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Commentary

The EU Referendum in Northern Ireland: Closing Borders, Re-Opening Border Debates

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ABSTRACT

The UK decision to leave the European Union (EU) following a referendum in June 2016 fundamentally alters the country's relationship with the EU, with its European neighbours, with the rest of the world and potentially with its own constituent units. It is clear that different parts of the UK will be impacted differently by this decision and by the unfolding exit terms and process. In this context, Northern Ireland is considered to be particularly vulnerable. This article examines the referendum campaign in Northern Ireland by detailing input from the Northern Ireland administration, political parties, civil society and external figures. The article suggests that the overall referendum campaign in Northern Ireland was hamstrung by the opposing positions taken by key political protagonists, particularly Sinn Féin and the Democratic Unionist Party (DUP). This produced a challenging context for the referendum debate in Northern Ireland. The post-referendum period has also been marked by persistent differences in relation to how best to approach specific Northern Ireland issues and challenges. A continued absence of clear positions and a lack of contingency planning underline a poor level of preparedness for future political developments.

2016 has brought a series of political shocks and surprises across the Western democratic world. Disaffected voters have delivered unexpected referendum and election results which profoundly challenge existing governance arrangements. The UK's decision to leave the European Union (EU) following a referendum in June 2016 fundamentally alters the country's relationship with the EU, with its European neighbours, with the rest of the world and potentially with its own constituent units. The impact of the vote remains difficult to qualify and quantify, but it is clear that different parts of the UK will be impacted differently by this decision and by the unfolding exit terms and process. In this context, Northern Ireland is considered to be particularly vulnerable (see for example ESRI 2015; Morgenrath 2015; and Open University Business School and Northern Ireland Assembly 2015).

The EU has played a subtle role in supporting Northern Ireland since the UK acceded to the then European Community in 1973. EU support for successive domestic peace efforts has been underscored by financial commitments and initiatives (see Hayward and Murphy 2012 for an overview). In turn, support for the EU in Northern Ireland has typically been stronger than in other parts of the UK. This proved to be the case when, in contrast to the UK as a whole, the Northern Ireland electorate returned a vote to Remain following the June 2016 referendum.

This article examines the referendum campaign in Northern Ireland and focuses on the words and actions (or lack thereof) of the Northern Ireland administration, political parties and civil society. It references input from UK political figures and it examines the extent to which the Irish government took an active interest in the referendum question. The article suggests that the overall referendum campaign in Northern Ireland was hamstrung by the opposing positions taken by key political protagonists, particularly Sinn Féin and the Democratic Unionist Party (DUP). This produced a challenging context for the referendum debate in Northern Ireland. The post-referendum period has also been marked by persistent differences in relation to how best to approach specific Northern Ireland issues and challenges. A continued absence of clear positions and a lack of contingency planning underline a poor level of preparedness for future political developments. Arguably, this

diminishes the extent to which the Northern Ireland interest can be protected as the EU and the UK negotiate their future relationship.

THE REFERENDUM CONTEXT IN NORTHERN IRELAND

The smallest of the UK's devolved regions, Northern Ireland is geographically removed from the rest of the UK but shares a land border with the Republic of Ireland. Scarred by an extended period of conflict which, in its most intense form, endured from the late 1960s to 1994, Northern Ireland was experiencing profound political instability during the early years of UK accession to the EU. Support for UK membership of the EU in 1973 was muted in Northern Ireland. Only one political party, the nationalist Social Democratic and Labour Party (SDLP), was vocal in supporting accession. Unionists and Republicans were less enthusiastic. The former feared a potentially negative impact on British national sovereignty and the latter was focused on the drive to secure all-Ireland sovereignty. A lack of domestic support for the EU was not the only factor limiting Northern Ireland's early relationship with the Union. Engagement was also thwarted by the region's own internal political troubles and the operation of direct rule. The conflict dominated political discourse and discussion in Northern Ireland, to the point where other policy priorities were side-lined. And nor did the specific governance arrangements which pertained until the signing of the 1998 Belfast Agreement facilitate a high degree of regional autonomy. The operation of direct rule effectively allowed the Northern Ireland political class to distance themselves from conventional political and policy debates. The introduction of devolution in 1999 altered Northern Ireland's constitutional status within the UK. The region was granted advanced decentralised powers which were to be managed by a directly elected cross-community Assembly and Executive. This move demanded much of Northern Ireland's political parties and personnel. It required the new administration to engage more robustly with a 'normal' policy agenda and less with constitutional and security issues. For the first time in generations, Northern Ireland politicians began to grapple with a range of pressing socio-economic challenges across policy portfolios including health, education, welfare and the environment. Contrasting pro- and anti-EU party positions sometimes impacted on the outputs of the local administration but, for the most part, Northern Ireland enjoyed a harmonious relationship with Europe.

