

Event Report: Brexit and Citizens' Rights in Northern Ireland

Riddle Hall, Queen's University Belfast – 28 March 2017



As the only UK region sharing a direct border with an EU country and given its close links with Ireland, Northern Ireland and its citizens are expected to be heavily impacted by Brexit. Brexit is not only expected to limit the rights of people to live, reside and work elsewhere in Europe, but could also compromise the Common Travel Area (CTA) between the UK and Ireland and the Belfast Agreement underpinning the peace process. Northern Ireland is also expected to be one of the regions most affected by the loss of EU funds. These are some of the issues that were addressed during our workshop in Belfast on 28 March 2017.

The workshop, organised by the European Citizen Action Service (ECAS) and the Centre for Cross Border Studies (CCCB), took place at Queen's University in Belfast and was attended by 40 participants. Parts of the workshop were broadcast live and followed by over 300 viewers online. The workshop was organised in the framework of the project 'Brexit Takeaways', which aims to raise awareness among citizens of the possible impact of different Brexit scenarios on their rights and advocate for the best possible deal for citizens.

ECAS' study on the implications of Brexit scenarios for citizens' rights and access to EU funds

Marta Pont (ECAS) presented the findings of ECAS' study, which considers different Brexit scenarios and their impact on EU citizens' rights. These include the right of entry and right to live and work in another EU country, the right to establish oneself professionally in another EU country, the right to non-discrimination and EU consumer and passenger rules, amongst others. The conclusion of her presentation was that there is no best alternative to EU membership under which all the different rights associated with EU citizenship can be fully secured. Therefore, a choice will have to be made during the negotiations about which scenario provides the widest guarantees to these rights and can, at the same time, be embraced by those who voted to leave the EU.

In her presentation, she also pointed to the impact that Brexit will have in terms of access to EU public funds for UK-based entities. As shown in a [study](#) by UK think tank Demos, Northern Ireland, together with Wales, is expected to suffer most from the loss of EU funds. Indeed, Northern Ireland receives the second largest amount of EU funding as a percentage of GDP in the UK, behind Scotland.

According to [figures](#) provided by the European Commission, the region was expected to receive EUR 3,533 million between 2014 and 2020 from EU Structural Funds alone.

What will Brexit mean for Ireland and Northern Ireland?

Anthony Soares, Deputy Director at the Centre for Cross Border Studies, looked into the special considerations of Brexit for Ireland and Northern Ireland. He paid particular attention to the **Common Travel Area** between the UK and Ireland, which pre-dates the UK and Ireland's accession to the EU but has never been provided for in UK or Irish law, while it is recognised by EU law. He also mentioned the **1998 Belfast/Good Friday Agreement**, which allows citizens in Northern Ireland to identify themselves as either British or Irish, or both. Brexit could compromise both of these agreements by placing constraints on the ability of Ireland to offer reciprocity when the UK leaves the EU and by creating divergences in rights between those who hold British citizenship and those who hold Irish or dual citizenship, thereby potentially threatening the peace process.

Soares also referred to the issue of **cross-border workers**, who cross the border between Northern Ireland and Ireland on a daily basis. Under EU law, these citizens have the right to work and be treated equally to residents in both countries, confident that their social insurance contributions can be aggregated and exported. These rights may be revoked when the UK leaves the EU as the UK may no longer be bound by EU law. He also referred to the challenges faced by Northern Ireland if the UK leaves the **customs union**, which would imply that customs controls will be erected between the UK and Ireland, with the potential to undermine social cohesion and incentivise profiling. Soares also referred to the positive contribution of the EU to the peace process in Northern Ireland, encouraged not only through substantial funding for cooperation between Ireland and Northern Ireland, but also with the EU as co-guarantor of the Good Friday Agreement.

Brexit and Human Rights

Daniel Holder, Deputy Director of the Committee on the Administration of Justice, focused on the implications of Brexit for human rights. He made the case that the EU referendum in the UK had actually been a plebiscite on immigration as a scapegoat for the economic problems of the country. He further said that the current UK government has a **broader agenda beyond leaving the EU** that is not particularly conducive to human rights protection. One of the demands made by Brexiteers, together with withdrawal from the EU, has been to withdraw from the European Convention on Human Rights and to repeal the implementing legislation at UK level. Holder said this would have huge consequences. Not only would it dismantle the whole basis of the post-WWII human rights agenda and the provisions of a democratic society, but it would also be a **flagrant breach of the Good Friday Agreement**. He regretted that the status of the Belfast agreement, which is a core element of the peace process in Northern Ireland, is being downplayed and disregarded by Westminster in the Brexit process as a mere political agreement, while it is going to be profoundly affected by it.

Holder also referred to the **rights discrepancies** that Brexit will imply for citizens in Northern Ireland, depending on the citizenship they hold. While all EU rights could be reciprocated through domestic legislation, he cast doubt on whether the political will exists to rebuild these rights and entitlements.

Finally, Holder referred to the **issue of borders**. He recalled the contradictory argument made by Brexit campaigners to take back control of borders while simultaneously advocating that there would not be border controls with Ireland. He also enquired what the promise of a **"seamless border"** between Northern Ireland and Ireland would mean in practice and for whom it will be seamless or frictionless. The fact that there will be customs arrangements, and that customs officers are the same people who do the immigration controls, means there will, de facto, be not only controls on goods, but also

controls on people. He expressed concern about what he called a “racist border”, whereby there would be ad hoc controls instead of fixed controls and an increased risk of racial profiling.

A no-deal between the EU and the UK would be catastrophic for citizens

Siobhan Duffy, Your Europe Advice legal expert, was the last speaker on the panel. She started off her speech with a strong political message, namely that the British and Irish have enjoyed rights under the EU since 1973 that they now take for granted and that many may be inclined to sit on the fence and feel that Brexit does not affect them when it actually does. To her, the problem now is that even the hardest Brexit option, as alluded to in ECAS’ study may not even be as hard as the one they may eventually face. The statement that ‘no deal is better than a bad deal’ could lead to the worst-case scenario, which, in her words, would be “catastrophic” for citizens.

She also briefly referred to some of the main rights that EU citizens currently enjoy by virtue of their EU citizenship, including the right to travel freely in the EU, the right to live in another country without permission, the right to work in another EU country without needing a work permit, or other formal requirements, and to be covered by EU employee protection rules even when not working abroad, and the right to pursue studies in another EU country with the same fees as national students, etc. Siobhan concluded her presentation by stressing that the implications of Brexit for citizens are profound and it is up to citizens to make their voices heard to ensure that these rights, which have long been taken for granted, are not lost after Brexit.

After the speakers’ interventions, participants had the chance to discuss the following points in small groups:

- Their top concerns regarding Brexit as individuals
- Their top suggestions for Northern Ireland
- The top EU rights /values that may need protecting

The top concerns regarding Brexit, as mentioned by the groups, were uncertainty about the future, access to social security, cross-border healthcare and to education, the impact of border controls on trade and education, and the impact of abolishing freedom of movement for frontier workers and for workers’ rights in general, together with reduced access to EU funds. Other concerns that were mentioned were the risk of discrimination between people holding different passports and increased profiling if custom borders are set up. Participants also referred to the particular situation of Northern Ireland, which lacks a government at such a crucial moment, and pointed to the need to engage more with the Republic of Ireland to ensure that the interests of Northern Ireland are duly represented and listened to in the Brexit negotiations.

[Watch the video recording](#)

[Access the presentations](#)

[Access ECAS’ study on Brexit and citizens’ rights](#)

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