



# Brexit: Why Northern Ireland is where it is



**Katy Hayward**

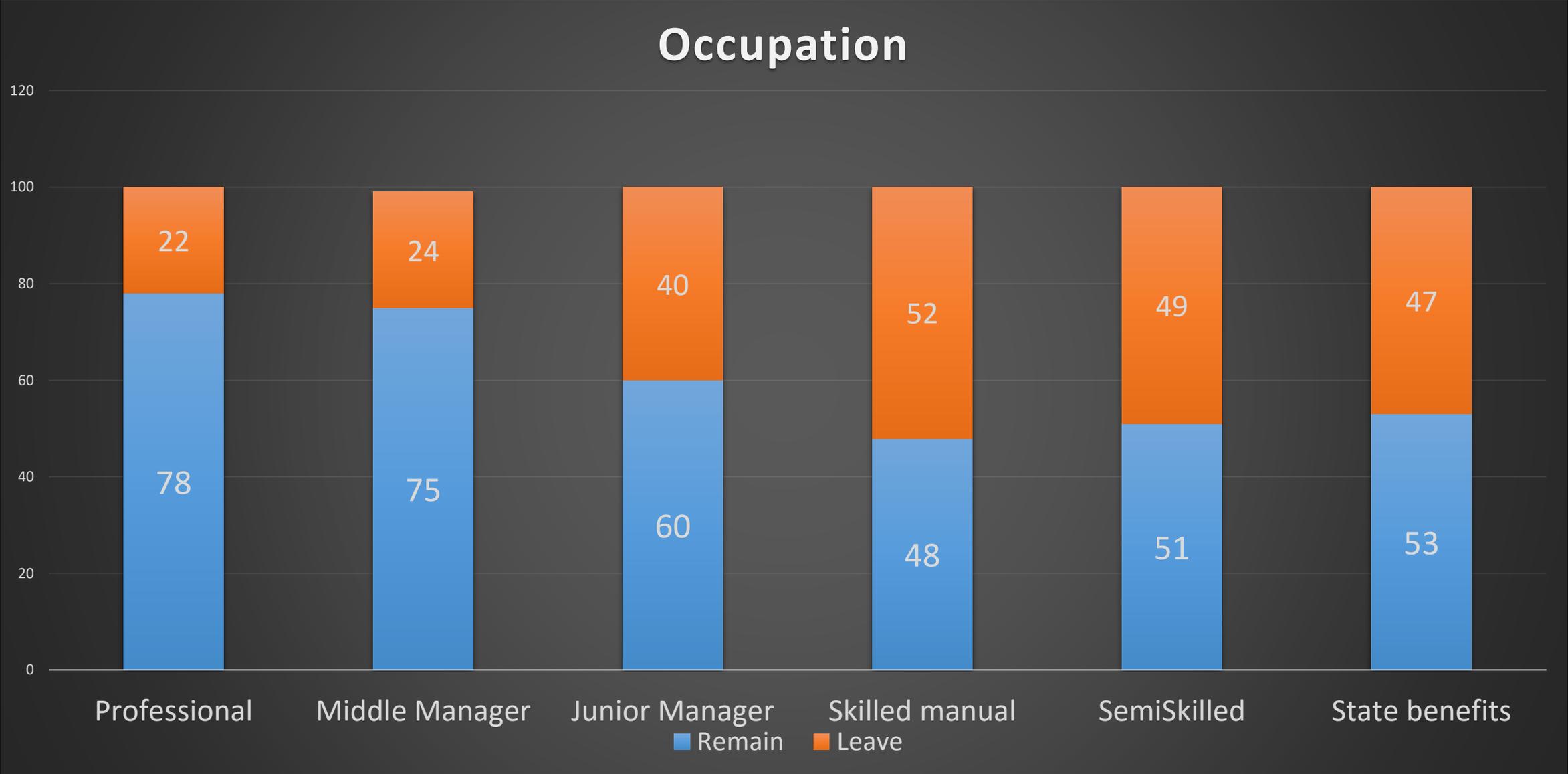
@hayward\_katy

k.hayward@qub.ac.uk

[go.qub.ac.uk/hayward](http://go.qub.ac.uk/hayward)

