

To remain or leave? Northern Ireland and the EU Referendum (EU Debate NI - briefing paper)

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EU Debate NI

To Remain or Leave?

Northern Ireland
and the EU Referendum



CENTRE FOR DEMOCRACY
AND PEACE BUILDING



The UK in a
Changing Europe



Queen's University
Belfast

To Remain or Leave?

Northern Ireland and the EU Referendum

The UK government is committed to holding a referendum before the end of 2017 on whether the United Kingdom should remain in or leave the European Union (EU). Voters will be motivated by a range of issues, many of which are being openly debated, particularly in the media, among politicians and by the various campaigning groups that now exist.

Regionally, in Northern Ireland, the debate on whether to vote to remain in or leave the EU has barely begun. Yet debate is needed, not least because the arguments presented at a UK level tend to overlook the regional dimension. Regionally-focused debate is needed, and particularly so in Northern Ireland, given its unique geographical location in the UK of bordering another EU member state. The implications of remaining in and of leaving the EU have regional dimensions that need to be identified and debated.

This purpose of this briefing paper is to contribute

to that process of identifying and debating the implications for Northern Ireland of remaining in or leaving the EU. It does not present arguments for either side. Instead it raises questions around a range of topics that it is believed need to be considered in advance of the referendum. The paper does not claim to be comprehensive in terms of the topics covered or the questions raised. It is designed instead as an initial foray into identifying the issues and questions that should inform debate. Its purpose is to stimulate discussion and to provoke others into identifying the issues they want considered and the questions they want asked and answered in advance of the referendum.

The briefing paper has been compiled by a team of academics from the School of Politics, International Studies and Philosophy at Queen's University Belfast (QUB) and from the Department of Government at University College Cork (UCC).¹

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Constitutional and Political Issues

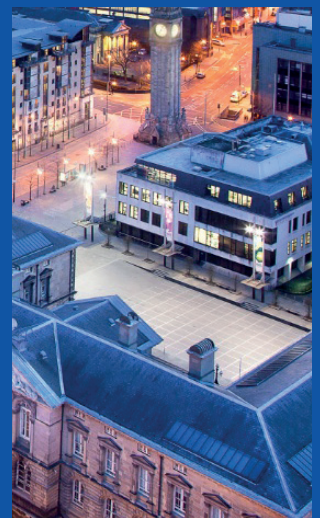
Northern Ireland in the United Kingdom

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Northern Ireland in the United Kingdom

Northern Ireland is a constituent part of the United Kingdom and so all EU business pertaining to Northern Ireland is filtered through the United Kingdom. Loose institutions and structures have been created to allow for regional interests to be identified and acknowledged. These facilities have not always been successful in engaging the regions, and Northern Ireland has not been especially adept at using these channels to communicate Republic of Ireland's interests effectively with central government. In contrast to the United Kingdom more generally, Northern Ireland's relations with the EU have strengthened since the introduction of devolution, and public opinion has remained supportive of EU membership. Unlike the United Kingdom, there is very little support in Northern Ireland for ardently Eurosceptic political parties. The more established political parties, which dominate the electoral landscape, have developed positions on the EU (much of it guided by talk of a referendum on EU membership), but these positions are invariably vague. This explains, at least in part,

the absence of a clear Northern Ireland position on the EU referendum issue. Contributions to the Balance of Competence Review by the Northern Ireland Executive were not extensive, but their tone was largely pro-EU favouring either a continuation of the status quo or refinement of existing practices. Support for withdrawal from the EU was not in evidence. Unlike Scotland or Wales, the cross-party nature of the Executive severely limits the clear articulation of a single Northern Ireland position. This means that it is difficult for Northern Ireland to influence the wider UK position and to feed into UK-EU discussion and debates around the possibility of a Brexit. And nor has the UK government utilised or manoeuvred existing intergovernmental structures to involve Northern Ireland (and other regions). Northern Ireland's small and diverse representation in Westminster also limits the extent to which a Northern Ireland position can be communicated. Cooperation with other UK devolved administrations on the UK-EU question has also been minimal.

Northern Ireland in the United Kingdom

Key questions regarding EU membership and the possible implications of remaining in the EU

1. Will the referendum outcome stimulate pressures for the introduction of devolution max or federalism?
2. Will elements of the Belfast Agreement have to be reviewed?
3. Will the Northern Ireland Executive pursue strategies for inputting more frequently, more directly and more robustly to the development of UK positions on EU issues?
4. Will structures such as the Joint Ministerial Committee on the EU be regularised and consolidated?
5. Will the UK central government take greater account of UK regional interests in their future dealings with the EU?
6. Will Northern Ireland's MPs in Westminster secure a stronger role vis-à-vis the EU legislative process?
7. Will the Northern Ireland Executive and Assembly engage more frequently and more emphatically with their counterparts in the devolved regions?

Key questions on what leaving the EU might entail

1. Will a Scottish independence referendum be triggered?
2. Will political relations between Northern Ireland and UK central government be negatively impacted by a vote to leave?
3. Will UK economic and political adjustments have a negative impact on Northern Ireland's Barnett Formula allocation?
4. In the context of exit negotiations, will the UK central government acknowledge Northern Ireland's special relationship with the Republic of Ireland?
5. Will paramilitary forces in Northern Ireland seek to manipulate potential political and economic instability?
6. Will the issue of Irish unity be placed on the political agenda?
7. Will intergovernmental structures such as the Joint Ministerial Committee on the EU be maintained?

Northern Ireland and the Republic of Ireland

The Northern Ireland-Republic of Ireland relationship has a political dimension which is complicated by a close nationalist identification with the Republic of Ireland, a connection which is not shared by unionists. Historically tense, political links between Northern Ireland and the Republic of Ireland have settled since the peace process and the signing of the 1998 Belfast Agreement. The Agreement established formal links, including cross-border bodies, between

Northern Ireland and the Republic of Ireland which have, despite some interruption, operated satisfactorily. The Special EU Programmes Body (SEUPB) has responsibility for implementing the EU INTERREG cross-border co-operation programme worth €240 million. Relations between the Northern Irish and Irish authorities (civil servants and politicians) have also expanded and some of that cooperation plays out in Brussels in the context of shared EU interests.

