



# ***Northern Ireland and the UK's Exit from the EU***

What do people think?

*Evidence from Two Investigations:  
A Survey and a Deliberative Forum*

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## About this publication

This research was funded by the Economic and Social Research Council (ESRC) through its *UK in a Changing Europe* initiative. Professor John Garry leads the project *The UK/Ireland Border and the Stability of Peace and Security in Northern Ireland*, from which this report is issued. Full details are available at: <https://www.qub.ac.uk/sites/brexitni/>

The views expressed in this report are those of the authors and not necessarily those of *UK in a Changing Europe* or the authors' academic institutions.

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## Executive Summary

1. To discover what people think about the implications for Northern Ireland of the UK's exit from the EU we organized two empirical investigations:
  - a. A **survey** of the attitudes of a representative sample of over 1,000 people in Northern Ireland; and
  - b. A **deliberative forum** at which a sample of 48 ordinary people from across Northern Ireland – broadly representative in their socio-demographic traits and balanced among Leave and Remain voters – listened to expert presentations and engaged in discussion and deliberation.

### Attitudes to border issues and the customs union and single market

2. **Our analysis of the attitude survey and the deliberative forum leads to three robust conclusions.**
  - a. **First, there is substantial and intense opposition to possible North-South border checks between Northern Ireland and the Republic of Ireland and to East-West border checks between Northern Ireland and Great Britain.**
  - b. **Second, there are strong expectations that protests against either North-South or East-West border checks would quickly deteriorate into violence.**
  - c. **Third, there is substantial support (a majority in both communities) for the type of UK exit that would largely eliminate the need for any such North-South or East-West checks, namely for *the UK as a whole to remain in the customs union and single market.***
3. **Our attitude survey reveals that opposition to *North-South border checks* is substantially higher among Catholics than among Protestants and is especially high among Catholics who are supporters of Sinn Féin.**
  - a. One in five Catholics, and 31% of Catholics who vote Sinn Féin, find camera-based border technology “almost impossible to accept.”
  - b. Over half of Catholics (55%), and 70% of Catholics who vote Sinn Féin, find customs checks “almost impossible to accept.”



6. When citizens deliberated and discussed possible North-South border checks some citizens suggested **that low-technology camera-based border checks should be acceptable as cameras are a normal part of modern life, but there was a prevailing view that they would likely be vandalised.**
- “Cameras wouldn’t annoy me, CCTV is everywhere in Northern Ireland.”  
- Male, 18-29, ABC1, Catholic, Remain
  - *“The cameras will have to be about 300 feet in the air. And even then... you will get certain people who take the law onto themselves and cut these things down. So, to lessen it, it would have to be the softest, hardest border. Military checkpoint is a no-no. Cameras, that would be a no-no as well...”*  
- Male, 45-59, ABC1, Catholic, Remain
7. **Our attitude survey reveals that opposition to East-West border checks between Northern Ireland and Great Britain is substantial but not as high as opposition to North-South checks.** Opposition to many of the possible checks is almost equally intense among Catholics and Protestants, but Catholics are more opposed than Protestants to checks involving British soldiers or a 30 minute delay.
- a. 15% Protestants and 16% of Catholics would find camera technology at ferry ports “almost impossible to accept.”
  - b. Over a quarter of Catholics (29%) and Protestants (28%) would find customs checks “almost impossible to accept.”
  - c. Over a third of Protestants, 36%, and nearly one half of Catholics, 46%, would find an additional 30 minute delay “almost impossible to accept.”
  - d. 44% of Protestants and 58% of Catholics would find British soldiers manning checkpoints “almost impossible to accept.”
8. **Our attitude survey reveals high levels of support for peaceful protest against East-West border checks.** Our survey finds **some** significant support for illegal protests (9% of Protestants and 14% of Catholics would support blocking traffic) but not for more extreme protest.
9. **When citizens deliberated and discussed possible East-West border checks many participants thought the idea of a border down the Irish Sea was absurd and could not imagine how it would work.** Several participants suggested that East-West checks would be unlikely to cause significant change as travel in airports is already closely controlled. However, **many participants voiced concerns regarding how such checks would negatively affect politics, economics and peace.**

**a. Political concerns:**

- *“We’re still part of the UK. Why should there be a border? If you’re travelling from the south to the UK, you’re travelling from a different country. Yes, that’s going to be different. But from NI, that’s still part of the UK.”*
  - Male, 45-59, C2DE, Protestant, Leave

**b. Economic concerns:**

- *“It wouldn’t be political it would be more financial... It’s the inconvenience and the expense. I’m thinking from a business point of view and that’s the way I’m thinking. Not politically at all.”*
  - Female, 60+, ABC1, Catholic, Remain

**c. Potential violent protests:**

- *“It would probably be a lot worse than if there was [a hard border] between the South [and Northern Ireland].”*
  - Male, 18-29, C2DE, Neither, Leave
- *“Flag protests again and it could escalate if they were forced into a hard border... non violent to start off with, then it will be blocking roads.”*
  - Male, 30-44, C2DE, Protestant, Leave

**10. Our attitude survey reveals that when offered the choice between different types of UK exit, the most preferred option is the one that would largely eliminate the need for any North-South or East-West border checks – namely, for the *UK as a whole to remain in the customs union and single market (61%)*, followed by the option in which Great Britain leaves entirely but Northern Ireland stays in the customs union and single market (24%), and the least preferred option, commonly described as the hard exit, is the one in which the entire UK leaves the EU including leaving the customs union and single market (15%).**

**11.** The option of the UK as a whole remaining in the customs union and the single market is preferred by 61% of Catholics (including 68% of Sinn Féin voters), 62% percent of Protestants (including 58% of DUP voters), 69% of pro-Remain respondents, and it is also the most preferred option of those who are pro-Leave: 44% compared to 43% of Leavers who prefer to leave the customs union and single market.

**12.** When obliged to choose between either *remaining in the customs union and single market* (via a soft UK-wide Brexit or a soft Northern Ireland Brexit) or *leaving the customs union and single market*, there are majorities in favour of remaining in the customs union and single market in all groups including pro-Leave respondents.

- 13.** Our attitude survey reveals that if there was a further referendum on EU membership the result in Northern Ireland would be 69% Remain and 31% Leave. This is a significant increase on the 56% Remain vote in 2016 (and a significant fall in the Leave vote of 44%).

### From UK-exit to a united Ireland?

- 14.** In our attitude survey there is substantial support among Catholics for the idea of having a referendum on a united Ireland (68% in favour compared to just 29% of Protestants in favour) once the UK has left the EU.
- 15.** In the deliberative discussions there was strong and widespread opposition to the possibility of having a referendum *in the short term*; if it is held it was thought it should be held several years after the UK's exit from the EU has been finalised. Also, there were some fears expressed that holding a referendum would be politically destabilising:
- *I don't think people could wrap their heads round that at the minute, there's enough going on. We'll cross one bridge at a time.*  
- Male, 60+, C2DE, Protestant, Leave
  - *"I would say if a referendum is mentioned, even just the word, you'd have people who would go, excuse the Belfast language, but they would go buck mad ... there'd be riots. I don't think we would actually get as far as voting, people would go berserk before that."*  
- Female, 60+, ABC1, Catholic, Remain
- 16.** Our attitude survey reveals that 21% of the entire population would vote in favour of a united Ireland in a referendum, and 50% would vote to remain in the UK (others are 'don't knows' or would not vote).
- 17.** Catholic opinion is split: 42% of Catholics would vote for a united Ireland; 21% to stay in the UK; and the rest are 'don't knows' or 'would not vote'. However, *Catholic support is strongly conditional upon the outcome of the negotiations between the UK and the EU-27 and on economic expectations.*
- a. Only 28% of Catholics would vote for a united Ireland if the UK changed its mind and remained a full member of the EU. However, 53% of Catholics would vote for a united Ireland if there was a 'hard' exit in which all of the UK left the customs union and single market.

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- b. Only 22% of Catholics would support unity if it made them £3,500 a year worse off, *but* 55% of Catholics would support unity if it made them £3,500 a year better off.
18. In the deliberation and discussion, some Catholics explained how they saw support for a united Ireland being conditional upon type of EU exit and upon economic conditions.
- *“I was kind of unsure ... then when Brexit happened I definitely wanted a united Ireland again because it would mean being part of the EU as well.”*  
- Male, 30-44, ABC1, Catholic, Remain
  - *“It all depends on if a hard Brexit happens ... A hard Brexit and a hard border, terrible economically whatever, and people say it’s time for the referendum it would probably influence people and how they would vote.”*  
- Male, 18-29, ABC1, Catholic, Remain

## Relations among these Islands

19. In the deliberative discussions about relations among these islands participants mentioned many positive attributes of the relations between Northern Ireland and Ireland and also between Ireland and Great Britain. However, **an emerging theme was the sense of distance that several Catholics felt from the Republic of Ireland and the perceived lack of affection some Protestants believe Britain has for Northern Ireland.** In discussions the image of Northern Ireland as an unwanted child, unloved by either Britain or Ireland emerged.
- *“As far as the majority of the South, they don’t want anything to do with the North really because they don’t want the bother that comes with it and the troubles that comes with it”*  
- Female, 60+, ABC1, Catholic, Remain
  - *“Much and all as I would be proud to say “I’m British” I have felt for many, many years, that we are second class citizens over here. That, really, in my opinion, the British don’t want us. They’d be glad to get rid of us ... given half the chance the British would be jumping up and down saying “yippee”, that’s if it went to a united Ireland.”*  
- Female, 45-59, C2DE, Protestant, Leave

## Absence of an Executive during the current negotiations

20. In the deliberative discussions, it emerged that the **absence of a functioning executive in Northern Ireland is a source of frustration** for local citizens. However, participants did not think that a functioning executive would make much difference to how well the people of Northern Ireland would be represented at the negotiations between the UK and the EU-27.
- *“It doesn't matter who's negotiating it, we don't have a say. They're not at the table, they don't have a seat. Even if Stormont was up and running next week they won't have a say.”*  
- Male, 30-44, ABC1, Catholic, Remain
21. Our attitude survey reveals **low levels of confidence in the British government, the Irish government, the EU, the Democratic Unionist Party (DUP), and Sinn Féin** to represent the interests of Northern Ireland effectively at the negotiations. All attracted positive evaluations of less than 20%, with Sinn Féin being lowest at 10%.
22. Our survey examined people's attitudes to issues that are hampering inter-party agreement to resurrect the Northern Ireland Executive.
- a. There is majority support in the population as a whole and a bare concurrent majority among Catholic and Protestant communities for the introduction of same sex marriage. 63% of all respondents agree, 50.5 % of Protestants and 75% of Catholics.
  - b. There is majority support in both communities, a concurrent majority, to relax the current rules on executive formation and maintenance. 58% of all respondents agree that the executive should only need the support of 60% of MLAs. 53% of Protestants agree and 63% of Catholics.

## 1. Introduction

What do people in Northern Ireland think about the United Kingdom's decision to leave the European Union, and what are their views on the implications for Northern Ireland? These broad questions may be decomposed into five bundles of questions.