THE REFERENDUM CAMPAIGN IN NORTHERN IRELAND

Northern Ireland's traditionally positive relationship with the EU produced a less hostile referendum campaign than was evident across other parts of the UK. The region's geographic separateness from the rest of the UK and its land border with the Republic of Ireland have created a different context for its relationship with the EU. In addition, Northern Ireland's distinctive political features mean that debate and discussion takes place in an altogether different political and social environment. The region's consociational devolution arrangement and a dual ethnic party system make for a distinctive and unusual political context.

The devolved power-sharing Northern Ireland Executive is composed of political parties from both sides of the political divide and a series of specific arrangements exists to manage and legitimise decision making and the legislative process. This political system was explicitly designed to accommodate and to protect the rights and interests of the two communities in Northern Ireland. The system is subject to some criticism, including the charge that opposing political parties may often face difficulties in reaching agreement on contentious issues. This scenario was apparent for the 2016 EU referendum in Northern Ireland. In contrast to other devolved UK regions – such as

Scotland and Wales – the Northern Ireland Executive did not produce a position paper on the EU referendum. The Northern Ireland *Draft Programme for Government Framework 2016-2021* did not include consideration of a possible Brexit and its implications for Northern Ireland. A lack of clarity and unity on this question extended to the Northern Ireland Assembly where there was minimal discussion of the referendum. Assembly Committees, such as the Committee of the then Office of the First Minister and Deputy First Minister (OFMDFM) did not include reference to the EU in its strategic priorities for 2014/2015. 'European issues' was an indicative committee priority for 2015/2016, but in the immediate run-up to the referendum, the committee (since renamed the Committee of the Executive Office) did not engage to any extensive degree with the question of EU membership. Other sectoral committees did consider the referendum. The Enterprise Committee investigated the economic implications for Northern Ireland of a Brexit. The Briefing Note (produced by the Open University) estimated that economic output in Northern Ireland would be 3 per cent lower in the event of a UK departure from the EU (Open University Business School and Northern Ireland Assembly 2015).[1]

Northern Ireland's regional political parties and unusual party system meant that other UK political forces, such as the Conservative Party, the Labour Party and UKIP, did not dominate the campaign as they did elsewhere. These parties have only a small presence in Northern Ireland and so constitute very minor players. In Northern Ireland, the EU has never stirred the same level or intensity of political debate as in other parts of the UK. The SDLP has long been the most strident in its support for the EU and continued EU membership. The party, and in particular its young leader, were a strong and vocal advocate for Remain. Sinn Féin's support for the EU has altered over time. Opposed to successive EU referendums on EU treaties in the Republic of Ireland, the party opted to support the Remain side in Northern Ireland. The party position was influenced by Sinn Féin's belief that a UK exit from the EU would damage Northern Ireland's relationship with the rest of the island of Ireland. Other smaller parties, including the Alliance Party of Northern Ireland (APNI) and the Green Party also campaigned for the UK to stay in the EU. Of the two unionist parties, the smaller Ulster Unionist Party (UUP) chose to support Remain. This decision was somewhat at odds with the party's traditionally sceptical stance on Europe and it was opposed by some former and serving UUP figures. The largest unionist party, the DUP, and the much smaller Traditional Unionist Voice (TUV) party were the key political advocates for Leave in Northern Ireland. The DUP was also closely allied to the official Vote Leave campaign (see McCann and Hainsworth 2016).

All of the Northern Ireland political parties, bar the SDLP, were late to develop and articulate their positions on the referendum question. In addition, political parties were distracted by the Northern Ireland Assembly election which took place just a few weeks prior to 23 June. During this period, parties were heavily focused on election campaigns and local issues. Electioneering did not tend to include any substantial consideration of the upcoming referendum. Political engagement with referendum issues did get more pronounced in the weeks immediately before the vote, but even then, the overall impression is of a campaign which lacked energy, depth and momentum.

