



Preliminary Findings Report – Brexit and North-South Relations

What is the theme?

Brexit has intensified discussion of the border on the island of Ireland. One thing that both the Belfast/Good Friday Agreement (GFA 1998) and membership of the EU did was to take the hard edges off this issue by normalising movement, as well as promoting the idea of transnational institutions and the concept of multiple identities. Brexit, however, has re-opened in a new way the debate on partition, the existence of two jurisdictions on the island and the nature of that relationship. Harmonious North-South relations are a necessity for continuing peace and developing prosperity and the practical implementation of the peace Agreement. Brexit presents a series of threats and dangers to productive practical relations between the jurisdictions in the years ahead. It also carries with it a real risk to the relative ‘constitutional flexibility’ that was developing on the island.

What are the main issues?

Brexit poses hard questions and challenges for those aiming to ‘thaw’ relationships on the island of Ireland. Extensive effort has been invested in promoting links between the two jurisdictions, including North-South governmental dialogue and cooperation in the form of the North-South Ministerial Council. There is a genuine question mark over aspects of the continuing operation of cross-border bodies, as both jurisdictions move further apart in a post-Brexit landscape.

The radical disruption of the equality of British and Irish citizenship (by the former losing EU citizenship) is an under-examined threat to the equality of the two main communities, as enshrined in the GFA 1998. There is a danger that either a ‘hard border’ or enhanced immigration controls will create racial profiling and a repressive immigration structure in the North, with the risk of Ireland being complicit in this policy agenda. Included here is the possibility that Ireland becomes a ‘proxy’ for a repressive and restrictive UK immigration policy.

What problems have been identified and what solutions have been proposed?

Northern Ireland already enjoys a *special constitutional status* (or at least is supposed to) and this is a reasonable reading of everything that has happened since 1998. It is simply not credible to suggest that the Northern Ireland arrangements are a simplistic example of devolved government within a UK framework or that it is just like any other part of the UK; it is not. If this argument about existing special status is accepted then it becomes easier to acknowledge the need for firm legal recognition of ‘unique circumstances’ and to advance proposals that reflect and endorse the spirit and letter of the existing Agreements.

With this in mind, and with the objective of securing the future of North-South relationships, there is merit in an agreement being reached between the UK, Ireland and the EU, that Northern Ireland should be a ‘special zone’ and a protected legal space where EU citizens enjoy the same rights of entry, work, residence, and access to services as a present. As part of this, the EU should also allow all those UK or Irish citizens resident in Northern Ireland the rights of EU citizenship. Due regard, however, must be paid to the fact that anything which proposes to engage meaningfully with the GFA 1998 or subsequent Agreements requires a high-level of democratic endorsement (for example, through a referendum).



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It is imperative that the existing North-South bodies should be protected and their role re-affirmed by both governments. One way to improve North-South relations in the future will be to widen and deepen the scope for all island discussions to ensure effective cooperation and coordination in the practical interests of everyone on the island. As in our other reports we are persuaded that the best way to do this is to underpin it all with a robust framework of human rights and equality guarantees.