First, a majority of voters in Northern Ireland (55.8%) voted to remain in the EU. What do people now want to see as the outcome from negotiation between the UK and the EU-27 (including Ireland)?

Second, Northern Ireland is the sole jurisdiction of the UK that shares a land border with another EU state,<sup>1</sup> presenting a unique challenge for the negotiators. What future border arrangements would people in Northern Ireland accept?

Third, by virtue of the 1998 Belfast/Good Friday Agreement, Northern Ireland has a unique constitutional position in that the UK recognises the legitimacy of Northern Ireland to unify with the Republic of Ireland if it is the will of a majority of voters in any future referendum. Will the UK's departure from the EU lead to greater demand for a referendum on Irish unity?

Fourth, the UK's prospective withdrawal necessarily affects the Belfast/Good Friday Agreement, including provisions on rights, the conduct of the Northern Ireland Assembly, and aspects of the operation of the North South Ministerial Council and the British Irish Intergovernmental Conference. How do people feel the UK's exit will affect how the Agreement operates?

Fifth, the negotiation of the UK's exit from the EU is occurring without any formal input from Northern Ireland because there has been no functioning executive since January 2017. In the absence of the Northern Ireland Assembly and Executive, it is especially important for the UK and EU negotiators to be aware of perspectives and opinions of the people of Northern Ireland. We would argue that the present report provides the most objective evidence on people's views currently available.

To provide an evidence-based picture of the public's views we conducted two studies in February/March 2018. The first was a **survey of the attitudes** of a representative sample of over 1,000 people in Northern Ireland. The second was a **deliberative forum** that involved bringing 48 typical people from across Northern Ireland together for a day to listen to expert presentations and then engage in debate and discussion on the issues. These two

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<sup>1</sup> Gibraltar shares a border with Spain, but is not part of the United Kingdom, though it voted in the 2016 referendum on the UK's membership of the EU.

complementary approaches enabled us to generate systematic evidence to address the following specific questions.

**a. North-South border**

- If any new border controls emerge between Northern Ireland and the Republic of Ireland, how acceptable or unacceptable would they be?
- And what level of support would there be for any possible protests against these controls?

**b. East-West border**

- If there were any border controls between Northern Ireland and Great Britain, how acceptable or unacceptable would they be?
- And what level of support would there be for any possible protests against these controls?

**c. Type of exit from the EU**

- Do people want a 'hard' exit for the whole of the UK, or a 'soft' one, again for all of the UK? Or, do they want a 'mixed' option in which Northern Ireland remains within some EU programs and institutions while Great Britain leaves?

**d. Post-exit referendum on a united Ireland**

- In the context of the UK's exit from the EU, how much support is there for holding a referendum on the question of whether Northern Ireland should remain in the UK or re-unify with the rest of Ireland?
- To what extent is support for a united Ireland linked to the UK's planned exit from the EU?

**e. Absence of power-sharing Executive in Northern Ireland**

- How well do people think they are being represented during the current negotiations?
- What are people's views on possible rule changes to government formation and to the issues that have caused disagreement between the parties?

## **f. Relations among these islands**

- What do people think about possible co-operation between Northern Ireland and the Republic of Ireland, and between Ireland and the UK, on the subjects arising from the UK and EU-27 negotiations?
- Has the UK's prospective withdrawal from the EU affected how people in Northern Ireland view their respective 'patron states' (namely, how Protestants see Great Britain and how Catholics see Ireland)?

Below we briefly describe the evidence we use (Chapter 2), and then address each of the six topics and associated questions in the following six chapters (Chapters 3-8). In our concluding chapter we highlight our main findings, and answer our opening question: What do people in Northern Ireland think about the UK's exit from the EU?

## 2. Evidence

### Attitude survey

We designed a set of questions to measure people's attitudes to possible border checks, different types of exit from the EU, the absence of a power-sharing executive, and the possible impact of leaving the EU on attitudes to a united Ireland.

We commissioned *Ipsos MORI Northern Ireland* to ask these questions in a survey of the attitudes of a representative sample of the Northern Ireland population. A sample of 1,012 people from across Northern Ireland were interviewed in their home in face-to-face computer-assisted interviews between 9 February and 12 March 2018.

A two-stage sampling design was used, with random selection of geographic sampling points and quotas set for each sampling point based on the latest socio-demographic census estimates to ensure that the respondents were statistically representative of the Northern Ireland population regarding traits such as age, gender, religion of origin, geographical location, and social class.<sup>2</sup>

### Deliberative forum

We invited forty-eight people from across Northern Ireland to take part in a day of presentations and discussion about the possible impact on Northern Ireland of the UK's exit from the EU. This *deliberative forum* took place on 10 February 2018 at the Clayton Hotel in Belfast. We commissioned *Ipsos MORI Northern Ireland*<sup>3</sup> to select the 48 participants to be broadly representative of the Northern Ireland population in their socio-demographic backgrounds and geographic residences. Importantly, the sample was broadly balanced between those who had voted Leave and those who had voted Remain in the 2016 referendum.<sup>4</sup>

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<sup>2</sup> See Appendix A for the full questionnaire.

<sup>3</sup> We would like to acknowledge and sincerely thank colleagues at *Ipsos MORI Northern Ireland* for their magnificent support in ensuring the success of our deliberative forum. In this complex logistical and intellectual task special thanks must go to Karen Glass, Sally Abernethy and Hannah Murphy, as well as Fiona Rooney and the full facilitation team including Ken Bishop and Séan Doherty for their professionalism, efficiency, and insight.

<sup>4</sup> The 48 participants comprised the following: 23 males and 25 females; 13 18-29 year-olds, 11 30-44 year-olds, 12 45-59 year-olds, and 12 60+ year-olds; 28 middle class participants (ABC1) and 20 working class (C2DE) participants; 8 from Belfast City, 10 from Greater Belfast, 7 from County Down, 4 from County Armagh, 6 from County Tyrone/Fermanagh, 6 from County Derry/Londonderry and 7 from County Antrim; 21 Catholics, 22 Protestants and 5 from neither community background; 23 voted to Leave in the 2016 referendum, 21 voted to Remain, and 4 did not vote.

In the morning session, the participants listened to a presentation by Dr Kevin McNicholl outlining the different possible outcomes of the *Brexit* negotiations and highlighting the possible ways these outcomes could affect border checks between Northern Ireland and the Republic of Ireland, and between Northern Ireland and Great Britain.

The participants were seated around five tables and each table contained a mixture of people who voted Leave and those who voted Remain, as well as a mixture of people from a Catholic and a Protestant background. The participants at each table discussed these possible outcomes, impacts on the border and possible protests, with discussion facilitated by a member of the Ipsos MORI team.

In the afternoon, participants listened to a presentation by Professor Brendan O’Leary on the possible constitutional implications of leaving the EU, including the possibility of a referendum on a united Ireland, the absence of a power sharing executive during the exit negotiations, relations between Northern Ireland and Republic of Ireland, and relations between Ireland and Great Britain. The participants then discussed these issues, facilitated by a member of the Ipsos MORI team, in the same manner as in the morning session.

The participants’ roundtable discussions in the morning and afternoon were recorded and transcribed by *Ipsos Mori*, and these transcriptions were then examined to assess the type of concerns that were voiced by the participants.<sup>5</sup>

## The value of using both approaches to gathering evidence

Evidence from attitude surveys is statistically robust given that such surveys are based on data from a representative sample of over 1,000 people, but attitude surveys are limited in terms of understanding how people consider and discuss issues. Evidence from a deliberative forum is less statistically robust but of higher quality regarding how people actually think about and debate these issues when provided with expert presentations to contextualise the discussion. Also, the deliberative forum takes place away from the often adversarial nature of media and party political discussion. In combination, our quantitative opinion poll evidence and qualitative evidence from the deliberative forum facilitate a *systematic and nuanced* understanding of what people in Northern Ireland think about the UK’s departure from the EU.

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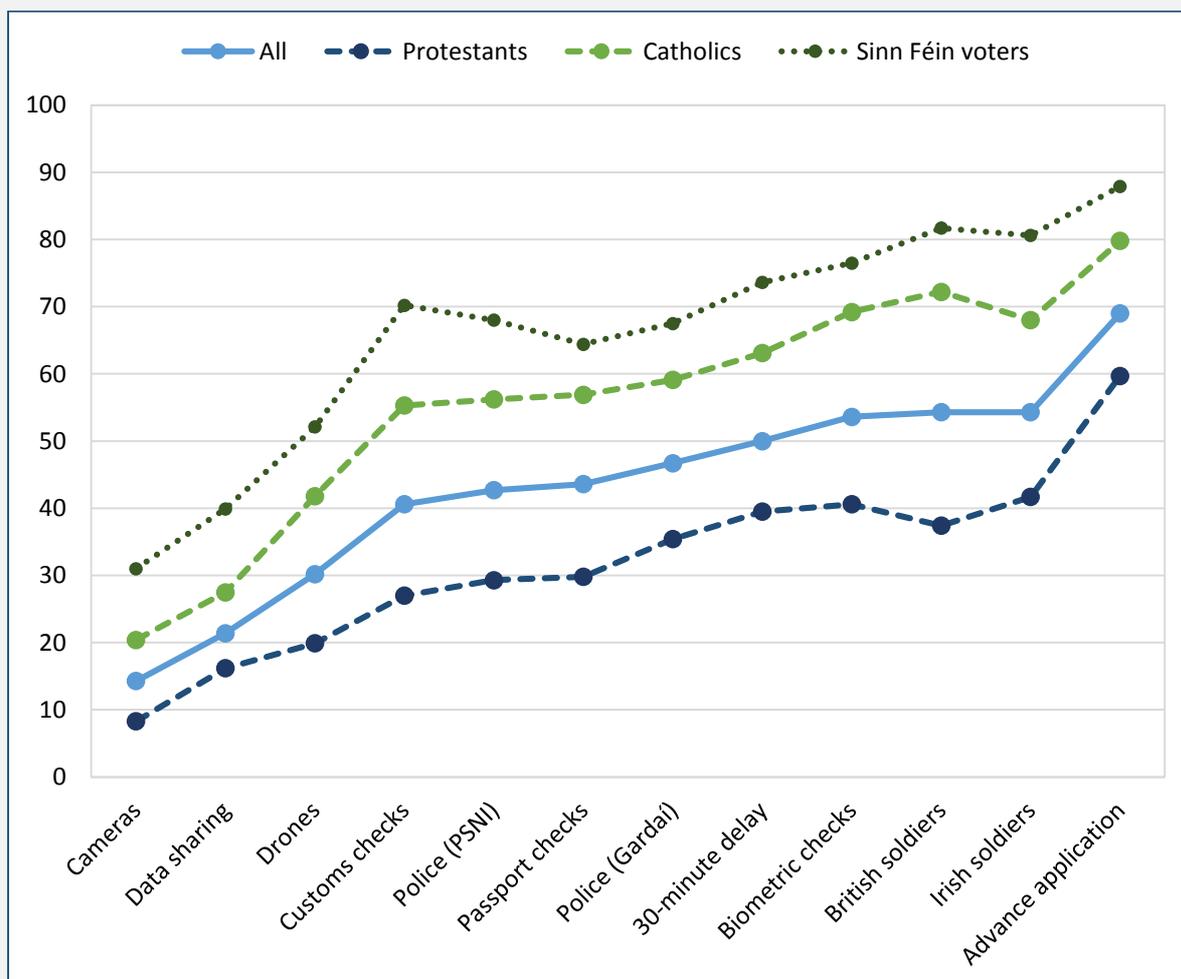
<sup>5</sup> The slides used by Dr McNicholl and Professor O’Leary in their talks and the full verbatim text of their talks are reported in Appendices B, C, D and E. The discussion guides used by facilitators to structure the citizens’ discussions are reported in Appendices F and G. The full transcriptions are available on our project website and also on the Ipsos MORI website.