Key questions regarding EU membership and the possible implications of remaining in the EU

1. How will the Northern Ireland-Republic of Ireland relationship evolve?
2. Will cooperation between civil servants and politicians on EU issues expand?
3. Will cross-border trade continue to grow?
4. Will cross-border tourism continue to expand?
5. Will there be pressure for Northern Ireland to adopt the Euro?
6. Will the development of an all-island economy advance further?
7. Will the stability and legitimacy of cross-border bodies be reinforced?

Key questions on the referendum outcome and on what leaving the EU might entail

1. Will border controls be re-imposed between Northern Ireland and the Republic of Ireland?
2. Will the Common Travel Area (CTA) between the United Kingdom and the Republic of Ireland be maintained?
3. To what extent will cross-border trade be affected? Will some sectors be more disadvantaged than others?
4. Will cross-border tourism be negatively impacted by the possible return of border controls?
5. Will the possible re-imposition of the border controls and the interruption of cross-border trade unsettle political stability in Northern Ireland?
6. Will EU cross-border funding (INTERREG) be replaced by national/regional authorities?
7. What will happen to the Special EU Programmes Body (SEUPB)? How will other cross-border bodies be affected?
8. How will contact and cooperation between Northern Irish and Irish civil servants evolve? Will it diminish?
9. What implications would Brexit have for the future of the Belfast Agreement?

Northern Ireland's Political Influence

Northern Ireland's troubled political past has meant that the region's relationship with the EU has differed from that of other European regions. Initially, the EU remained largely aloof from Northern Ireland's political difficulties, instead key EU institutions, particularly from the late 1980s, have supported the region financially and strategically. The region has enjoyed privileged access to these institutions and special priority status in relation to EU funding. The signing of the Belfast Agreement in 1998 and the subsequent introduction of devolved powers further altered the dynamic of Northern Ireland's engagement with the EU. The bulk of EU policies are now managed and administered via the regional administration in Northern Ireland – a situation which has allowed Northern Ireland to play a more direct role in the process of influencing and implementing EU policies. It has also meant greater mobilisation of Northern Ireland's Ministers and civil servants in support of specific Northern Ireland-EU policy interests. There has too been a more robust articulation

of Northern Ireland's interests, aided by the work of the Northern Ireland EU Taskforce, and Northern Ireland has fostered new beneficial relationships and linkages in Brussels through the Office of the Northern Ireland Executive in Brussels (ONIEB), and with the Republic of Ireland and other European regions. A discernibly more proactive approach to EU issues has been largely influenced by economic motivations i.e. the promise of EU structural funding, financial support for the agri-fisheries sector and the financial penalties associated with environmental legislative infringements. It is clear that there exists a measure of goodwill in Brussels towards Northern Ireland and to some extent, the devolved administration has capitalised on these links. Despite domestic political differences, the Northern Ireland Executive has been able to sustain a largely positive engagement with the EU. The tenor of that engagement has become more discerning and the institutional infrastructure to support the advancement of the relationship is slowly been consolidated.

Northern Ireland's Political Influence

Key questions regarding EU membership and the possible implications of remaining in the EU

1. Will Northern Ireland capitalise further on the goodwill it enjoys in Brussels?
2. Will Northern Ireland further exploit its relationship with the European Commission by engaging further with the Northern Ireland -EU Taskforce?
3. Will the Northern Ireland Executive work to develop a vision for the Northern Ireland-EU relationship?
4. Will the Northern Ireland Executive pursue strategies for inputting more frequently and more directly to the development of UK positions on EU issues?
5. Will the Northern Ireland Executive invest further in structures and capacity to support engagement with the EU e.g. Minister for Europe?
6. Will the Northern Ireland Assembly engage more robustly with the EU e.g. by creating a dedicated EU Committee?
7. Will the Northern Ireland Assembly table more EU-related questions and debates?
8. Will Northern Ireland's MPs in Westminster secure a stronger role vis-à-vis the EU legislative process?
9. Will pro- or anti-EU sentiment grow?

Key questions on what leaving the EU might entail

1. Will political stability in Northern Ireland be threatened as a consequence of a divisive vote (which is heavily weighted by an English desire to leave and contrasts with support in Northern Ireland to remain)?
2. Will elements of the Belfast Agreement have to be reviewed?
3. Will potential economic destabilisation and loss of EU funding unsettle community relations in Northern Ireland?
4. Will paramilitary forces in Northern Ireland seek to manipulate potential political and economic instability?
5. Will the issue of Irish unity be placed on the political agenda?
6. Will the possibility of a Scottish referendum on independence (influenced by an English driven vote to leave which contrasts with the Scottish support to remain) trigger political instability in Northern Ireland?
7. Will Northern Ireland focus its external relations elsewhere e.g. more towards the US and less towards Europe/EU?
8. Will Northern Ireland maintain a presence in Brussels or will it close the Office of the Northern Ireland Executive in Brussels (ONIEB)?
9. What will be the time-scale for UK departure from the EU?
10. What influence will Northern Ireland have in terms of negotiating an exit strategy?
11. Will Northern Ireland be permitted to negotiate directly with the Irish government to agree issues around citizenship arrangements, borders and travel?

The Irish Border

The Irish border is the only land border that the United Kingdom shares with another state. Since the launch of the Single Market in 1992 and the onset of the Irish Peace Process in 1994 the Irish border has been reconfigured as an open, soft border. Consequently, Irish border customs posts, British Army watchtowers, and Security Force

installations and checkpoints were surplus to requirements. Secondary cross-border roads which were cratered or blocked with bollards during the Troubles were refurbished and re-opened. The result is that the physical manifestation of the Irish border itself is hardly discernible and there is freedom of movement across it.