Similarly to the rest of the UK, the voices for Leave and Remain were filtered through two official campaign groups. *Britain Stronger in Europe* and *Vote Leave* established branches in Northern Ireland and both groups focused largely on general topics relevant to the broader UK debate, with some limited discussion of Northern Ireland specific concerns. Sectoral bodies and interest groups were also active. The Confederation of British Industry (CBI) (NI) was among the more vocal contributors to the debate. Trade unions and the voluntary and community sector also engaged. The EU Debate NI initiative (launched by the Centre for Democracy and Peace Building (CDPB)) aimed to provide a forum and space for detached and objective consideration of key issues (see EU Debate NI 2015). The local Northern Ireland media covered the referendum campaign, and that coverage became more frequent and numerous as the referendum date neared. The UK national press also

has substantial penetration in Northern Ireland. The majority of this coverage pushed a Vote Leave perspective (see Levy, Aslan and Bironzo 2016).

Rather unusually, the Irish government contributed to the debate, not just in Northern Ireland, but more broadly across the UK. Much of the wider Irish political establishment harboured deep concerns about the impact of a possible Brexit on the Republic of Ireland. The issue was categorised as a strategic threat to Ireland's national interest (see Department of the Taoiseach 2016).

The major campaign issues in Northern Ireland were somewhat different from those which animated discussion elsewhere. Immigration was discussed but to a lesser extent. Those opposed to Brexit in Northern Ireland were more concerned about the political and economic impact of a UK exit from the EU on the border between Northern Ireland and the Republic of Ireland. The implications for free movement, trade and the peace process were key referendum themes (and these were issues which also exercised the Irish government). The question of EU funding, particularly future access to structural funds, the Peace Programme and the Common Agricultural Policy (CAP), was also much discussed during the Northern Ireland campaign. The DUP and other Leavers disputed the purported negative political and economic impact of Brexit and First Minister Arlene Foster objected strongly to the contention that Brexit might undermine the Northern Ireland peace process. Cries of 'Project Fear' were not unusual. The Leave campaign was aided by leading pro-Brexit figures who visited Northern Ireland during the campaign, most notably Nigel Farage and Boris Johnson. Those supportive of Remain were helped by contributions from senior UK and Irish political figures, including the Prime Minister and the Irish Taoiseach who also spent time in Northern Ireland.

A low-key campaign was more spirited during the final days before the vote (perhaps motivated by poll figures which suggested that the Remain side was losing ground). However, on the whole, the campaign was late to gain traction and it did not substantially engage the political establishment or the public. The claims of both sides were not informed by detailed research or analysis pertinent to Northern Ireland, and nor were they forensically interrogated by the media. The politically sensitive themes which the referendum discussion touched upon in terms of the UK's constitutional future, the status of the border between Northern Ireland and the Republic of Ireland and the impact of the vote on the peace process may also explain why parties shied away from detailed discussion and debate.

THE REFERENDUM OUTCOME IN NORTHERN IRELAND

The pollsters have been making unreliable predictions of late! In Northern Ireland however, the EU referendum result was as expected. 55.8 per cent supported Remain, a figure which is lower than that recorded in other regions which voted the same way, namely Scotland, London and Gibraltar. Turnout in Northern Ireland was down too. Almost ten percentage points lower than for the UK as a whole, and 8 per cent less than the turnout figure for the Northern Ireland Assembly election a few weeks earlier. Turnout was also slightly down in nationalist constituencies. The Sinn Féin stronghold of West Belfast where fewer than 50 per cent of voters cast a vote is particularly notable. Murphy (2016) has suggested that: 'some nationalist voters may have strategically absented themselves from the voting booths in an attempt to contribute to a Leave vote – a result which would provide a basis for calls for a border poll (or referendum on a united Ireland)'. Sinn Féin's call for a border poll in the immediate aftermath of the vote was roundly rejected by all other political parties and by the UK and Irish governments. The suggestion that the Northern Ireland vote to Remain is synonymous with support for a united Ireland is not plausible given that almost two-fifths of Unionists supported

the Remain side. The notion that their constitutional preference for unity with the UK has now diminished or disappeared is imprudent.

The Northern Ireland result, however, does reveal a clear East-West divide in Northern Ireland. 11 of the 18 constituencies there voted Remain, including the Belfast constituencies and all border constituencies. A Leave result was recorded in all Eastern constituencies, whilst those constituencies represented by a nationalist or independent MP returned a vote in favour of continued EU membership. In fact, the Foyle constituency recorded the fourth highest Remain vote (78.3 per cent) of all UK constituencies. Three constituencies with Unionist representation in Westminster also supported Remain. The seven constituencies which voted Leave were all Unionist in orientation.