### 3. Border between Northern Ireland and the Republic of Ireland

#### Evidence from the attitude survey

We presented respondents with a range of possible types of border checks that could potentially be implemented between Northern Ireland and the Republic of Ireland. We asked respondents to indicate one of the following responses: *I would happily accept this; I would not like it, but I could live with it if I had to; or, I would find this almost impossible to accept.* In Figure 1 we report the proportion of respondents who would find each type of possible border control “almost impossible to accept.”

**Figure 1:** *Opposition to North-South border checks (% of respondents saying it would be “almost impossible to accept”)*



Fourteen percent of all respondents would find it almost impossible to accept cameras at the border that would record vehicle number plates as people drive across it. This response rises to 20% among Catholic respondents – a significant minority. Thirty percent of all respondents regard drone technology policing the border – that is, small remote control flying cameras – as almost impossible to accept, rising to 42% among Catholics.

Between 41 and 54 per cent of all respondents regard the following as almost impossible to accept: checkpoints with customs officials; the Police Service of Northern Ireland (PSNI) manning checkpoints; British soldiers, Gardaí (Irish police) or Irish soldiers manning checkpoints; being required to produce a passport at the border; border checks that would add 30 minutes to your journey; and having your photograph taken or your fingerprints checked or any other biometric testing. Catholic respondents are particularly opposed, with between 55% and 72% finding these types of checks almost impossible to accept. The idea of having to apply in advance for travel documents is perceived as particularly objectionable: 69% of the population would find this almost impossible to accept, including 80% of Catholics.

The proportion of Protestants who find these types of possible checks almost impossible to accept is consistently and substantially lower than the proportion of Catholics, but it is still considerable. For example, 8% would find cameras unacceptable, 20% for drones, 37% for British soldiers and 42% for Irish soldiers manning checkpoints. A sizeable majority of Protestants (60%) would find it almost impossible to accept having to apply in advance for travel documents to cross the Irish border.

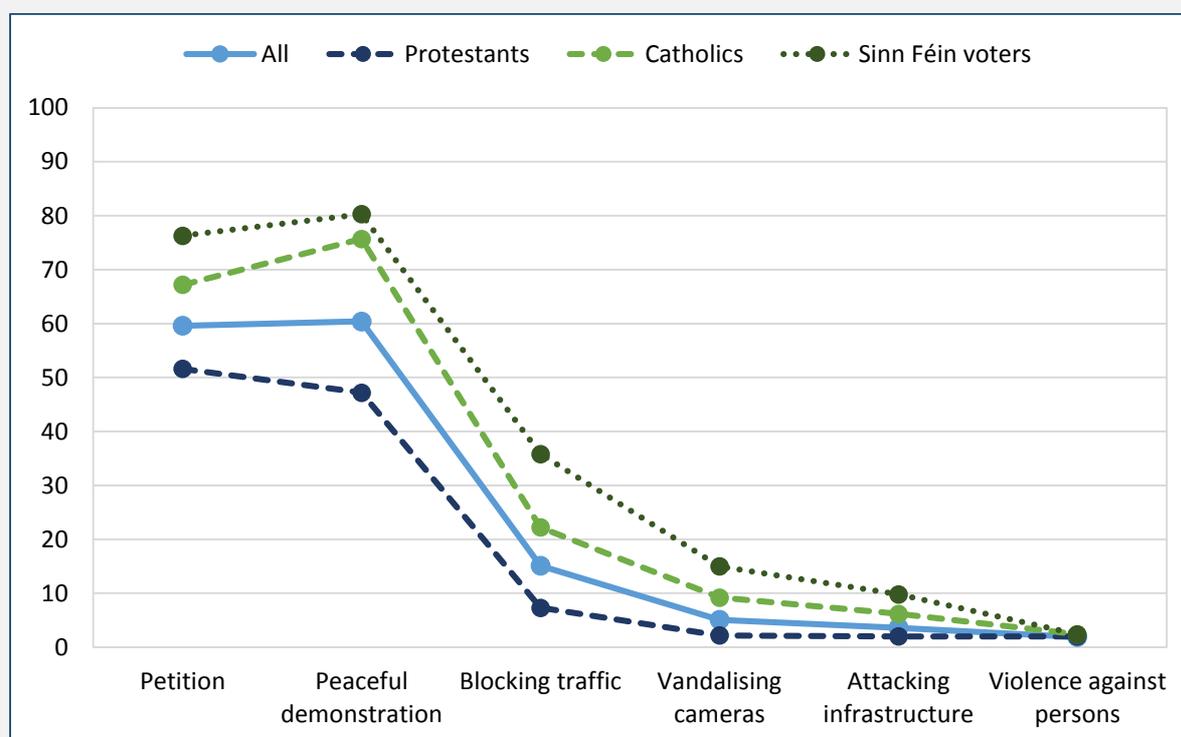
Investigation of attitudes within each community reveals substantial variation within Catholics but not within Protestants when attitudes are broken down by party preference. Most notably Sinn Féin voters express particularly high levels of antipathy to North-South border controls. 31% find camera technology almost impossible to accept and 52% for drone technology. 70% find customs checks almost impossible to accept and this rises to 82% if the customs agents were protected by British soldiers.

The question arises as to what – if any – are the implications of finding certain border checks “almost impossible to accept.” How much support would there be for protests against any new border controls?

Respondents were asked whether and to what extent they would have sympathy or support for “possible forms of protest against any new border checks or controls between Northern Ireland and the Republic of Ireland.” If people who are opposed to a North-South border engaged in signing a petition or a peaceful demonstration, 60% of all respondents would have either “a fair amount of sympathy with this and would support it” or “a lot of sympathy with this and would support it a lot” (Figure 2). This figure falls to 15% when the type of protest involves protestors blocking traffic. However, almost a quarter of Catholics

(22.3%) would still be fairly or very supportive, and 36% of Catholics who vote for Sinn Féin would be supportive. Only 5% of the population as a whole would be fairly or very supportive of vandalising border technology, such as cameras. However, almost one in 10 Catholics (9.1%)<sup>6</sup> would be supportive of this kind of vandalism and 15% of Catholics who vote Sinn Féin would be supportive. One in 10 Catholics who vote for Sinn Féin would support protests that attacked any new border installations or infrastructure.

**Figure 2:** Support for protests against North-South border checks (% of respondents saying they would have a “fair amount” or “a lot of” support)



The support levels for protests among Protestants are consistently lower than among Catholics. However, a large proportion of Protestants are still positively disposed towards some kinds of protest: between 46% and 52% support petitions and peaceful demonstrations. Only negligible numbers of Protestants would support vandalism or any more extreme form of protest, but a noteworthy 7.5% would support protestors blocking traffic.

<sup>6</sup> Unless otherwise stated, in this report we have not excluded ‘don’t know’ responses when reporting results. This decision ensures that we err on the side of conservative estimates. If ‘don’t knows’ are excluded the proportion indicating “impossible to accept” rises slightly. For example, 23.7 and 9.6 percent of Catholics respectively are supportive of protestors blocking traffic and vandalising cameras.

## Evidence from the deliberative forum

In our deliberative forum we invited participants to discuss possible North-South border checks between Northern Ireland and the Republic of Ireland. We asked them to consider what such a border might be like, what they would feel about it, how they think people might react to it, whether or not protests would occur, and whether or not any protests would be supported and effective.<sup>7</sup>

One of the dominant themes emerging from citizens' discussions of possible North-South border checks is that it would mark a return to the past. Politically, it would "bring us back," be a "disaster" and a "nightmare" (see Box 1). These views were expressed by participants from both a Protestant and Catholic background and by Remain voters and Leave voters.

### Box 1: North-South border checks would be going back to the past

*"I could see it going the way it was before... Roads being closed off in various places because they can't properly police it."*

Female, 60+, ABC1, Protestant, Remain

*"Years ago, it will be like it was years ago."*

Male, 45-59, C2DE, Protestant, Leave

*"We'd see the border, just back to all those years ago, long queues, long waits. As they said, they'd have to pull lorries in, search lorries. They'll search and we'll be sitting there for hours and hours trying to get through the border. I think it's all a shambles to tell you the truth."*

Male, 60+, C2DE, Neither, Leave

*"I think it would be a disaster, I really do. It would be back to the days when traffic was queued up to try and get across the border, and the police were there, the army was there. I mean, you felt very intimidated by it all no matter which side of the border you were coming from."*

Female, 60+, C2DE, Catholic, Remain

*"It would be a nightmare, I think that's going back in time."*

Male, 30-44, ABC1, Catholic, Remain

<sup>7</sup> See Appendices B and D for Dr McNicholl's slides and talk which participants listened to, and see Appendices F and G for the discussion guidelines used by the facilitators who moderated the roundtable group deliberations directly following Dr McNicholl's talk.

## Box 2: Inconvenience of North-South border checks

*"... half my family is from the South and half my family is from the North, and the last thing that I bloody want is to go across the border with my passport to visit my granny."*

Male, 18-29, ABC1, Catholic, Remain

*"A lot of people in Derry work in Donegal. Imagine having to go to work every morning with your passport. Just to go to work like, you know."*

Male, 18-29, C2DE, Protestant, Leave

*"... I would go to the Slieve Russell all the time and it's over the border. You know, if you're wanting to just go to the spa or go for something to eat, do I need to bring my passport? ... What about normal day-to-day stuff? Say I want to walk the dog. I'm literally 10 minutes across the border. It would be a nightmare."*

Female, 18-29, ABC1, Catholic, did not vote

*"Where my parents live, it's half a mile to the nearest shop in Derry and half a mile to the nearest shop in Muff in Donegal, but you would go to Muff because the diesel is cheaper and it would be a back and forth through customs and getting stopped. I cross the border on a daily basis."*

Male, 30-44, ABC1, Catholic, Remain

*"It will be so awkward for people who are used to freedom of the border, to all of a sudden be stopped from going across to buy their groceries across the border..."*

Male, 45-59, C2DE, Catholic, Leave

In discussions, apprehension at the prospect of the practical inconvenience of any delays from border checks was raised, particularly among those who lived closest to the border. Participants expressed concern that simple day-to-day activities such as visiting their granny, going to a spa, getting diesel, or walking their dog would become problematic. One Catholic participant from Fermanagh added that he crossed the border daily, and that his community felt "very strongly about the border because we see it every day" (see Box 2).