Key questions regarding EU membership and the possible implications of remaining in the EU

1. What are the advantages of the Irish border as a soft, open border?
2. What are the disadvantages of the Irish border as a soft, open border?
3. It is possible that UK-EU negotiations could result in a prolonged UK opt-out on the free movement of labour that would result in the UK remaining in the EU. Would such an opt-out still necessitate hardening the Irish border through the instillation of a border security regime?
4. In the event of a UK opt-out how likely is it that the UK government would reject hardening the Irish border in favour of limiting a border security regime to Britain?
5. Alternatively, would the Irish Government request a similar opt-out and reinforce a British Isles border?

Key questions on what leaving the EU might entail

1. If the UK Government decides to secure the Irish Border how will this be done?
2. What will be the impact on people living the border region?
3. Are there implications for peacebuilding?
4. How likely is it that the UK government would reject hardening the Irish border in favour of limiting a border security regime to Britain?
5. Would the Republic of Ireland also be forced to leave the EU - 'Irexit' - and reinforce a British Isles border?

Citizens' Rights

Every person holding the nationality of an EU member state is a citizen of the EU. EU citizenship is additional to national citizenship – it does not replace it. All EU citizens enjoy a series of important rights. Many of these are related to the functioning of the single market and include the right to travel freely around the EU, and the right to reside, study and/or work in another EU member state. The right to reside in another EU member state for more than three months requires citizens to meet certain conditions depending on their status as workers, students, etc. EU citizens also enjoy political rights and

protections. Citizens are entitled to vote for and stand as a candidate in European Parliament and municipal elections in another member state. They can avail of diplomatic and consular assistance from the authorities of other EU member state when overseas. Citizens may also petition the European Parliament and lodge complaints with the European Ombudsman. They have a right of access to official EU documents and may write to any EU institution or body in any Treaty language. The EU also prohibits discrimination, including on the grounds of nationality, and so EU citizens enjoy the right to equal treatment.

Citizens' Rights

Key questions regarding EU membership and the possible implications of remaining in the EU

1. Will the right to reside in another EU member state be altered in the context of the UK-EU reform negotiations? If so, how?
2. Will the Northern Ireland administration contribute to this negotiation?
3. Will there be changes to EU citizens' rights, particularly in relation to access to welfare benefits, when residing in another EU member state?
4. Will the electoral franchise be extended to other elections and/or referendums?
5. Will more non-UK/Irish EU citizens contest European Parliament and municipal elections in Northern Ireland?
6. Will the referendum information campaign educate voters about EU citizens' rights?
7. Will EU citizens in Northern Ireland avail more of their rights to petition the European Parliament and to complain to the European Ombudsman?
8. Will the EU develop more anti-discrimination legislation in areas including gender and sexual orientation? Would this be controversial or problematic in Northern Ireland?

Key questions on what leaving the EU might entail

1. Will the right of EU citizens in Northern Ireland to move freely around the EU be curtailed or removed?
2. Will there be restrictions on the right of citizens in Northern Ireland to work in the Republic of Ireland or another EU member state?
3. Will students from Northern Ireland be prevented from studying in the Republic of Ireland or in another EU member state?
4. Might this mean that students from Northern Ireland will face elevated tuition fees if they choose to study outside the United Kingdom?
5. What impact will this have on the diversity of the student population?
6. How might restrictions on travel and residence impact on relations between Northern Ireland and the Republic of Ireland?
7. Will it undermine the opportunities for contact and cooperation?
8. Will the Common Travel Area (CTA) between Northern Ireland and the Republic of Ireland be maintained?
9. Will other EU member states remove the facility for UK citizens from Northern Ireland to avail of diplomatic and consular assistance from other EU member states while overseas?
10. Will anti-discrimination safeguards be lost? How will this impact on the equality agenda in Northern Ireland?
11. How will political representation in Northern Ireland be affected, if only UK citizens can stand and vote in elections?

Policies and Policy Cooperation

The Environment

Cross-border Cooperation

Energy Policy

The Common Agricultural Policy

The Common Fisheries Policy

Migration Policy

Gender Equality

Higher Education



The Environment

Many areas of UK environmental regulation have originated from Europe and cover areas such as waste management, air pollution, bathing and water standards and noise pollution. The Northern Ireland executive and the DOE is responsible for ensuring that EU directives on environmental

policy are implemented at the regional level. Another core objective is to become aware and involved in the shaping of future environmental directives in Brussels (through, for example, the ONIEB). The issue of the environment remains a challenging one for Northern Ireland

Key questions regarding EU membership and the possible implications of remaining in the EU

1. EU environmental policy continues to pursue improvements in a range of areas from sewage treatment to sulphur oxide omissions and from movement and disposal of nuclear waste to air and beach quality. Is this a plus or negative for both consumers and the business community?
2. Can Northern Ireland engage more effectively with the EU's environmental agenda?
3. There will remain financial incentives and challenges behind remaining a part of EU environmental policy. For example, do environmental initiatives boost tourism and allow for new research/business engagement with renewable technologies?
4. The United Kingdom can remain an important voice in the international arena. Do trading blocs such as the EU empower its member states when it comes to issues such as climate change?
5. Can the EU secure enforceable international agreements addressing environmental issues? Do such agreements benefit Northern Ireland

Key questions on what leaving the EU might entail

1. Brexit should provide the ideal opportunity for the United Kingdom to determine the scope and timing of environmental regulation that suits it. Will it be able to do this?
2. What would UK environmental policy outside the EU look like?
3. What happens to existing EU environmental law (both directives and regulations) in the event of Brexit? Would they be annulled? How simple would this process actually be – as some UK laws already in place prior to EU legislation and other British laws go further than EU legislation?
4. What happens in cases where EU laws implement UK obligations under international conventions – e.g. the Convention on International Trade in endangered species of wild fauna and flora?
5. The European Commission currently co-ordinates much scientific and technical research which forms the basis for EU environmental policy. Would the United Kingdom still follow Commission research or fund its own research or contribute to Commission's costs?
6. Is UK influence in drafting international environmental agreements likely to be stronger or less influential outside the EU?
7. If Brexit occurs the United Kingdom is likely to seek to join the European Free Trade Association (EFTA) and/or the European Economic Area (EEA) as alternatives to the EU, to secure access the single market. Are there implications here? For example, membership of the EEA involves accepting most existing EU environmental policy. Therefore, the United Kingdom would be expected to adopt this legislation but would have no involvement whatsoever in the drafting and making of new environmental legislation. Is this an issue for business groups, consumers and government?
8. Does the Northern Ireland executive have an opinion on EU environmental policy?
9. Is there a North/South dimension on environmental policy?