# Anti-Globalisation?

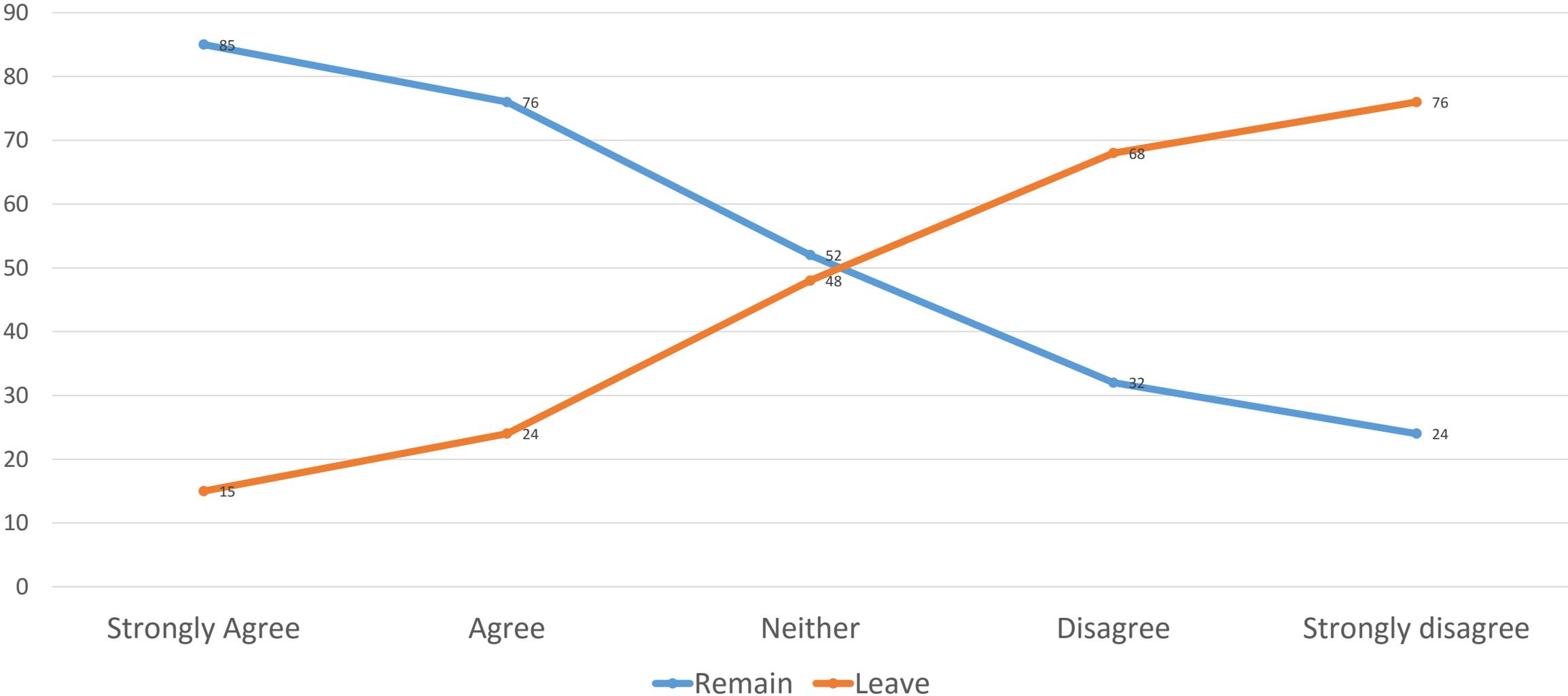
Support for Brexit across UK was stronger among the working class, among older people, and among males