There was a strong sense among participants – Catholics and Protestants, Remain and Leave voters – that protests against a 'hard' border may begin peacefully, but would quickly deteriorate into violence. Violent agents were perceived as waiting for an excuse to re-emerge, and were referred to as "nutjobs," "mad hatter people," "psychopaths," and the "hard element."

Occasionally the prospect of violence was played down. When one young participant said he felt society had moved beyond conflict, an older participant responded with caution:

“But people didn’t support the Troubles<sup>8</sup> and it still happened, so the same thing could happen again”. Several participants commented that a police or military presence would ignite a violent reaction: it would “bring on terrorism” and “you’re just lighting the spark.” The discussion on the potential for violence in the event of a ‘hard’ border prompted one Protestant Leave voter to suggest that she would now vote differently: “I voted to leave, but now today I think... probably not” (see Box 3).

**Box 3: Potential protest against North-South border checks**

*“Well where I’m from originally is about half a mile from the border. Outside Derry. If I were to cross the border, which I do regularly all the time, if somebody asked me for my passport I’d laugh in his face and drive on. I’d have to show my passport to cross the road”*

Male, 30-44, ABC1, Catholic, Remain

*“I think if I was protesting I’d probably support road blocks.”*

Male, 18-29, ABC1, Catholic, Remain

*“[Protests] would start peaceful and then if they don’t get anywhere they would just escalate it.”*

Male, 18-29, ABC1, Catholic, Remain

*“... definitely not the military [at the border] because the people of the North think that if there were military at it, it would attract the people to attack. It’s going to bring on terrorism.”*

Male, 45-59, C2DE, Protestant, Leave

*“...then you’re bound to get terrorists, then you get terrorists jumping on the bandwagon then ... we don’t have that many people getting killed but with a border then we’re back to normal again ... this country at the minute is volatile enough, I think that it would take very little for the whole thing to start up again whether people back it or not”*

Female, 60+, ABC1, Catholic, Remain

*“There’s a lot of people living in Northern Ireland that could use that as another reason to start fighting and gather support as well I suppose ... yeah, back to The Troubles again.”*

Female, 30-44, C2DE, Protestant, Remain

*“I think the ceasefire would go.”*

Male, 45-59, C2DE, Protestant, Leave

*“I think if there was police or army, it’s not going to be the customs people. Because the customs people fear for their lives so it’ll be police and army. And adding that into the equation, you’re just lighting the spark.”*

Female, 60+, ABC1, Catholic, Remain

<sup>8</sup> The Troubles is a frequently used local euphemism to refer to armed conflict, especially between 1966 and 1998, in and over Northern Ireland.

#### Box 4: Cameras at the North-South border

##### *Possibly acceptable*

*"I think we'd have technology as well just like everybody now. It's 2018, they'd have to have that. They would have to use cameras."*

Female, 18-29, ABC1, Catholic, Remain

*"If they could do it with just cameras that would be fine."*

Male, 45-59, Protestant, Leave

*"Cameras wouldn't annoy me, CCTV is everywhere in Northern Ireland."*

Male, 18-29, ABC1, Catholic, Remain

*"Like you travel anywhere else in the world and there's cameras and there's borders..."*

Female, 45-59, ABC1, Protestant, Remain

*"I would like cameras and you know spot checks and things like that. I think that would work well."*

Male, 18-29, ABC1, Protestant, Leave

##### *Possible problems with vandalism*

*"I can see vandalism because even on the main road there from Derry to Belfast and you've even the Londonderry sign scored out. So what's the chances of a camera getting graffitied over? Sure it's just another item to destroy like."*

Male, 18-29, ABC1, Catholic, Remain

*"If there's ever going to be a hard border it will be security cameras mainly, it will be mainly in the border areas. I mean, they paint over the signs. They'll vandalise the signs. The cameras will have to be about 300 feet in the air. And even then... you will get certain people who take the law onto themselves and cut these things down. So, to lessen it, it would have to be the softest hardest border. Military checkpoint is a no-no. Cameras, that would be a no-no as well..."*

Male, 45-59, ABC1, Catholic, Remain

*"The amount of vandalism that goes on in general is going to be high."*

Male, 30-44, ABC1, Catholic, Remain

*"They vandalise signs on the way to Dublin when you're driving, so you know we're going to see the same with cameras."*

Female, 45-59, ABC1, Neither, Remain

There was some discussion that cameras may be acceptable as "the softest, hardest border," and one participant noted that "CCTV is everywhere." Several participants mentioned that cameras are a normal part of life and travel and should not be seen as a problem. However, even participants who were personally relaxed about some form of

physical border infrastructure acknowledged that even cameras were seen as likely to come under violent attack. “They’d have to be 300 feet high,” remarked one participant, and several others mentioned the likelihood of them being vandalised (see Box 4).

It should be noted that a small number of participants expressed indifference towards the possibility of a ‘hard’ Irish border. These views tend to cite the normality of other international border checks, regard checks as a way of controlling immigration, did not necessarily regard past North-South border arrangements as indicative of any future infrastructure, or took it as a given that the UK and EU would follow through on their existing commitments (see Box 5). These perspectives were largely, but not exclusively, concentrated among a small number of Leave voters.

#### Box 5: Indifference towards North-South border checks

*“It wouldn’t annoy me about the border. It wouldn’t annoy me at all. We had it years ago, and also too I go to Spain and Gibraltar; it’s exactly the same.”*

Female, 60+, C2DE, Protestant, Leave

*“Sure if you go to America or Canada, you’ve to go through a border there anyway.”*

Female, 60+, C2DE, Protestant, Leave

*“I don’t necessarily want to see a hard border because I like travelling to the South, so I don’t want anything to put me off doing that. But my problem is more the immigration... I don’t want to see a hard border but if that’s what it takes then for it to stop immigrants.”*

Female, 60+, ABC1, Protestant, Leave

*“People are getting the old border mixed up with the army border to stop terrorists crossing between North and South. What we’re looking at here, we’re looking at goods and people to a certain degree.”*

Male, 45-59, C2DE, Catholic, Remain

*“Europe and Britain agreed that there won’t be a hard border. You hear it repeated all the time, there will not be a hard border.”*

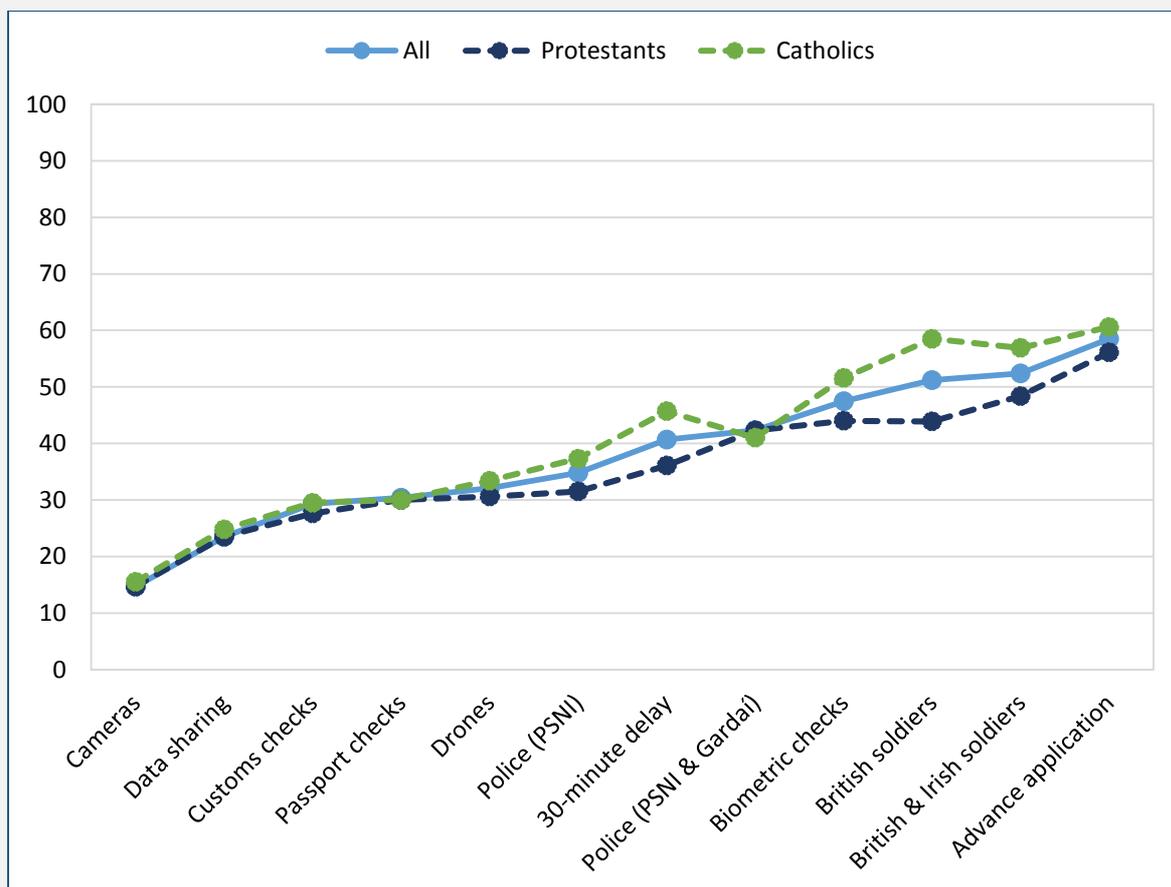
Male, 45-49, C2DE, Neither, Leave

## 4. Possible border checks between Northern Ireland and Great Britain

### Evidence from the attitude survey

When respondents were asked whether they would accept a range of possible border checks between Northern Ireland and Great Britain, the pattern of responses for the whole population was similar to that for hypothetical North-South border arrangements in the sense that the least unacceptable arrangements involved cameras and data sharing between governments, and the most unacceptable were biometric checks, British or Irish soldiers at checkpoints, and the need to apply for travel documents in advance (Figure 3).