Cross-border Cooperation

Cross-border cooperation was embedded through the creation of a cross-border, North-South institutional infrastructure under the terms of the 1998 Agreement. It consists of the North South Ministerial Council and its Implementation Bodies. European Union funding, principally through the INTERREG and Peace programmes, has been essential for

the creation of living cross-border, North South institutions, as well as cross-border hard and soft capital projects. Many of the soft capital projects have a peacebuilding objective. Respected evaluations of such projects have found that they have made a significant contribution to peacebuilding in the Irish border region over the past two decades.

Key questions regarding EU membership and the possible implications of remaining in the EU

1. What are the advantages of cross-border cooperation on the island of Ireland?
2. What are the disadvantages of cross-border cooperation?
3. Is cross-border cooperation reliant on EU funding?
4. Will that funding continue?
5. How have the cross-border institutions performed since their establishment?
6. How has cross-border cooperation contributed to peacebuilding?
7. Will it continue to do so?

Key questions on what leaving the EU might entail

1. Could cross-border cooperation continue in the event of the United Kingdom leaving the EU?
2. If so, what would be the obstacles to overcome?
3. What would be the implications for cross-border institutions?
4. How would EU funding for cross-border cooperation be affected?
5. What would be the implications for peacebuilding?

Energy Policy

Energy is fast becoming one of the most pressing issues for Europe given the growing demand, the persistence of volatile prices and the possibility of disruptions to supply. The EU's energy policy is constructed around three core aims that centre on the security of supply (especially in terms of gas and oil), the competitiveness of the energy sector (e.g. electricity and gas suppliers) and finally, sustainability.

Energy flows across national borders within the EU. The European Commission is pursuing its own plans (Europe 2020) for an 'energy union' that seeks to secure affordable energy for EU citizens, places emphasis on the need for climate friendly energy, lower carbon emissions, combats global warming and aims to enable Europe to speak with a single voice on global energy matters.

Key questions regarding EU membership and the possible implications of remaining in the EU

1. Where does the Northern Ireland executive see its core interests as part of the European Commission's energy union?
2. What are the main sources of energy in Northern Ireland in 2015?
3. How much of Northern Ireland's energy needs are imported from other EU states?
4. How dependent will Northern Ireland be on energy imported from other EU states in the future?
5. Will the planned 'energy union' benefit Northern Ireland?
6. To what extent are costs for energy more expensive for citizens and businesses in Northern Ireland?
7. Is Northern Ireland currently in place to meet the EU's 2020 targets on greenhouse gases, renewables and energy efficiencies?
8. Does the environmental lobby have a plan for helping to secure Northern Ireland's energy needs and how much emphasis should be placed on sustainability?
9. How much funding can Northern Ireland draw down under from Brussels under initiatives under EU energy policy initiatives?

Key questions on what leaving the EU might entail

1. Could the UK repeal all the existing EU regulations on energy (such as renewables targets), and if so, would this benefit or damage the UK in the longer term?
2. Would Northern Ireland still be able to enjoy access to the EU's energy market?
3. Would import tariffs be imposed on a UK outside the EU and if so would this lead to higher energy costs for both consumers and businesses in Northern Ireland?
4. How much would a Brexit impact on the energy sector in the Republic of Ireland given the growing importance of the gas and electricity connectors and the reality that much of the island of Ireland's energy needs is imported?
5. Would Northern Ireland be excluded from potential sources of EU funding under the EU's ambitious plans for renewables and plans to cut emissions?
6. Would non-membership reduce restrictions on fracking as an alternative source of energy for Northern Ireland?

The Common Agricultural Policy

The EU is the world's largest agricultural trader. The United Kingdom is a net-importer of agri-food products and the country imports almost twice as much from other EU member states than it exports to them. The EU market is important for the UK farming sector and accounted for some £13 billion worth of products in 2014. Agriculture is one of Northern Ireland's most important industries in terms of both an annual turn-over of some £4.5 billion and a workforce of some 29,000 people. Northern Ireland is more dependent on the agricultural sector (including the agri-food business) than any other area of the United Kingdom. It shares much in common with agriculture in the Republic of Ireland.

The Common Agricultural Policy was established in 1962. The budget for EU agricultural spending in the period from 2014-20 is an estimated €1 trillion. Some 40% of the EU's entire budget is directed towards agriculture. Challenges lie ahead for Northern Ireland farming sector as the CAP continues to undergo major reform. This translates into a policy that is much less about price support but one that seeks to agriculture competitive and to ensure better quality goods and lower prices for consumers. The CAP of 2015 is radically different to the 'protectionist drive of the 1960s and 1970s and the fall in intervention prices brings questions about the viability of smaller farm holdings in Northern Ireland.

Key questions regarding EU membership and the possible implications of remaining in the EU

The CAP continues to subsidise the farming community (some €2.5 billion between 2014-20). The Northern Ireland farming community continues to face pressures and challenges and will see further cuts in intervention prices in line with plans being pursued by the European Commission to make agriculture more competitive.

1. It is clear that the current state of the farming and the agri-food communities in terms of employment and local wealth creation is more important to the Northern Ireland economy than its counterparts in GB. Who makes, and how is this case, best made to London and Brussels?
2. How does Northern Ireland help ensure that the CAP remains a common policy and that farmers experience a level playing field?
3. How much of a challenge is the new CAP for Northern Ireland's farmers?
4. How much do the farming community and the agri-food industry depend on Brussels for support?
5. Which agricultural sectors are most in need of support? Is it milk?