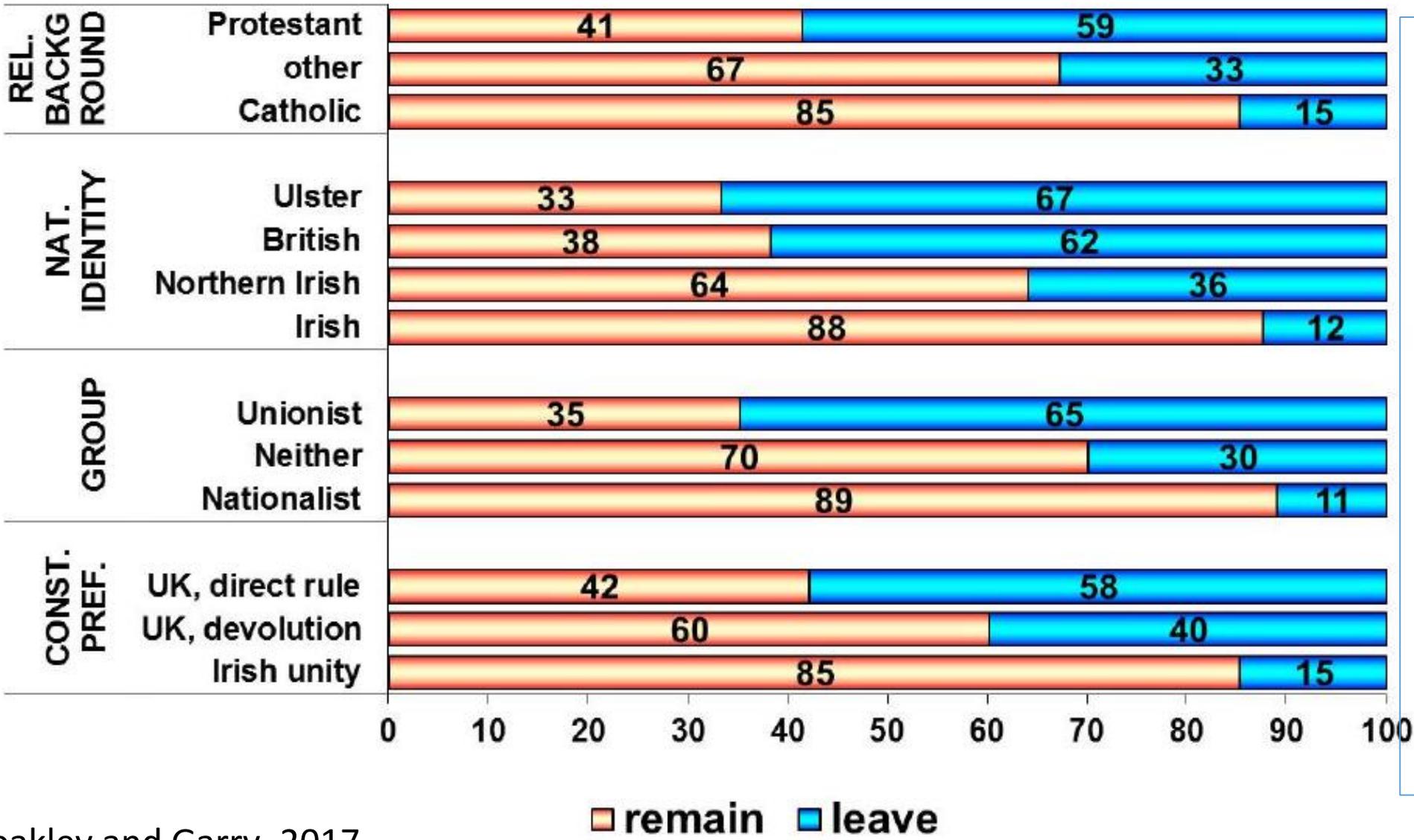
Garry, 2016

# Anti-Globalisation?

**'Immigration to N.Ireland has been good for the economy & society...'**



# Political identity



- Supporters of Irish unity least supportive of Brexit (15%).
- Supporters of the status quo (devolved status within UK) fell in between, with 40% supporting Brexit.
- **Supporters of direct rule from London were most strongly disposed towards Brexit (58%)**

# Where parties converged

## Key Areas of Convergence

Specific arrangements for Northern Ireland

No hard Irish border

Ongoing access to EU Single Market

Customs arrangements that facilitate frictionless N-S travel & trade

+

Maintain Common Travel Area

Free movement on the island of Ireland of goods, people & services

Ongoing Access to EU Funding

Safeguard Rights of EU Citizens

Specific Protections for NI Agri-Food Sector

Arrangements to Protect Single Electricity Market

### Specific Arrangements

DUP "specific solutions" for "particular circumstances"

SF "special status" *within* the EU

APNI "special deal" that includes EEA membership

UUP NI to become "Enterprise Zone"

SDLP "bespoke status" including EEA membership

### No hard Irish border

DUP Frictionless border with Irish Republic; no internal UK borders

SF No change to the Irish border

APNI Hard border disastrous for NI; border as a bridge

UUP No hard border, and no new internal UK borders

SDLP A hard border in Ireland is not an option

### Nature of Single Market Access

DUP "comprehensive free trade agreement"