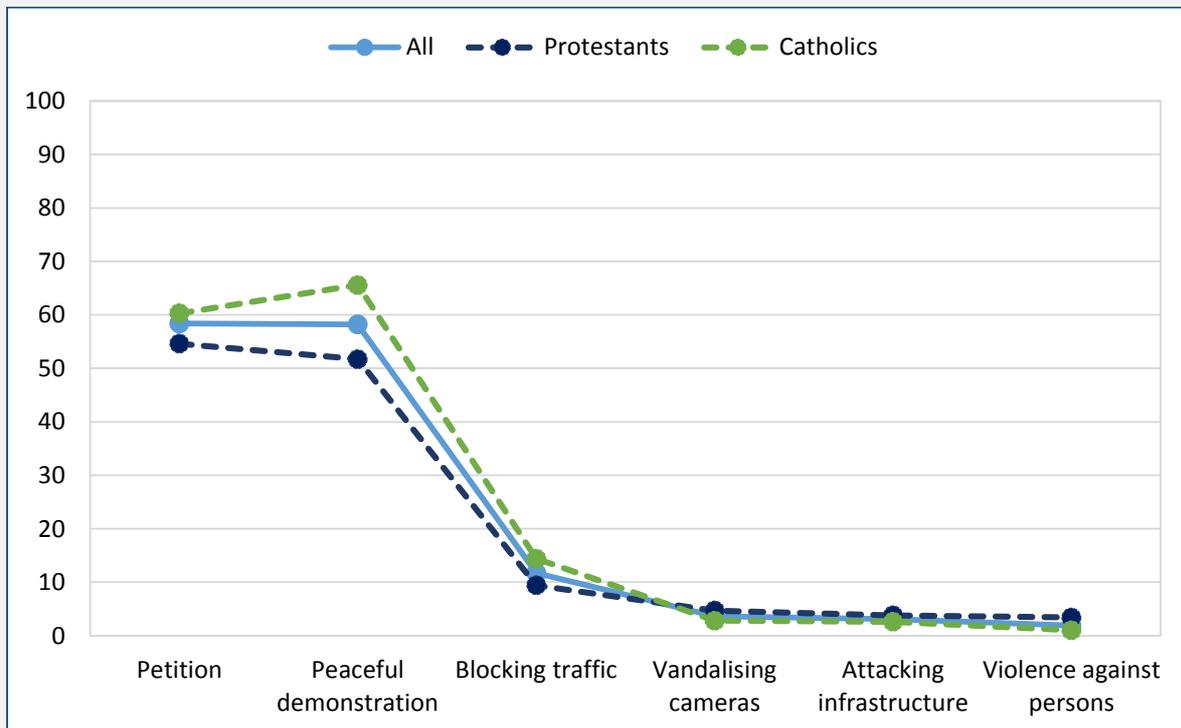
**Figure 3:** Opposition to East-West border checks (% of respondents saying it would be “almost impossible to accept”)



Fifteen percent of respondents would find cameras at ferry terminals that record vehicle number plates almost impossible to accept – mirroring the level of opposition to cameras on a North-South land border. However, an interesting pattern emerges in that Protestant and Catholic levels of unacceptability are almost identical for several of the types of checks. For example, 15% Protestants and 16% of Catholics would find camera technology at ferry ports “almost impossible to accept.” Similarly, 28% of Protestants and 29% of Catholics would find customs checks “almost impossible to accept.”

Opposition is even greater among Catholics than Protestants in relation to checks conducted by British soldiers or checks that would result in a 30-minute delay: 44% of Protestants and 59% of Catholics would find British soldiers manning checkpoints “almost impossible to accept;” and 36% of Protestants and 46% of Catholics would find an additional 30 minute delay “almost impossible to accept.”

**Figure 4:** Support for protests against East-West border checks (% of respondents saying they would have a “fair amount” or “a lot of” support)



The overall pattern of support for protests against border checks between Northern Ireland and Great Britain is similar to that between North and South. Almost 60% support petitions and peaceful demonstrations, and 12% support protestors blocking traffic (Figure 4). However, Catholic support is greater than Protestant support for these types of protests. For example, 14% of Catholics, compared to 9% of Protestants would support protests

blocking traffic. There are marginal support levels for more aggressive forms of protest, and for these Catholic levels of support dip below Protestant levels.

Thus, the unacceptability of East-West border controls is substantial, though lower than for North-South. We do not find that Protestant antipathy to such controls is substantially greater than Catholic antipathy.<sup>9</sup> Rather both communities share a common dislike of East-West border controls, and indeed, Catholic antipathy to East-West controls leads them to be somewhat more supportive than Protestants towards some types of protest.

### Evidence from the deliberative forum

For many participants, talking about an East-West border was seen as somewhat bizarre; there was much puzzlement as to how it could possibly operate in practice. Generally, it was thought to be a bad idea. “A border down the Irish Sea would be ridiculous,” commented a Catholic participant. A number of respondents referred to it as “crazy” or “just madness,” and one Catholic participant asked: “Could you imagine the Stena Line going to an Old Firm game?”<sup>10</sup>

Several participants felt that an East-West border would be less problematic and less obtrusive than a North-South border. For example, if people are travelling by air between Northern Ireland and the rest of the UK, many passengers already present their passports as photographic identification. By contrast, people might be less prepared to do so on more of a ‘day-to-day’ basis crossing the land border on the island of Ireland. Still, participants with this perspective did not necessarily *advocate* such an arrangement. “If it had to happen, that would be more acceptable [than a North-South border,” remarked one. “I wouldn’t want it,” she added.

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<sup>9</sup> This complements previously reported findings that potential acceptance by unionists of east-west controls was higher than might be expected and not substantially lower than Catholic acceptance (Coakley and Garry, *Irish Times*, 1 December 2017). In this report we use differently worded questions, focused on identifying the proportions having an especially firm level of antipathy, specifically finding possibly scenarios ‘almost impossible to accept’.

<sup>10</sup> An ‘Old Firm’ game references football games between Glasgow Rangers and Glasgow Celtic in the Scottish city to which people from Northern Ireland frequently travel on the ferry: Protestants typically support Rangers, while Catholics support Celtic.

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**Box 6: Political concerns about East-West border checks**

*“It would be political if you consider yourself British. I can see where they’re coming from. [They’d say] ‘Oh they’re going to separate us and I’m going to lose my Britishness’.”*

Male, 45-59, ABC1, Catholic, Remain

*“I think it would come down to if you’re living in Northern Ireland, religion comes into it. Seeing you’re separate, seeing that you’re not part of GB, that’s what it comes down to.”*

Female, 18-29, ABC1, Protestant, Leave

*“We’re still part of the UK. Why should there be a border? If you’re travelling from the south to the UK, you’re travelling from a different country. Yes, that’s going to be different. But from Northern Ireland, that’s still part of the UK.”*

Male, 45-59, C2DE, Protestant, Leave

*“Is that who we are then? Are all things British out of the country? What about the people that call themselves that? You can’t just throw that all out.”*

Female, 18-29, ABC1, Protestant, Leave

*“...no because I don’t want Northern Ireland separated from the rest of the UK.”*

Female, 60+, ABC1, Protestant, Leave

*“We’d feel alienated in a way I think.”*

Female, 45-59, ABC1, Protestant, Remain

It was felt, especially by Protestants, that any border checks between Northern Ireland and Great Britain would undermine Northern Ireland’s place in the United Kingdom (see Box 6). It would “weaken that perceived link with the UK and ... it will also weaken Britain’s perception of the links with Northern Ireland,” in the words of a Protestant participant.

Potential economic disadvantages were also highlighted, and it was suggested that a border in the Irish Sea would, in practice, affect trade more than passenger travel (Box 7). This economic concern tended to be highlighted by Catholic participants whereas Protestants tended to express concerns relating to politics and identity.

**Box 7: Economic concerns about East-West border checks**

*"It won't work. It has to do with economics, though. We're going to be in a country on our own again, we won't have the back up of any other country, so the economics of it explain themselves."*

Female (T1), 60+, ABC1, Catholic, Remain

*"It wouldn't be political it would be more financial... It's the inconvenience and the expense. I'm thinking from a business point of view and that's the way I'm thinking. Not politically at all."*

Female (T2), 60+, ABC1, Catholic, Remain

*"But I do think economically we need these connections with England and Wales for business."*

Female, 30-44, C2DE, Catholic, Remain

*"But a UK hard border would hit us harder than an Irish border. We import more from the UK. England, Scotland and Wales are linked far more, and the taxes on that border would hurt us far more than the taxes on the other border."*

Male, 18-29, ABC1, Catholic, Remain

Many participants felt that border controls between Northern Ireland and Great Britain would lead to trouble (Box 8). They compared possible protests over any East-West border controls to recent protests in support of the right to fly the Union Flag and the right to parade on Twaddell Avenue in Belfast. (These comparisons are similar to the way in which, as noted earlier, participants compared possible violent protest over the North-South border to 'The Troubles'). Again, there was a feeling that protests could start out peacefully but "could escalate". One participant thought there would be "more trouble" than if a visible North-South border emerged because "we are, in the constitution, part of the UK."

A dominant theme emerging across the group discussions was opposition towards any form of border arrangements, North-South or East-West. "I'm British and I don't think there should be a border between Northern Ireland and Britain," remarked a participant, "But I still don't see the point of having a hard border [with] the rest of Ireland either," he added.

**Box 8: Possible protests against East-West border checks**

*“It would probably be a lot worse than if there was [a hard border] between the South [and Northern Ireland].”*

Male, 18-29, C2DE, Neither, Leave

*“Flag protests again and it could escalate if they were forced into a hard border... non violent to start off with, then it will be blocking roads.”*

Male, 30-44, C2DE, Protestant, Leave

*“I think if there was any protests it would be 90% political. The one party that’s most objecting to a hard border is the DUP and it would be like City Hall flag protests all over again.”*

Male, 18-29, ABC1, Protestant, Leave

*“They would probably go mad. They’d be saying ‘We’re part of the UK so why are they treating us differently?’”*

Female, 60+, ABC1, Catholic, Remain

*“I do, I think a border in the Irish Sea is a united Ireland through the back door, which is tearing up the Good Friday Agreement. So I think protests are justified. It would be a united Ireland through the back door.”*

Male, 30-44, ABC1, Protestant, Leave

*“I don’t think it would be accepted at all. Now your’re talking about big trouble maybe between the north and the south of the border. I think there would be more trouble, more than that created, because we are – in the constitution – part of the UK.”*

Female, 30-44, ABC1, Protestant, did not vote

*“This doesn’t mean it will just be here. It could spread across the water...”*

Male, 18-29, ABC1, Protestant, Leave

## 5. What type of exit from the EU is preferred?

### Evidence from the attitude survey

We asked respondents how they would vote if there was another referendum on whether to Remain in the EU or Leave the EU: 56.1% opted for Remain, 25.6% stated a desire to Leave, 10.3% said they would not vote and 8.0% said they did not know. When we exclude those who said 'don't know' and those who would not vote the distribution is: Remain 68.6% and Leave 31.4%. Hence, two thirds of our respondents who indicate a preference would opt for Remain and one third would vote Leave. This data reveals a substantial increase in Remain support within Northern Ireland compared to the actual referendum result of 55.8% Remain.

When these results are broken down by community background it emerges that very few Catholics would vote Leave (only 7.9% compared to 92.1% who would vote Remain), while a majority of Protestants (55.6%) would vote Leave and 44.4% would vote Remain.