Key questions on what leaving the EU might entail

1. Would Northern Ireland produce get favourable access to the internal market?
2. Under what conditions and on which goods might tariffs be imposed?
3. What would a UK agricultural policy outside the EU look like?
4. How is the agricultural sector to be made more competitive?
5. What happens to an estimated 40,000 legal acts that are in force under the EU's CAP?
6. How much do employers in Northern Ireland within the agricultural and horticultural sectors rely on migrant (seasonal) workers?
7. Would the free movement of labour be affected by a Brexit or could the United Kingdom sign an agreement to ensure that the free movement of labour is guaranteed?
8. How much would a new external border between Northern Ireland and the Republic of Ireland impact on the Northern Irish farming and agricultural communities?

The Common Fisheries Policy

The EU's Common Fisheries Policy (CFP) was established in 1970. This policy was designed to manage the issue of a finite source (fish) whose own 'freedom of movement' necessitated the imposition of national quotas to prevent overfishing. The conservation of fish stocks lies at the heart of the CFP. However, the introduction of quotas (Total Allowable Catches) as well as limitations to fleet capacity and the number of days that boats could be put to sea were not well received within the industry. Today, the CFP is more focused than ever on helping fishing communities across the EU and seeks to assist fishermen in the transition to sustainable fishing; supports coastal communities in diversifying their economies and

finances projects that create new jobs and improve quality of life along European coasts. To realise these aspirations the CFP provides finance through the European Maritime and Fisheries Fund (EMFF) for the sector. The United Kingdom will receive some €243 million in the period from 2014-20. The fishing industry in Northern Ireland is largely centred around the towns of Portavogie, Kilkeel and Portaferry and employs some 800 people. Fishing is a devolved responsibility and the Northern Ireland Executive and DARD have responsibility for ensuring that EU rules are followed and liaising with the other devolved UK regions in formulating a national position ahead of meetings of the Council of the European Union.

The Common Fisheries Policy

Key questions regarding EU membership and the possible implications of remaining in the EU

1. How far can regional authorities make a case for more financial support for assistance for Northern Irish fishermen?
2. How far can the Northern Ireland executive defend and protect the fisheries sector at the national level? Are there joint positions to be made with the Scottish government and the Welsh executive?
3. Is there any other real alternative to conserving fish stocks other than joint management at international level?
4. Is there an all-Ireland dimension to fishing and can this area be promoted as a North/South issue?

Key questions on what leaving the EU might entail

1. Would the United Kingdom regain complete control over the greater part of the northern European fishing grounds (control of 200 nautical miles from British coasts)?
2. Could the United Kingdom follow the examples of Norway, Iceland and the Faroes and be in a position to create its own fishing opportunities?
3. How would access to EU waters work?
4. How easy would it be to establish bilateral (with the EU) and trilateral (also with Norway) agreements?
5. Would the United Kingdom remain a member of all key international fishing bodies?
6. What would a UK Fisheries Policy look like?
7. Would keeping fishermen within their own territorial waters encourage them to overfish immature areas to the detriment of fisheries conservation?
8. Moreover, does Brexit imply that the United Kingdom's fishermen would be excluded from other nations' 12 nautical mile limit, if not whole EEZs?
9. Would the United Kingdom have market access to the EU or would new barriers to trade emerge if the United Kingdom only secured 'most favoured nation' status under WTO?
10. Would the funding from the CFP be replicated from Whitehall or the Northern Ireland Executive, in terms of research and development and subsidies?
11. Is fishing a unique sector where shared stocks require joint management?

Migration Policy

The free movement of people is a central feature of the EU's single market. It allows EU citizens to travel, live and work in any EU member state. The scale of free movement has increased substantially since the 2004 enlargement which admitted ten new member states into the EU. This resulted in large numbers of EU migrants seeking to live and work in more economically advanced states such as the United Kingdom.² The net economic benefit of free movement for the United Kingdom has been largely positive, but the political impact has been concerning. Discontent with the numbers entering the United Kingdom and their impact on the lives and livelihoods of UK citizens has seen a growth in support for political parties opposed to immigration. This opposition targets not just EU migrants, but also non-EU citizens seeking asylum and refugee status in the EU. The recent influx of large numbers

of Syrian and other immigrants has further fuelled concerns about the EU's policy towards external migrants. Reform of the EU's policy towards free movement and non-EU migrants is a key area of negotiation for the United Kingdom.

Net inward migration to Northern Ireland has increased since the early 2000s after a long period of net outward migration. Despite this reversal, Northern Ireland still has the United Kingdom's lowest immigration rate. The arrival of migrants (EU and non-EU) however, has not been comprehensively managed by the Northern Ireland administration. Key legislative proposals including a Racial Equality Strategy and a Refugee Integration Strategy have not been introduced (although they are now being advanced). Political parties opposing immigration have attracted some electoral support in Northern Ireland.

² Like the Republic of Ireland (and Sweden), the UK government decided not to impose transitional controls of up to seven years on free movement from new EU member states.

Migration Policy

Key questions regarding EU membership and the possible implications of remaining in the EU

1. Will the United Kingdom secure changes to existing EU free movement rules allowing for restrictions to be imposed?
2. Will this help stem the numbers of inward migrants from both the EU and outside the EU?
3. Will the Northern Ireland administration be involved in the EU-UK negotiation process?
4. Is it likely that such changes will also limit the ability of UK citizens from Northern Ireland to move freely around the EU?
5. How might changes to free movement rules impact on the UK (and Northern Irish) economy?
6. Will fewer international students and non-UK workers be admitted?
7. How will this impact on cross-border workers in Northern Ireland and the Republic of Ireland?
8. How many refugees and asylum-seekers will Northern Ireland be required to admit in the context of a reformed EU policy?
9. Will the Northern Ireland administration practically support the integration of immigrants by agreeing legislation and offering support services? How much will this cost?
10. Will the incidence of racism increase/decrease?
11. Will the EU develop its capacity to target the root causes of the current refugee crisis?

Key questions on what leaving the EU might entail

1. Will the United Kingdom develop a tougher immigration policy?
2. What role will the Northern Ireland administration play in shaping this policy?
3. Will a new UK immigration policy require the imposition of strict border controls between Northern Ireland and the Republic of Ireland?
4. How might this impact on cross-border workers in Northern Ireland and the Republic of Ireland?
5. Will the EU place restrictions on non-EU citizens from Northern Ireland wishing to live and work in other EU member states?
6. Will the Northern Ireland administration pursue measures to better integrate migrants?
7. Will Northern Ireland become more parochial and inward-looking?
8. How might this impact on the peace process and relations between the two communities?
9. Will support for anti-immigration political parties grow/diminish?