SF "access" to EU Single Market

APNI "participation" in EU Single Market

UUP "unfettered access" to EU Single Market

SDLP "participation" in Single Market

### Customs

DUP "customs agreement" with the EU

SF NI to "remain" in Customs Union

APNI "participation" in Customs Union & CET

UUP NI not to be in a CU if UK as a whole is not

SDLP UK in a Customs Union with the EU

# Where this led

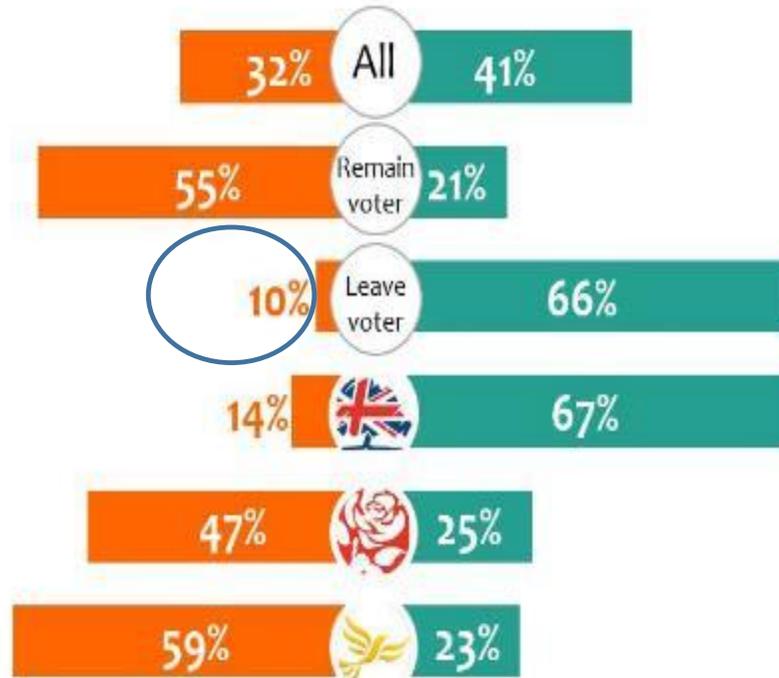
- **Different community approach to Brexit challenges** (Garry et al.2018)
  - Catholics tend to be wary of the economic effects of any border controls north/south or east/west
  - Protestants are wary of these controls but also conscious of the constitutional and legal framework
  - *Overall preference: remain, followed by soft Brexit*
- **Political views in NI coalescing around desire for status quo**
  - But diverging when constitutional question came to the fore
    - *Comes to the fore because NI seen as a problem*

# Why this is a constitutional crisis

If the UK had to decide between either leaving the EU customs union, or avoiding a hard border between Northern Ireland and the Republic of Ireland, which would you prefer:

GB respondents only

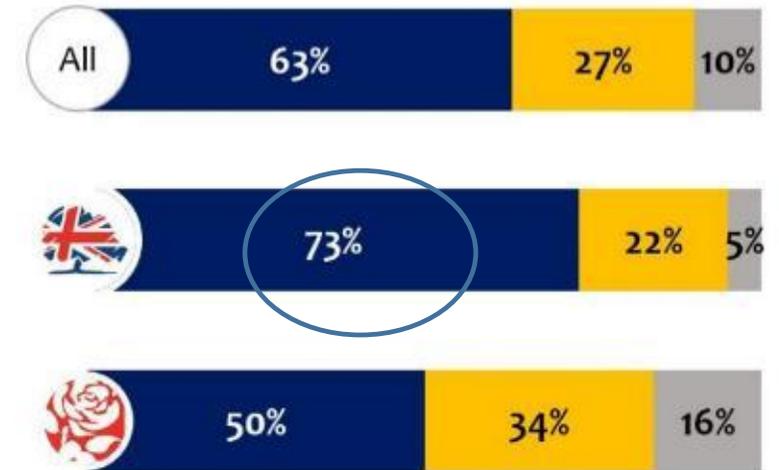
Avoid creating a hard border between Northern Ireland and the Republic of Ireland, even if this meant the UK staying in the EU customs union and not being able to do its own trade deals with non-EU countries



Leave the EU customs union, even if this meant a hard border with customs checks between Northern Ireland and the Republic of Ireland

If it were not possible to do both, which of the following would you choose to do?

GB Leave voters only



- Leave the European Union
- Keep England, Scotland, Northern Ireland and Wales together in the United Kingdom
- Don't know

# The root challenge

- How to keep the status quo for Northern Ireland and yet have UK as a whole be outside of the EU?