Given the result of the referendum and the decision of the UK to exit the EU, we asked respondents to choose from a range of three possible ways of leaving the EU. The wording of the options was:

1. **A 'hard' Brexit for all of the UK:** *Great Britain and Northern Ireland leave the EU, and this involves leaving the single market and the customs union.*
2. **A 'soft' Brexit for all of the UK:** *Great Britain and Northern Ireland leave the EU, but both of them stay in the single market and the customs union.*
3. **A 'hard' Brexit for Great Britain but a 'soft' Brexit for Northern Ireland:** *Britain leaves the EU and the single market and the customs union. Northern Ireland leaves the EU but stays in the single market and customs union.*

Perhaps unsurprisingly, given the antipathy to both a North-South and East-West border described in the previous two chapters, the most popular type of exit is a 'soft' *Brexit* for all of the UK whereby the UK leaves the EU but remains in the customs union and single market (49% favour this option).<sup>11</sup> A further 12% of respondents opted for a 'hard' *Brexit* for all the UK, and 19% opted for Northern Ireland staying in the customs union and single market while Great Britain leaves both. One fifth of respondents said they did not know (Table 1a).

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<sup>11</sup> As Table 1b confirms, this figure rises to 61.3 per cent when 'don't knows' are excluded.

**Table 1a-c: Preferred type of UK exit from the EU (% supporting each option)**

*a. Including don't knows*

	All	Protestants	Catholics	Leave Voters	Remain Voters
A 'hard' <i>Brexit</i> for all of the UK	12.1	18.4	4.4	36.3	3.4
A 'soft' <i>Brexit</i> for all of the UK	48.8	46.7	50.6	37.5	60.3
A 'hard' <i>Brexit</i> for Great Britain but a 'soft' <i>Brexit</i> for Northern Ireland	18.7	10.3	28.5	10.8	23.3
Don't know	20.5	24.6	16.5	15.4	13.1
<i>Totals</i>	100.0	100.0	100.0	100.0	100.0

*b. Excluding don't knows*

	All	Protestants	Catholics	Leave Voters	Remain Voters
A 'hard' <i>Brexit</i> for all of the UK	15.2	24.4	5.3	42.9	3.8
A 'soft' <i>Brexit</i> for all of the UK	61.3	61.9	60.6	44.3	69.4
A 'hard' <i>Brexit</i> for Great Britain but a 'soft' <i>Brexit</i> for Northern Ireland	23.6	13.7	34.1	12.8	26.8
<i>Totals</i>	100.0	100.0	100.0	100.0	100.0

*c. Excluding don't knows and combining support for 'soft' options (either NI or UK)*

	All	Protestants	Catholics	Leave Voters	Remain Voters
A 'hard' <i>Brexit</i> for all of the UK	15.1	24.4	5.3	42.9	3.8
A 'soft' <i>Brexit</i> either for all the UK or just for Northern Ireland	84.9	75.6	94.7	57.1	96.2
<i>Totals</i>	100.0	100.0	100.0	100.0	100.0

Furthermore, this option of the UK remaining in the customs union and single market was the most popular of the three options among Protestants (47%), Catholics (51%), pro-Leave

respondents (37%, compared to 36% who want a 'hard' *Brexit*) and pro-Remain respondents (60%).<sup>12</sup>

Excluding respondents expressing a 'don't know' position (see Table 1b), the option of the UK as a whole remaining in the customs union and single market receives a majority of support from both Catholics and Protestants – 61% of Catholics (including 68% of Sinn Féin voters) and 62% of Protestants (including 58% of DUP voters).<sup>13</sup> Also, when the two 'soft' options for Northern Ireland are combined and compared to those favouring a 'hard' *Brexit*, there is very strong support for Northern Ireland remaining in the customs union and single market (Table 1c): 85% of all respondents, almost all Catholics and Remainers, three quarters of Protestants and 57% of pro-Leave respondents.

We additionally teased out people's attitudes to particular aspects of the 'differentiated exit' (i.e. 'Northern Ireland stays in customs union and single market while Great Britain leaves both' option). We asked respondents if they would accept differences between Northern Ireland and Great Britain with respect to standards of goods, taxation of goods, movement of people, and the jurisdiction of the European Court of Justice (ECJ). The results are reported in Table 2. Different potential taxation of goods regimes between Northern Ireland and Great Britain was regarded as almost impossible to accept by approximately two-thirds of Protestants, Catholics, pro-Leave respondents and pro-Remain respondents. Different health and safety standards were almost impossible to accept for half of all respondents and with similar levels of antipathy (between 44% and 53%) among Protestants, Catholics, pro-Leave respondents and pro-Remain respondents.

Cross-community and Remain-Leave differences emerged regarding the jurisdiction of the ECJ: Catholics and pro-Remain respondents were much more relaxed at the prospect of its continued jurisdiction in Northern Ireland, with a majority of each group willing to accept it (either grudgingly or happily). They were also positively disposed to freedom of movement, with approximately two thirds of each group finding it acceptable.

In sum, there is a tendency for Catholics to be wary of the economic effects of any controls between Northern Ireland and Great Britain; Protestants are wary of these controls as well, but also conscious of the constitutional and legal framework.

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<sup>12</sup> A further question in our attitude survey found that almost two thirds of all respondents (65.1%) thought that it was either very or fairly likely that if Northern Ireland left the customs union and single market this would result in "manned checkpoints and cameras at the North-South border" (Catholics 73%, Sinn Féin voters 74%, Protestants 61%, and DUP voters 65%).

<sup>13</sup> Just less than a third, 32% of DUP voters, wish to leave the customs union and single market, and a much lower proportion (10%) favours Great Britain leaving the customs union and single market but Northern Ireland remaining in both. Nearly a third, 29%, of Sinn Féin voters favour Britain leaving the customs union and single market but Northern Ireland remaining in both, and very few (2%) support all of the UK leaving the customs union and single market.

**Table 2: Attitudes to the implications of a ‘mixed’ exit**

		All	Protestants	Catholics	Leave Voters	Remain Voters
People from the EU are able to freely travel to live and work in NI, but can’t freely travel to live and work in the rest of the UK	Almost impossible to accept	33.8	42.1	26.0	42.8	30.9
	Could live with it	25.8	25.0	25.8	28.8	30.4
	Would happily accept	28.4	18.0	39.6	18.1	34.1
	Don’t know	12.0	14.9	8.6	10.3	4.7
	Total	100.0	100.0	100.0	100.0	100.0
Health and safety standards for goods in NI and the rest of the UK are different to each other, leading to restrictions on trade between these two places	Almost impossible to accept	48.0	53.2	44.2	50.2	52.7
	Could live with it	28.1	25.4	29.5	32.1	30.5
	Would happily accept	10.4	7.2	15.2	5.8	11.3
	Don’t know	13.5	14.2	11.1	11.9	5.4
	Total	100.0	100.0	100.0	100.0	100.0
Goods moving between NI and the rest of the UK are taxed as if moving between two different countries	Almost impossible to accept	64.6	67.7	63.4	69.7	69.2
	Could live with it	17.8	14.3	19.7	18.3	20.7
	Would happily accept	6.3	3.5	9.6	2.9	5.4
	Don’t know	11.3	14.5	7.4	9.1	4.7
	Total	100.0	100.0	100.0	100.0	100.0
The European Court of Justice can make decisions in relation to NI but not the rest of the UK	Almost impossible to accept	43.2	58.3	28.3	66.1	37.9
	Could live with it	21.9	16.4	28.0	18.2	26.4
	Would happily accept	19.6	6.6	32.9	5.0	27.8
	Don’t know	15.4	18.6	10.8	10.7	7.9
	Total	100.0	100.0	100.0	100.0	100.0

## Evidence from the deliberative forum

We asked participants to consider five possible outcomes of the negotiations between the EU-27 and the UK, widely known as the *Brexit* negotiations. These outcomes included the option to remain, the option to leave entirely and three other types of exit: one involving all the UK remaining in the customs union and single market, one with just Northern Ireland remaining in the customs union and single market and one with Northern Ireland remaining a full member of the EU (Box 9).

**Option A** involves the UK (including Northern Ireland) leaving the EU in its entirety; that is, the whole of the UK would leave the customs union and single market. A small number of Protestant participants supported this option, citing the cost of the EU, the need for political freedom, and a desire for autonomy in trade relations. The EU is “nearly communism” stated one participant, and another said that being told what to do by the EU was holding back trade with China and America who were “queuing up to trade with us.” Others were reluctant to unpick what they felt was a clear ‘Leave’ result. One commented “I personally think that if we’re leaving we should leave it all.” Another participant simply stated, “Out’s out.”

**Option B** involves the UK (including Northern Ireland) leaving the EU, but staying in the customs union and single market. This is seen as a compromise option by participants who accept and/or support that the UK is leaving the EU, but advocate a ‘soft’ form of *Brexit*. “It’s complicated,” notes one Catholic Remain voter; “If we could have the best of both worlds that would be wonderful.” This option is dismissed as “lazy” by a number of Protestant Leave voters, who note the consequences of remaining in elements of the EU: “The thing is, if we stay in the customs union or single market, we are isolating ourselves from the rest of the world essentially... If we’re leaving we’re benefitting ourselves to trade with other countries.” A Catholic Remain voter notes how difficult a ‘soft’ *Brexit* would be to sell to voters in the rest of the UK: “that goes against everything Theresa May is saying.” However, some Protestant Leave voters would find this outcome acceptable, because it would involve the UK maintaining a close trade relationship with the EU which is the ‘only strength’ of the EU. One Protestant Leave voter preferred to stay in the customs union because ‘the movement of the goods’ is beneficial but was against single market membership on the grounds that she disagreed with ‘the movement of the people’.

In **Option C**, the UK as a whole leaves the EU, but Northern Ireland remains in the single market and customs union. This option received support from several participants. “It would be a win-win situation,” observed one Catholic Remain voter, and a Protestant Leave voter agreed that “we could benefit quite substantially.” One Catholic Remain voter expressed frustration with what she regarded as Arlene Foster’s incoherent opposition to

a special exit arrangement for Northern Ireland, suggesting Foster was going to ‘drag us down’ with the rest of the UK.