Gender Equality

The EU is committed to upholding and promoting the principle of gender equality and can enact legislation to combat gender-based discrimination. Over the decades, the EU has focused on addressing gender-based disparities in pay and pensions, increasing women's representation in decision-making, combating violence against women, eliminating gender-related gaps in social security provisions, tackling gender-based segregation in the labour market, setting a global standard for maternity, paternity and parental leave, and supporting childcare provision. It has also had an

external focus, building a gender-sensitive approach into EU aid and implementing a gender-sensitive analysis of development needs. As the issue of trafficking in human beings has become a central focus, and as migrant issues increasingly dominate European politics, the EU has a wealth of knowledge and experience to bring in addressing the gendered nature, and developing gender-sensitive solutions to these pressing humanitarian concerns. Brexit offers the opportunity for an informed discussion on the consequence of remaining, or leaving, the EU on gender equality.

Key questions regarding EU membership and the possible implications of remaining in the EU

1. What are the prospects for using the EU to reduce gender-based inequalities in the labour market?
2. What are the prospects for using the EU to reduce gender-based inequalities in non-labour market areas, such as immigration?
3. In what policy areas should the EU prioritise its treaty commitments to gender equality?
4. Is the EU the best vehicle for promoting gender equality?

Key questions on what leaving the EU might entail

1. Would the United Kingdom maintain gender equality legislation and policy developed in the context of EU membership?
2. As the corpus of policy, law and practice relating to addressing gender-based discrimination evolves in the EU, what position would the United Kingdom adopt towards taking these developments into account in UK law?
3. What effect on specific issues, such as the financing, extent and mode of delivery of childcare provision, would non-membership of the EU have?
4. In what ways would the United Kingdom be able to influence transnational gender equality policy if outside the EU?
5. In what ways would it make a difference to the reach, development and progress of EU gender equality policy that the United Kingdom is no longer a member of the EU and an influential voice in policy-making?
6. Would the UK scale up activities in alternative policy arenas – e.g. the United Nations – in advancing its gender equality priorities?

Higher Education

EU Higher Education activity essentially has two dimensions: student mobility and research funding. Successive Erasmus programmes have provided funding for student exchanges. This has increased opportunities for students at UK universities to study as part of their degrees at universities in other EU member states. These exchanges have also increased the diversity of students studying at UK universities. Free movement and non-discrimination principles also mean that EU students have access to higher education in Northern Ireland on the same

terms as domestic students. In terms of research, successive 'framework' programmes, most recently the Horizon 2020 programme, have provided opportunities for UK universities to access EU funds to support collaborative research with other universities and industry in the EU. Increasingly opportunities exist to draw on EU funds for collaborations with partners outside the EU. The EU also promotes the protection of knowledge through the adoption of legislation on intellectual property and patents.

Key questions regarding EU membership and the possible implications of remaining in the EU

1. Are there opportunities for Queen's University Belfast and the University of Ulster to increase the amount of research funding they receive from EU programmes?
2. Will continued EU membership see an increase or decrease in the number of EU and other international students studying in Northern Ireland?
3. Will the EU maintain funding opportunities for university-level research at current rates?
4. Do EU-funded student and staff exchanges as well as collaborative teaching opportunities benefit Northern Ireland?
5. Is an EU intellectual property regime necessary?
6. What are the costs and benefits of developing of an EU patent regime?

Key questions on what leaving the EU might entail

1. Would Northern Ireland's universities attract EU students as international fee-paying students?
2. Would the United Kingdom retain access to the EU's research funding opportunities?
3. Could and would existing teaching and research collaborations with university partners in EU member states be sustained if the United Kingdom left the EU?
4. Would UK government funding for research be increased to compensate for any lack of access to EU funding opportunities?
5. Would the United Kingdom retain access to the EU's Erasmus programme for student mobility?
6. Would the UK government provide funding for student exchange programmes?
7. What would be the impact of leaving the EU on the protection of intellectual property rights?
8. Certain European non-member states have access to Erasmus and Horizon 2020. Could the United Kingdom secure similar access if it left the EU?

Trade, Free Movement and the Economy

Trade

External Trade

Free Movement of Workers



Trade, Free Movement and the Economy

Trade

Through UK membership of EU, Northern Ireland businesses have access to a single market of almost 500 million people. Free trade means that goods can be traded free of quotas and tariffs. The existence of a near complete Single Market means that in principle services and capital move freely within the EU. According to the Office for National Statistics 44.6% of UK exports of goods and services go to the EU. The figure for exports from Northern Ireland in 2013 was 56% according to HM Revenue and Customs.³ The EU is therefore Northern Ireland's main international export market. Within these figures, the Republic of Ireland accounts for 37% of total exports meaning the rest of the EU accounts for only 21% of overall exports from

Northern Ireland. In 2012, according to DETI, manufactured goods made up 50% of total exports⁴ to the EU with an almost even split between the Republic of Ireland and the rest of the EU. For services the figures were 39% and 8% respectively; for food and drink they were 91% and 35%. As a source of imports, the EU is Northern Ireland's largest partner, accounting for 55% of imports in 2013. The Republic of Ireland (28%) was again the largest source, followed by German (6%) and the Netherlands (5%). China accounted for 17% and the US for 7% of imports. China did not, however, feature in the top five destinations for exports from Northern Ireland. The US (10%) and Canada (6%) were ahead of France (5%) and Germany (4%).

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/286202/RTS_Q4.pdf

⁴ <https://www.detini.gov.uk/sites/default/files/publications/deti/measuring-ni-exports-report.pdf>

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/286202/RTS_Q4.pdf

Trade, Free Movement and the Economy

Trade

Key questions regarding EU membership and the possible implications of remaining in the EU

1. Will the EU continue to remain Northern Ireland's main destination for exports and main source of imports?
2. Will further trading opportunities in the EU market develop?
3. Will the potential for trade growth in the EU market decline?
4. What options exist to increase trade between Northern Ireland and the Republic of Ireland?
5. What obstacles exist to increasing trade with the EU? Will continued membership of the EU contribute to the removal of these obstacles?