This referendum outcome is interesting because it does not demonstrate the existence of a stark communal divide. A simplistic nationalist/unionist explanation for the Northern Ireland vote is not convincing (Mills and Colvin 2016). This is also confirmed by an Ipsos-Mori poll which found that 40 per cent of Protestant voters in Northern Ireland wanted the UK to stay in the EU (McBride 2016). Related research by Garry (2016: 2) notes that: 'two thirds of self-described "unionists" voted to leave while almost 90 per cent of self-described "nationalists" voted to remain'. Unionists were less influenced by their party's position than nationalists were. A larger proportion of Unionists than nationalists defied their party position when voting in this referendum – 25 per cent of DUP supporters voted to Remain, while 58 per cent of UUP voters opted to Leave (Garry 2016: 6).

In line with other trends across the UK, educational qualification is linked to vote choice in Northern Ireland. The more educated were more likely to support Remain. 80 per cent of professionals chose for the UK to stay in the EU while fewer than 50 per cent of manual workers did. Attitudes to immigration were also predictors of vote choice with those opposed to immigration more likely to vote Leave. Northern Ireland attitudes mirror some of the deeper socio-economic concerns which motivated voters across the UK as a whole:

> In short there does seem to be evidence supporting the idea that there is a cluster of traits (low education and skill) and beliefs (anti immigrant, socially conservative, alienated from politics) associated with the leave vote in Northern Ireland that is consistent with the 'left behind by liberal globalisation' argument elaborated in the rest of the UK (Garry 2016: 6).

THE REFERENDUM AFTERMATH IN NORTHERN IRELAND

Questions about the status of the Irish border after Brexit have dominated discourse in Northern Ireland since the referendum result. Membership of the EU single market has effectively removed the border between Northern Ireland and the Republic of Ireland, and this has altered not just economic relations on the island but political relations too. In 2014, cross-border trade was worth over 300 million EUR (InterTradeIreland 2016a). Since the Brexit vote, 25 per cent of Northern Ireland companies and 57 per cent of Irish companies think Brexit will have a negative impact on cross-border sales. A majority of Northern Ireland firms (62 per cent) are keen to continue to have access to the single market and free movement of people (InterTradeIreland 2016b). In terms of free movement, the status of the Common Travel Area (CTA) between Ireland and the UK is now also under scrutiny. How, indeed if, the benefits of this arrangement can be protected post-Brexit has been one of the key concerns for Northern Ireland and the Irish government too.

The hard or soft character of the border post-Brexit is, therefore, of substantial significance to both Northern Ireland and the Republic of Ireland. The Prime Minister's intimation that she intends to

prioritise border controls over single market access however, suggests that she favours a hard Brexit. This would likely require the re-imposition of a more visible border between Northern Ireland and the Republic of Ireland including border controls and fortification. The political and psychological impact of such a move threatens to undermine the ongoing (and still fragile) Northern Ireland peace process. Former Northern Ireland Secretary of State, Lord Mandelson, has noted (*Belfast Newsletter* 15 March 2016):

> … the reimposition of a formalised border would be a radical departure from the established strategy of the administrations in Dublin, London and Belfast. Anything in my view that strengthened a sense of separatism between Northern and Southern Ireland – physically, economically, psychologically – has the potential to upset the progress that has been made and serve as a potential source of renewed sectarianism that would always bear the risk of triggering further violence in Ireland, particularly in the North.

Whether a hard or soft border materialises has potentially profound political and economic implications for the region, and for the island of Ireland as a whole. There are various ideas about how new border arrangements might be structured and managed, and in particular how disruption to trade and free movement might be avoided. The Irish government's *Contingency Framework* for Brexit (see its Appendix) notes:

> While ultimately dependent on the outcome of EU-UK trade negotiations, analysis will be deepened on options for possible customs and excise controls, including the role of modern technology, with a view to minimising impediments to trade.

There are ideas too about *where* the border might be. Moving border controls away from the border between North and South, and shifting them to the sea border between Northern Ireland and the UK has been mooted as a means to allow for a soft border to exist on the island of Ireland. The political ramifications of such a move, however, and perhaps more especially its symbolic effect, can be construed as creating a de facto united Ireland, a proposition which is vehemently opposed by Unionists.