### Box 9: Views on types of relationships with the EU

#### Option A: UK-wide ‘hard’ Brexit

*“I voted to leave and it wasn’t even from a political point of view. I was trying to think more on the economy and ... Britain put more out than we see get put back in. And listening to the old school, like my father’s generation, they would be very much of the opinion that we were okay before we joined it.”*

Female, 45-59, C2DE, Protestant, Leave

*“Access to the world market’s a big one and then you’ve Brussels telling the UK government what to do.”*

Male, 45-59, C2DE, Protestant, Leave

#### Option B: UK-wide ‘soft’ Brexit

*“I’d say the UK stays in the customs union. Yeah, for me the only strength of the EU is the trade aspect, anything else can be worked with.”*

Male, 18-29, ABC1, Protestant, Leave

#### Option C: Great Britain ‘hard’ Brexit, NI ‘soft’ Brexit

*“I think ... option C, so GB leaves the EU but we stay in the single market. So what is it that Arlene Foster has said, because they proposed their support to Theresa May that she wouldn’t be happy that we’re not getting the same deal as they are? But why does she want to drag us down with them? When it’s one of the better options for us personally... There are a lot of things she doesn’t agree with. So we’re the same as the UK apart from abortion, apart from gay marriage. She picks and chooses but she wants to drag us down with them.”*

Female, 18-29, ABC1, Catholic, Remain

#### Option D: Great Britain ‘hard’ Brexit, NI remains in EU

*“... at the end of the day Northern Ireland voted to stay in the EU and if you’re going back to the Good Friday Agreement, then it says basically the people of Northern Ireland, their wishes have to be honoured and taken into account whenever any major decision regarding them is being made.”*

Female, 18-29, C2DE, Catholic, Remain

#### Option E: UK remains in the EU

*“I just think the whole thing is a disaster and a massive waste of money and it should just be pulled right now.”*

Female, 18-29, ABC1, Catholic, Remain

*“Just leave it all alone. I just can’t be bothered with the hassle.”*

Female 30-44, C2DE, Protestant, Remain

**Option D**, Great Britain leaves the EU, but Northern Ireland remains in the EU, attracts a fair amount of support, mainly from Catholic participants. This is driven by a sense that Northern Ireland is leaving the EU against its will, and it is also linked to the strategic goal of Irish unity. “I’d technically want to see the island united so that’s the way to go towards it,” argued one participant.

The final scenario, **Option E**, was that the UK remains in the EU after all. Many participants support this option. Whilst it mainly attracts support from Catholics who voted Remain, it also receives support from a number of Protestants who voted Leave. “Though I voted Leave, I think knowing what I know now, I’d go for staying in the EU,” one rueful Leaver admitted. Another commented: “I feel like, better the devil you know, and I know [it] feels too risky [to leave the EU].” This perspective was generally linked to an expectation of political and economic instability in the event of the UK leaving the EU. Others simply expressed frustration with the entire Brexit process, seeing it as “hassle” and a “waste of money.”

### **Summary of the findings of Chapters 3, 4 and 5 on borders and type of exit**

The findings from our attitude survey and the deliberative forum on the issues of borders and preferred type of UK exit from the EU may be summarized as follows:

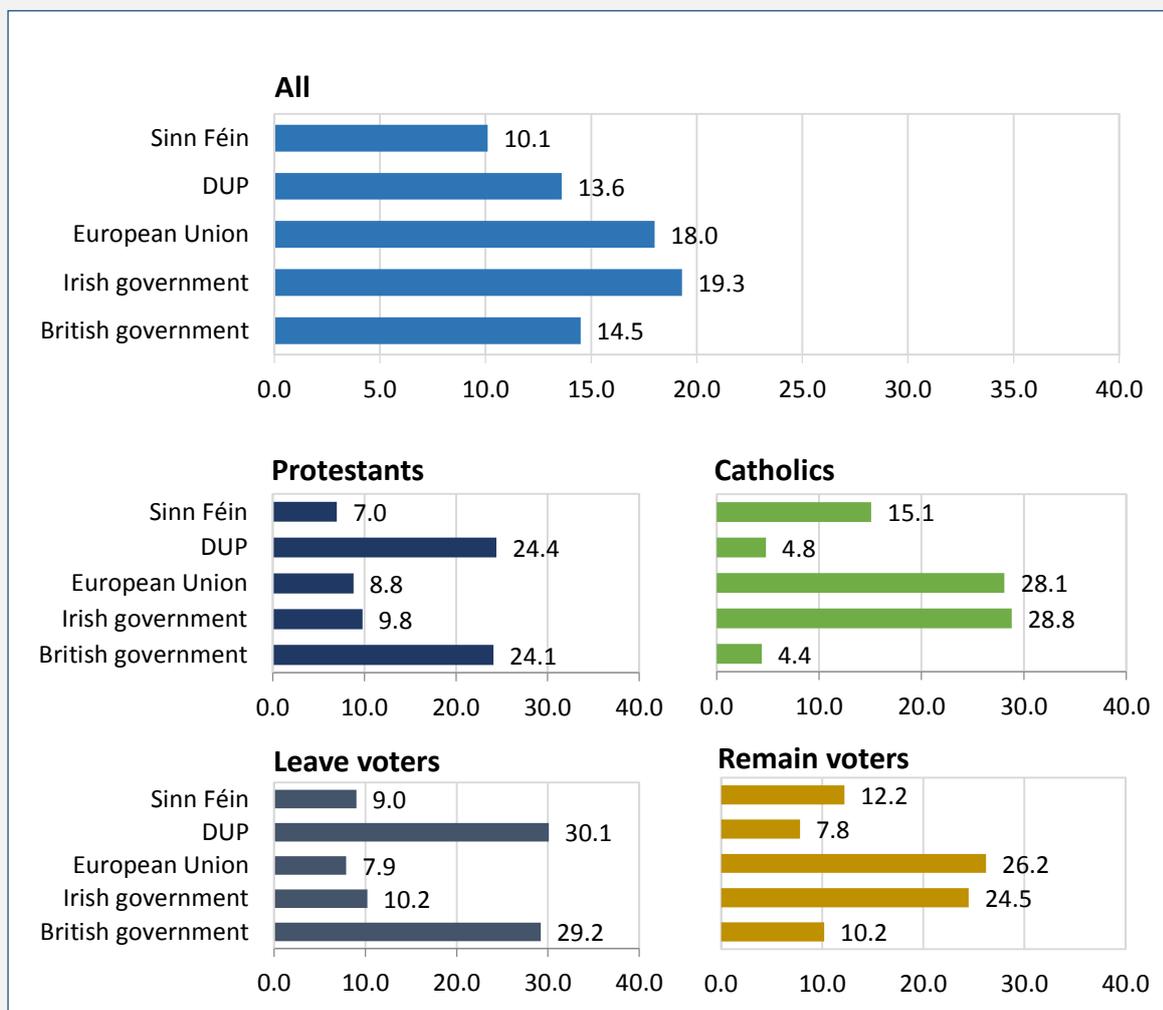
- There are substantial levels of intense opposition to North-South border checks between Northern Ireland and the Republic of Ireland and to East-West border checks between Northern Ireland and Great Britain.
- There are strong expectations that protests against either North-South or East-West border checks would quickly deteriorate into violence.
- There are substantial levels of support for the type of UK exit that would largely eliminate the need for any such North-South or East-West checks, namely for **the UK as a whole to remain in the customs union and single market. Other options polarize Catholics and Protestants and Remain and Leave voters.**

## 6. Absence of a Northern Ireland Executive

### Evidence from the attitude survey

Given the absence of a functioning executive in Northern Ireland that could try to ensure that the views of people in Northern Ireland are represented in the Brexit negotiations, we asked respondents whether the two governments (Irish and British), the EU, and each of the two principal parties in Northern Ireland (the Democratic Unionist Party and Sinn Féin) were doing a good or bad job at representing the interests of the people of Northern Ireland during the *Brexit* negotiations.

**Figure 5:** Representation during the negotiations (% saying each of these actors is doing a “fairly good” or “very good” job at “representing the interests of the people of Northern Ireland during Brexit negotiations.”)



The Irish government was the most positively evaluated (Figure 5), even though less than a fifth think it is doing a fairly or very good job. Sinn Féin was the least positively evaluated, attracting positive evaluations from only 10% of respondents.

Much more variation emerged when respondents are broken down by community background and by whether the respondent is pro-Leave or pro-Remain. Some Protestants and Leavers (24% and 30% respectively) say the DUP is doing a fairly or very good job; a similar percentage say the British government is doing a fairly or very good job (24% and 29% respectively). In contrast, the EU and the Irish government are most positively evaluated by Catholics and Remainers.

We asked respondents a number of questions relating to the absence of a functioning executive. We focused on two possible rule changes that could facilitate easier executive formation and maintenance and also on two policy issues on which party disagreement has stymied co-operation.

As reported in Table 3, there was much more support for, than opposition to, the idea of renaming the First and deputy First Ministers “Joint First Ministers”: 47% agree with the proposal, 21% disagree. However, support was much greater from Catholics (62%) than Protestants (35%). In relation to the idea of moving away from having a government necessarily containing the main party from each community, there was support for a qualified majority of 60% of MLAs instead (58% overall; 53% from Protestants and 62% from Catholics).

Regarding policies rather than institutions, 63% of all respondents agreed with the legalisation of same-sex marriage: a bare majority of Protestants, but three quarters of Catholics. There was much more cross-community variation on the idea of an Irish Language Act. The overall population is more in favour than against (43% versus 34%), but the balance of opinion among Protestants is 60% to 20% against while for Catholics it is 69% to 8% in favour.

Hence, it is possible to conclude that there is cross-community support for resolving two ‘gridlock issues’: one relating to the rules of the game (the idea of relaxing the government formation demands) and one relating to a substantive policy issue (the introduction of same-sex marriage).

**Table 3: Attitudes to ‘gridlock’ issues**

		All	Protestants	Catholics
Instead of having a First Minister and a deputy First Minister, both people should be called ‘Joint First Minister’	Agree	47.0	34.5	62.0
	Neither agree/disagree	23.4	25.4	22.6
	Disagree	21.2	31.3	9.5
	Don’t know	8.5	8.9	5.9
		100.0	100.0	100.0
Instead of needing the support of the biggest nationalist party and the biggest unionist party, a power-sharing executive should only need the backing of 60% of MLAs	Agree	58.0	53.4	62.4
	Neither agree/disagree	14.4	16.9	13.5
	Disagree	13.6	16.6	10.6
	Don’t know	14.0	13.1	13.5
		100.0	100.0	100.0
Same-sex marriage should be introduced	Agree	62.8	50.5	74.9
	Neither agree/disagree	13.5	16.2	11.0
	Disagree	21.7	31.5	12.6
	Don’t know	2.0	1.8	1.6
		100.0	100.0	100.0
An Irish Language Act that promotes the Irish language should be introduced	Agree	42.9	20.1	68.5
	Neither agree/disagree	19.4	15.4	21.3
	Disagree	33.5	60.4	8.0
	Don’t know	4.2	4.1	2.3
		100.0	100.0	100.0

### Evidence from the deliberative forum

When participants discussed the absence of a power-sharing government in the context of the current negotiations between the EU-27 and the UK, there was a widespread sense of frustration at Northern Ireland’s lack of voice (see Box 10). “If you can’t get your own house in order, it doesn’t bode well,” one participant remarked. Even so, however, many doubt the extent to which a devolved government would make a difference, reflecting a

recognition that the principal actors are the United Kingdom government and the European Union: “The decision is going to be made for us.”

At the same time, there is knowledge of the DUP's role in supporting Theresa May's government. “The DUP can use their leverage with the British government to say that we are important,” observed one participant. Protestant participants who support leaving the EU tend to see this as a good thing. However, one Catholic Remainer said it “really annoys” her that, as a Remain voter, she feels as if she has nobody to represent her interests at Westminster: “Now the only people who have a voice are the people who want to leave.”