Key questions on what leaving the EU might entail

1. How would trade between the United Kingdom and the EU be regulated?
2. Would free trade continue?
3. Would tariffs and quotas be reintroduced?
4. Would the principles of the free movement of goods, services and capital be maintained in trade relations between the United Kingdom and the EU?
5. Would any changes to existing free trade arrangements affect all trade or only certain sectors?
6. How might different sectors be affected?
7. How might any uncertainty surrounding the future of the trade regime between the United Kingdom and the EU affect business, consumer and investor confidence in the Northern Ireland economy?
8. Do alternative trade regimes (e.g. European Free Trade Association, North Atlantic Free Trade Agreement) provide significant opportunities for growth in trade for Northern Ireland?
9. How can opportunities for expanding trade with non-members of the EU be maximised?

External Trade

As a customs union the EU negotiates trade deals with non-member states on behalf of its member states. Most countries have some form of trade agreement with the EU with many providing for either preferential market access or reciprocal free trade. Increasingly arrangements extend beyond free trade in industrial goods to include services. The EU currently has free trade agreements with most European countries and with most countries in the Mediterranean. Trade agreements have also been agreed with South Korea and countries

in Central and South America. Currently the EU is negotiating a major Transatlantic Trade and Investment Partnership (TTIP) with the United States. The EU does not have a free trade agreement with China but is seeking to conclude an agreement providing for the progressive liberalisation of investment and the elimination of restrictions on investors. Negotiating on behalf of its member states, the EU is able to wield considerable influence in international trade negotiations.

Key questions regarding EU membership and the possible implications of remaining in the EU

1. Will the EU maintain existing trade deals with non-member states?
2. Will it continue to pursue trade liberalization?
3. Will the EU and the US conclude TTIP?
4. With a declining share of world trade, will the EU remain a significant global trading power able to shape the terms of world trade?
5. Given internal divisions on the desirability of trade liberalization especially in services, has the EU the capacity to promote more comprehensive trade deals with non-member states?
6. How important are the EU's trade deals with non-member states for exporters from Northern Ireland?

Key questions on what leaving the EU might entail

1. How will UK access to foreign markets be affected by leaving the EU?
2. Would the access immediately cease, or could replacement deals be negotiated prior to leaving the EU?
3. Will the United Kingdom be able to secure the same level of trade access to foreign markets as it currently has as an EU member state?
4. Could the United Kingdom outside the EU secure better trade access to foreign markets?
5. Would the UK government have sufficient administrative capacity to negotiate and manage replacement trade deals with all partners?
6. Would trading partners be willing to conclude bilateral deals with the United Kingdom?
7. How long would it take to conclude bilateral trade agreements to replace current arrangements?
8. What would be the impact on trade?

Trade, Free Movement and the Economy

Free Movement of Workers

The campaign for the United Kingdom to leave the EU is partly invigorated by concerns relating to the free movement of EU workers. This sits in a media spotlight on illegal immigration, against the backdrop of a prolonged period of economic austerity and the EU's migration crisis. An element of the 'Brexit' campaign seeks to prevent the movement of unwanted 'outsiders' to the United Kingdom, including EU workers. Freedom of movement of workers across the EU has captured the British national imagination because it is largely responsible for breaching the imagined parameters that give meaning to 'Britain', 'Britishness' and the 'British way of life'. However, objections to the free of movement of workers are in stark contrast to UK government support for the free movement of capital and commodities across the EU. Therein

lies an inherent contradiction since, in the neo-liberal economic model, there is an inevitable connection between market integration and the free movement of labour to service that market. In Northern Ireland freedom of movement of workers has left an obvious imprint on society, particularly after the enlargement of the EU in 2004. An influx of EU workers has provided a welcome economic boost to many cities and towns. It has, however, also led to challenges for public sector provisions, notably health and education. One regrettable outcome of the free movement of workers has been a rise in recorded racist attacks - in 2004 Northern Ireland had the highest number of racist incidents per person in the United Kingdom - and some conflation of racism and sectarianism in the region.

Free Movement of Workers

Key questions regarding EU membership and the possible implications of remaining in the EU

1. How has the EU's free of movement of workers principle affected Northern Ireland?
2. What have been the challenging aspects of the free movement of workers for Northern Ireland?
3. What can be done to address the issue of race hate crime?
4. Are schools adequately resourced to educate the children of mobile EU workers?
5. Has the health service coped with the demands emanating from the free movement of workers?
6. Should the UK Government seek an opt-out on the free of movement for workers while remaining in the EU?
7. What would be the costs and benefits of such an opt-out for Northern Ireland?
8. Would a UK opt-out from the free of movement of workers have implications for the Common Travel Area encompassing the UK and Republic of Ireland?
9. Would workers who are working across the Common Travel Area on a North South and/or East West basis be affected by such an opt-out?
10. If so, what would be the likely effects?

Key questions on what leaving the EU might entail

1. What would be the benefits of ending the free movement of EU workers?
2. What would be the disadvantages of ending the free movement of EU workers?
3. What would be the legal status of EU workers already resident in Northern Ireland?
4. How would the free of movement of workers in the Common Travel Area between the United Kingdom and Ireland be affected?
5. What would be the effects for Northern Ireland's economy, politics and society of an end to the free of movement for EU workers?

Funding

Structural Funds

EU Peace Funding



Structural Funds

The structural funds comprise the European Regional Development Fund (ERDF) and the European Social Fund (ESF). In Northern Ireland, the ERDF focuses on improving sustainable economic growth and is designed to promote research and innovation, encourage SME competitiveness and support the shift to a low-carbon economy. The ESF is concerned with promoting social inclusion and combatting unemployment as well as investing

in education, skills and life-long learning. Its core focus remains to boost employment opportunities and encourage labour mobility. Northern Ireland may no longer be identified as an Objective 1 area but as a 'transitional' area still receives financial support under the funds. In the financial period from 2014-20 some €460 million is being directed towards Northern Ireland (including an additional €181 million from the British government).