The Northern Ireland Executive's response to the referendum outcome has been minimal. A joint letter to the Prime Minister from the First Minister and Deputy First Minister outlines key concerns for Northern Ireland during this new era. It emphasises concerns about the border, and it also references other areas including trade, energy, EU funding and the agri-food and fisheries industry where the Northern Ireland Executive wishes to be involved and engaged in protecting key interests. Beyond this limited show of cross-party unity however, there is no clear contingency plan in Northern Ireland. McGowan (2016) notes how problematic this is:

> many of Northern Ireland's core priorities – such as agriculture and fishing – may be less important issues for the UK negotiating position as a whole. The Executive needs to advance its priorities and it will be imperative for it to develop meaningful dialogue with David Davis' Department for Exiting the European Union.

The inability of the Executive to agree a joint position is echoed in the Northern Ireland Assembly. A recent motion endorsing a proposal that there should be legal recognition of the unique status of Northern Ireland and the circumstances on the island as part of the arrangements to leave the EU was defeated by a single vote on 17 October 2016. The fractious debate which preceded the vote further underlines the absence of an agreed strategy in Northern Ireland and highlights the division between nationalists and unionists about how to deal with the implications of Brexit for Northern

Ireland (see Northern Ireland Assembly 2016). This additional lack of political cohesion and unity limits the strength of Northern Ireland's position during the various negotiations to come.

There are other avenues too, including the Northern Ireland Assembly committees and the institutions created by the 1998 Belfast Agreement, namely the North-South Ministerial Council (NSMC) and the British-Irish Council (BIC). The Northern Ireland Assembly committees have not been vociferous in their examination of the referendum vote. There has been only limited committee discussion of the implications of the result, and there are no plans to convene an inquiry or consultation. This contrasts with the work of other parliaments, in London and Dublin, which have engaged in deeper examination of the impact of Brexit on relations with Ireland.

There has been some tentative engagement with other institutions. The BIC, in particular, may become an interesting forum for the UK's regions and nations to communicate their views. An extraordinary meeting of the Council took place in Cardiff on 22 July 2016 to discuss the implications of Brexit. A new Joint Ministerial Committee on EU Negotiations (JMC(EN)) will be the primary vehicle for agreeing a UK approach to the Article 50 negotiations and for accommodating the interests of all constituent units of the UK. Irish government attempts to harness an all-island cross-party and cross-sectoral approach to Brexit have been thwarted by Unionist non-participation in the *All-Island Civic Dialogue on Brexit* which convened in Dublin on 2 November 2016. The initiative, however, does include some Northern Ireland civil society representation and it envisages future meetings and dialogue.

CONCLUSION

The June 2016 referendum rejection of UK membership of the EU has thrown up a whole series of pronounced challenges for the Union, for the UK, its neighbours and its constituent units. The UK wide referendum has been criticised for the way in which it allowed unchecked commentary on the EU (by both Leavers and Remainers) to inform the narrative. The quality of the debate and the discussion suffered (see Liddle 2016). In Northern Ireland, the bigger issue was not so much the quality of the debate, rather the limited and late amount of debate. The Northern Ireland administration, political parties and civil society were slower to engage with key referendum issues. The quality of debate was also restricted by a lack of information, data and expertise specifically relevant to Northern Ireland.

The referendum result in Northern Ireland produced majority support for Remain and revealed some cross-party and cross-community support for this outcome. It also produced a result which conflicts with that of the UK as a whole and begs questions about how to accommodate Northern Ireland's preference. The possibility of a 'special arrangement' for Northern Ireland has been mooted, but there is little clarity about the detail of such a scenario. The seeming inability of the parties to the Northern Ireland Executive and Assembly to agree and to implement a framework for dealing with Brexit diminishes the strength of Northern Ireland input to the wider process of the UK extracting itself from the EU. In the past, Northern Ireland's failure to agree and communicate a position on various EU policies has been damaging (see Murphy 2014). On this occasion, however, the stakes are arguably very much higher.

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ENDNOTES

[1] The Northern Ireland Assembly Research and Information Service briefing paper, *The EU Referendum and Northern Ireland: Information Resources* (20 May 2016) provides a clear illustration of the lack of consideration of the referendum issue by the Northern Ireland Assembly relative to Westminster, the Irish Parliament and other UK devolved legislatures.

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