mar gheall ar pholasaí fioscach agus buiséid den chineál céanna.

Táimid go mór in éadan chlár déine an Choimisiúin Eorpaigh a mhaolaigh na hiarrachtaí a mhair roimh chun Eoraip shóisialach a chruthú. Sheas ár bhFeisirí in éadan an chlár seo. Chuaigh muid in éadan ciorruithe ar bhuiséad an AE le haghaidh earnálacha straitéiseacha ar nós na tamhlaíochta, na forbartha réigiúnaí agus na infheistíochta i bpoist agus i bhforbairt. Chuaigh muid in éadan na n-ionsaithe ar na tuarastail agus ar choinníollacha oibrithe agus chosain muid seirbhísí poiblí agus fónais phoiblí.

Tá áit na hÉireann san Aontas Eorpach ach tá gá le leasuithe san Aontas Eorpach. Áirítear leis na leasuithe ba mhian linn a fheiceáil tá:

- » Polasaí an Gheilleagair socruithe in Éirinn - ní sa Bhruiséil ná i Londain - ag polaiteoirí atá tofa ag muintir na hÉireann agus atá freagrach dóibh, thuaidh agus theas.
- » Coinbhinsiún an AE a bhfuil mandáid shoiléir aige le cumhachtaí a aithint atá le tabhairt ar ais do bhallstáit.
- » Cumhacht an Choimisiúin a laghdú trí dheireadh a chur lena gceart reachtaíocht a mholadh mura n-iarrann an Chomhairle ná an Phairlimint é.
- » Deireadh a chur leis an rúndacht a

Bhaineann leis an gComhairle Eorpach trí chruinnithe a reáchtáil go poiblí.

- » Cumhacht ballstáit bheaga a mhéadú trí oibriú Vótáil Tromlaigh Cháilithe a leasú agus trí líon na bhFeisirí atá tofa ó bhallstáit bheaga a mhéadú.
- » Coimisinéir amháin le haghaidh stáit amháin a choinneáil agus iad a dhéanamh freagrach do phairlimint an bhallstáit sin.
- » Bearta nua le cearta oibrithe agus seirbhísí poiblí a chosaint.
- » Dul in aghaidh arm de chuid an AE a chur le chéile nó tionscnamh ar bith eile a mhéadóidh míleatú an Aontais Eorpaigh. Déanfaimid neodracht na hÉireann a chosaint.

Leanfaidh Sinn Féin ar aghaidh ag obair le comhghuaillithe san Eoraip le gnéithe dearfacha an Aontais Eorpaigh a mhéadú, le dul i ngleic leis na gnéithe diúltacha agus leis na hinstiúidí a choinneáil cuntasach.

Ba mhian linn go mbeadh instiúidí an AE níos dírithe ar rath a fhorbairt chomh maith le cearta na saoránach a chosaint.

Ba mhian linn go mbeadh Aontas Eorpach ann bunaithe ar chosaintí cearta daonna agus ar chomhoibriú atá le leas gach duine. Sin ráite, táimid in éadan polasaí eachtrach agus polasaí sábháilteachta a dhéanamh níos feidearálaí.

In ainneoin gur chóir fáilte a chur roimh chomhoibriú le tíortha eile de chuid an AE ar cheisteanna coitianta, ba chóir polasaí eachtrach agus polasaí cosanta na hÉireann a cheapadh i mBaile Átha Cliath, ní sa Bhruiséil. Déanfaimid ceart ceannasach na hÉireann polasaí eachtrach neamhspleách bheith aici agus neodracht na hÉireann a chosaint.

Ní mór dul in éadan iarrachtaí arm faoi leith don AE a chruthú agus tuilleadh míleatuithe ar an AE.

Is éard atá leis seo ná cuid de na bearta leasuithe atá uainn. D'fhoilsigh muid cáipéis níos mionsonraithe i ndiaidh Chonradh Liospóin ina raibh moltaí leagtha amach le haghaidh athruithe. "A *Better deal for Ireland and the EU*".

Sinn Féin, 44 Cearnóg Parnell, Baile Átha Cliath 1,
Éire.

Teil: (353) 1 872 6100/872 6932

Facs: (353) 1 889 2566

Ríomphost: admin@sinnfein.ie

Sinn Féin, 53 Bóthar na bhFál, Béal Feirste, BT
12PD, Éire.

Teil: 028 90 347350

Facs: 028 90 347386



www.sinnfein.ie

**AN CÁS LE GO mBEIDH
SAINSTÁDAS FAOI LEITH
DON TUAISCEART SAN AE**