Key questions regarding EU membership and the possible implications of remaining in the EU

1. How important are the structural funds in real terms for Northern Ireland in terms of employment?
2. How much support does the ESF provide for those without formal qualifications and who are seeking to develop and enhance their skills and training?
3. Do SMEs benefit from and value the role of the ERDF in Northern Ireland?
4. How many businesses have been directly created through ERDF funding? Will more be created?
5. Is there a time when these specific funds will stop in any case?

Key questions on what leaving the EU might entail

1. The structural funds would come to an end. How much of an issue would this be for the region?
2. How much of an issue would the loss of access to structural funds be for businesses and people in Northern Ireland?
3. Would there be replacement funds financed by the UK government?
4. Could Northern Ireland retain some form of access to the ERDF and the ESF after a Brexit?
5. Would cross-border programmes (e.g. INTERREG IVC which provides funding for interregional cooperation across Europe under the ERDF) be able to continue?

EU Peace Funding

Through its Peace programmes the EU has provided sustained support for peacebuilding in Northern Ireland and the border counties of the Republic of Ireland, much of it at the local community level. Peace I (1995-1999), Peace II (2000-2006), Peace III (2007-13) and Peace IV (2014-2020) represent a sophisticated and sustained example of 'peace-building from below' to complement rapprochement at the political elite level. Many funded projects have promoted cross-community and cross-border dialogue with the peacebuilding goal of accepting differences and recognising commonality. Evaluations of Peace programme projects have detailed many positive experiences, for example, through

engagement in discussions on British/Irish histories, participation in storytelling for children, and in the organisation of cross-community, cross-border sporting and musical events. A cross-border dimension was appreciated by many project leaders from Protestant, unionist or loyalist backgrounds because it provided the opportunity to engage with those perceived to be from a 'less threatening' Irish nationalist background. Such engagement is a potentially important precursor to improved cross-community relations in Northern Ireland. For others, the cross-border dimension provided a welcome opportunity to participate in a society unmarked by territorial segregation and disputes.

Key questions regarding EU membership and the possible implications of remaining in the EU

1. Has EU peace funding helped peacebuilding?
2. If it has helped, can it be sustained and developed?
3. If it has not helped, why has it not helped?
4. Twenty years into the Peace Process should the EU be expected to continue to support the Peace programmes?
5. Should the British and Irish Governments be expected to support such programmes?
6. Is there still a need for peace funding from whatever source?

Key questions on what leaving the EU might entail

1. Will EU Peace funding for Northern Ireland stop if the United Kingdom leaves the EU?
2. If not, what are the circumstances under which it could continue?
3. Should the British and Irish Governments assume responsibility for peace funding?
4. Is peace funding still needed?
5. Will peace funding be needed after the United Kingdom leaves the EU?
6. If so, what difficulties would be encountered by cross-border, cross-community projects?
7. How will peace projects be funded?

Renegotiation and Alternatives to Membership



Renegotiation and Alternatives to Membership

The UK government is currently seeking to renegotiate the terms of the United Kingdom's membership of the EU. Among the main demands of the UK government are: an opt-out from the ambition to establish 'ever closer union' among EU member states; restrictions on benefits to EU migrant workers; increased powers to national parliaments to block EU legislation; safeguards for non-eurozone member states so that changes to the single market cannot be imposed on them

by eurozone member states. The outcome of the negotiations will be submitted to a referendum before the end of 2017 where voters will be asked whether they wish to 'remain in' or 'leave' the EU. If they vote is to stay in, membership will be based on the new terms negotiated by the UK government. If the vote is to leave, Article 50 TEU - the EU's withdrawal clause - will be triggered. Arrangements for the UK's withdrawal will then be negotiated with withdrawal occurring after two years.

Key questions regarding EU membership and the possible implications of remaining in the EU

1. Will assurances on 'ever closer union' allow the United Kingdom to avoid being drawn into further EU integration projects?
2. Will national parliaments be able to utilise any new procedures for blocking EU legislation?
3. What role will regional assemblies and parliaments have in the procedures?
4. Will the eurozone member states dominate EU decision making or will safeguards for non-eurozone member states allow them to shape the development of the single market?
5. Will restrictions on benefits reduce inward migration to the United Kingdom?
6. How will these restrictions affect cross-border workers in and from Northern Ireland?
7. Will the revised basis of membership result in a weakening of UK influence of the development of the EU?
8. Will a 'remain in' outcome to the referendum be respected and settle the question of UK membership of the EU?

Key questions on the referendum outcome and on what leaving the EU might entail

1. What will happen if Northern Ireland votes to 'remain in' the EU yet the vote in the United Kingdom as a whole is to 'leave'?
2. What will happen to the union if Scotland, Wales and Northern Ireland vote to 'remain in' yet the vote in the United Kingdom overall is to 'leave'?
3. Will a 'remain in' vote in Scotland trigger a second independence referendum?
4. What will happen if voters in Northern Ireland vote to 'leave' the EU yet the vote in the United Kingdom as a whole is to 'remain in'?
5. What should be the UK government's priorities in negotiating the terms of withdrawal?
6. How should Northern Ireland feed into this process and what should its priorities be?
7. What balance of rights and obligations will the new relationship established between the EU and the United Kingdom entail?
8. Will the United Kingdom retain any role in EU decision-making?

Other topic areas

The briefing paper does not aim to be comprehensive in either the topics covered or the questions posed. Additional topics that need to be considered include:

Free Movement of Capital
Foreign Direct Investment
Free Movement of Services
Employment Rights
Transport Policy
State Aid
Competition rules
Consumer protection
Tourism policy
Public Health
Sport
Research and Development

Police cooperation
Solidarity
Judicial cooperation
Foreign and security policy
Defence policy
Education and Training
Digital single Market
Citizenship
Languages
Trans-European Networks
Fundamental Rights

EU Debate NI

To Remain or Leave?

Northern Ireland
and the EU Referendum