- The further detached it is, the less possible the status quo

- -> Backstop

- “an uncomfortable arrangement which is why both Parties are committed to a future relationship that means that it either does not come into effect or is superseded quickly.” [UK govt]

## Outcome: Three scenarios

- *No Brexit:*
  - Flux now but longer term stability
- *Withdrawal Agreement*
  - Stability now but longer term flux
- *No Deal:*
  - Chaos followed by flux

## Preamble

Commitments from Joint Report +

### 1. Objectives and Relationship to Subsequent Agreement

Constitutional status of Northern Ireland and consent principle; territorial integrity of UK; unique circumstances on island of Ireland; temporary nature of protocol

### 2. Subsequent Agreement

Best endeavours to conclude before 31 December 2020; agreement to supersede Protocol in whole or in part

### 3. Extension of Transition Period

UK may request by 1.7.2020 extension for up to two years

### 4. Rights of Individuals

No diminution of rights, safeguards and equality of opportunity as set out 1998 Agreement; UK to facilitate work of human rights and equality bodies

### 5. Common Travel Area

Movement of people between UK and Ireland

### 6. Single Customs Territory, Movement of Goods

Single customs territory comprising EU customs union and customs territory of the United Kingdom, plus 'level playing field provisions

### 7. Protection of the UK Internal Market

Unfettered market access for NI goods to rest of UK

### 8. Technical Regulations, Assessments, Registrations, Certificates, Approvals and Authorizations

"UK(NI)" or "United Kingdom (Northern Ireland)"

# Protocol on Ireland/ Northern Ireland

### 9. VAT and Excise

EU VAT and excise regime to apply to Northern Ireland

### 10. Agriculture Environment

Relevant EU law on sanitary and phytosanitary rules, production and marketing of agricultural and fisheries products, and the environment relating to movement of goods to apply to Northern Ireland

### 11. Single Electricity Market

EU law governing wholesale electricity markets to apply to Northern Ireland

### 12. State Aid

EU law governing state aid to apply to Northern Ireland; EU institutions competent in respect of EU-NI trade

### 13. Other Areas of North-South Cooperation

Maintain conditions for continued cooperation, *including* in environment, health, agriculture, transport, education and tourism, as well as energy, telecommunications, broadcasting, inland fisheries, justice and security, higher education and sport

### 14. Implementation, Application, Supervision and Enforcement

Role of UK and EU institutions and bodies in implementing and applying Protocol's provisions

### 15. Common Provisions

Application and implementation of Protocol; application of new EU law; risk assessments; action in case of essential security needs and disturbances

### 16. Specialised Committee

Facilitate implementation and application of Protocol including discussion of proposals from North-South Ministerial Council; consider matters raised regarding rights( Article 4); recommendations to Joint Committee

### 17. Joint Consultative Working Group

Forum for the exchange of information and mutual consultation, e.g. on planned Union EU acts amending or replacing the acts covered by Protocol

### 18. Safeguards

Safeguards in cases of serious economic, societal or environmental difficulties

### 19. Protection of Financial Interests

counter fraud and any other illegal activities relating to EU and UK interests in Northern Ireland

### 20. Review

Replacement in part or in full of Protocol by Joint Committee following optional consultation of institutions established un 1998 Agreement

### 21. Annexes

Lists of relevant EU law in three annexes to be integral part of the Protocol

## Shared Positions on Brexit Negotiations by Key Social Partners in NI

- Open frictionless border between NI and ROI and GB and the island of Ireland
- Preserve economic benefits of the EU Single Market and Customs Union until final UK-EU settlement is agreed/implemented.
- Preserve Common Travel Area.
- Agree migration system that protects migrants and allows business to access skills and labour.
- Protect Belfast/Good Friday Agreement.
- Ensure outcome of any UK-EU negotiations does not delay complete implementation of GFA or alter its terms.
- No diminution of workers' rights or employment standards in NI.
- Ensure outcome of UK-EU negotiations sustains the social and economic benefits of EU funding in NI.
- Ensure civil society actors can input to UK-EU negotiations and their outcome.

## The current bind

- The debate about the Withdrawal Agreement is not about Withdrawal
- The debate about the Protocol is not about Ireland/Northern Ireland
- The bit that secures the union is the bit that is hardest for most MPs to swallow
- The DUP's opposition is based on distrust of the UK government (not EU or Irish)