#### Box 10: Views on absence of an executive

*“The decision is going to be made for us. It's going to be taken out of our hands.”*

Female, 30-44, C2DE, Catholic, Remain

*“It doesn't matter who's negotiating it, we don't have a say. They're not at the table, they don't have a seat. Even if Stormont was up and running next week they won't have a say.”*

Male, 30-44, ABC1, Catholic, Remain

*“I think the fact that we don't have a running government is a huge implication. We're sitting in a country that's realistically a back post by the border... Okay [we] have the DUP in the deal with the Conservatives, and let's be real, even if you don't like them, it's great in this situation, [but] we need everyone's political background in Northern Ireland to be spoken for.”*

Male, 18-29, ABC1, Protestant, Leave

*“It's got nothing to do with the EU that this place is dysfunctional.”*

Male, 45-59, ABC1, Catholic, Remain

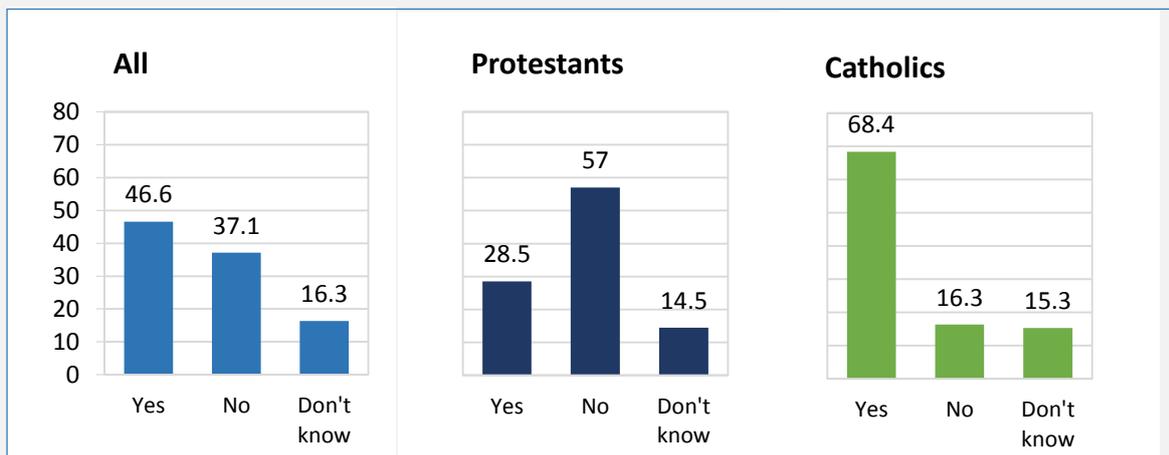
Participants are largely open to the prospect of reforming Northern Ireland's political system, but few attribute the ongoing difficulties to leaving the EU. There is support for reducing the salaries of MLAs while the Assembly and Executive are not functioning, as well as introducing new rules to prevent one party from being able to precipitate snap elections, or to “hold everybody to ransom,” as one participant put it. There is cross-community support for the greater inclusion of the smaller parties, such as the UUP, SDLP and Alliance, and a Catholic participant suggested scrapping the petition of concern. However, a dominant theme across all discussion groups was a general lack of understanding of the rules of the system.

## 7. Does *Brexit* affect attitudes to a united Ireland?

### Evidence from the attitude survey

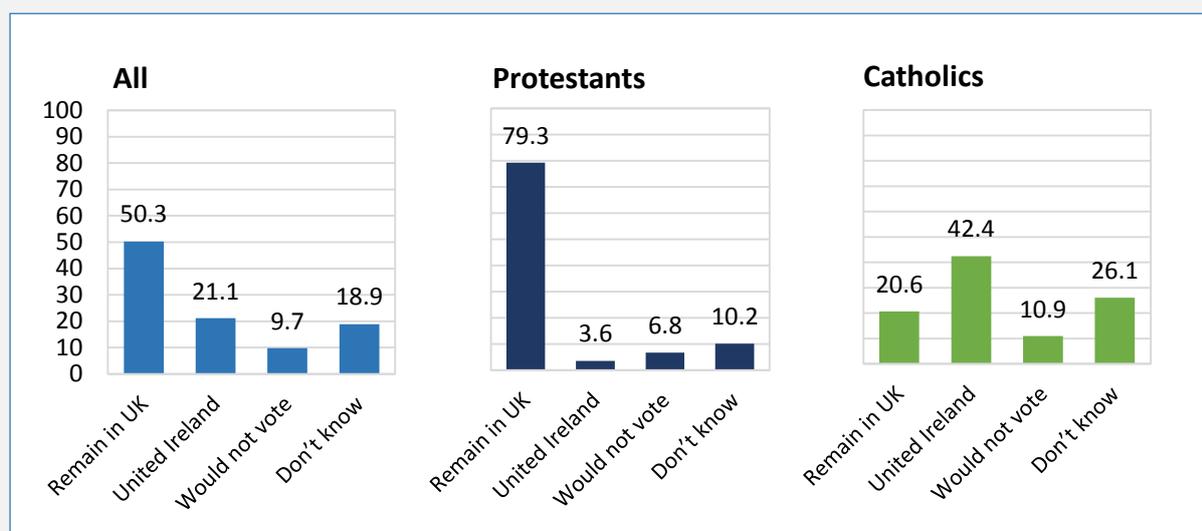
We asked respondents their views on the idea of having a referendum in Northern Ireland, once the UK had left the EU, on whether Northern Ireland should remain in the UK or reunify with the rest of Ireland. As reported in Figure 6, there is more support for (47%) than opposition to (37%) the idea of holding a referendum. However, only 29% of Protestants favoured holding a referendum compared to 68% of Catholics.

**Figure 6:** *Referendum on a United Ireland?*



**Question wording:** *When the UK leaves the EU, should there be a referendum in Northern Ireland asking people whether they want Northern Ireland to remain in the United Kingdom or to re-unify with the rest of Ireland?*

When people were asked how they would vote in such a referendum when the UK leaves the EU, 21% overall favour a united Ireland, with half of respondents preferring to remain in the UK. 10% said they would not vote and 19% said they didn't know. When broken down by community background, only 4% of Protestants say they would vote for a united Ireland, compared to 42% of Catholics (see Figure 7).

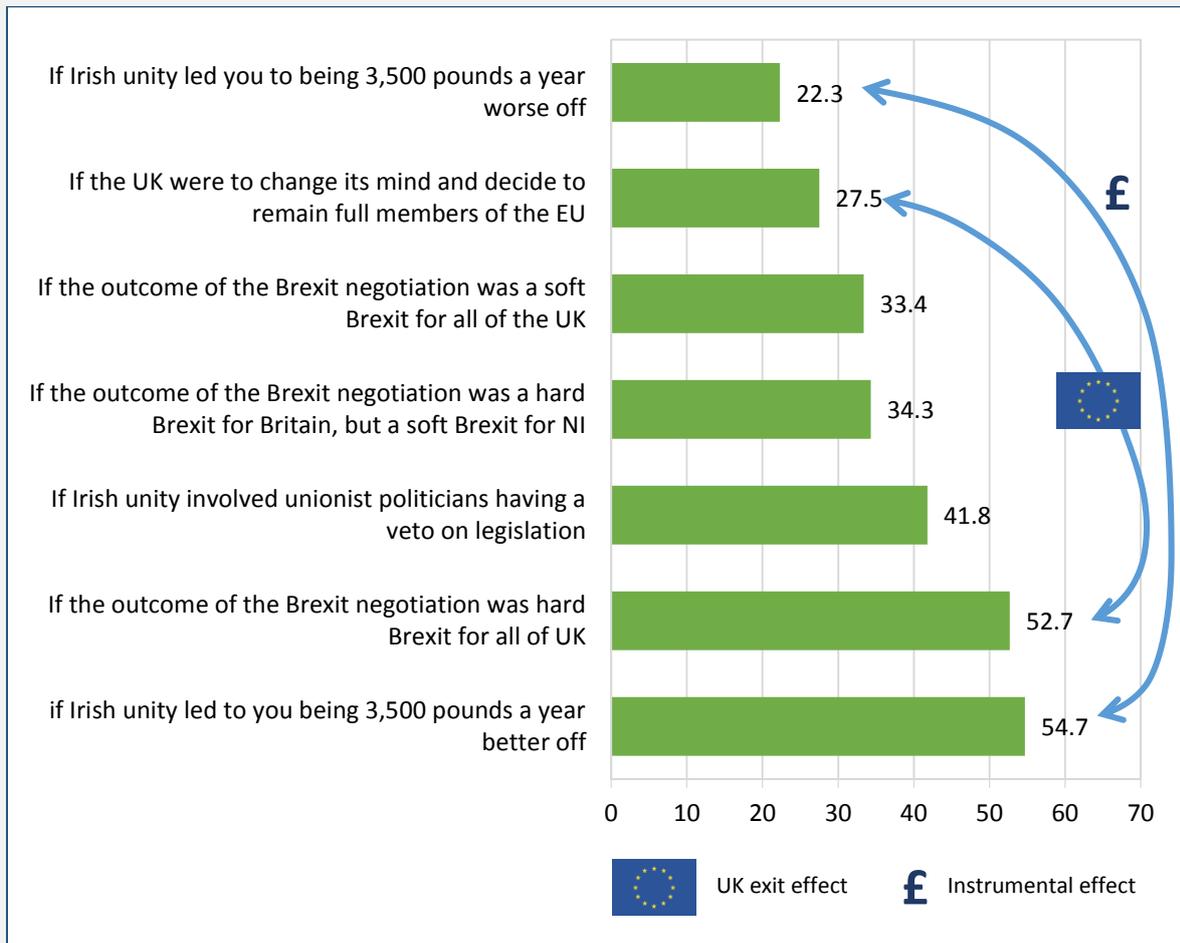
**Figure 7: United Ireland or stay in the UK?**

**Question wording:** When the UK leaves the EU, if there was a referendum in Northern Ireland asking people whether they want Northern Ireland to remain in the United Kingdom or to re-unify with the rest of Ireland, how would you vote in that referendum? (% supporting each option).

In order to assess the impact of the UK's departure from the EU on people's attitudes to a united Ireland, we presented respondents with a number of possible conditions and asked them, for each one, whether or not they would vote for a united Ireland. We are particularly interested in Catholics' responses to understand the extent to which their support for Irish unity is dependent on the type of UK exit from the EU.

If negotiations resulted in a 'hard' *Brexit* for all of the UK, 53% of Catholics say they would vote for a united Ireland, compared to only 28% who would do so if the UK changed its mind and remained a full member of the EU (see the difference in Figure 8 highlighted by the EU symbol). So, the difference between staying in the EU and having a 'hard' *Brexit* moves one quarter of Catholics towards voting for a united Ireland. This *Brexit* effect is substantial but not quite as powerful as the economic effect which moves one third of Catholics towards voting for a united Ireland (compare 22.3% to 54.7% in Figure 8, highlighted by the £ sign). This question invited respondents to compare the conditions under which a united Ireland would make one £3,500 a year worse off to the condition under which a united Ireland makes one £3,500 a year better off.

**Figure 8: Conditionality of Catholic support for a united Ireland (% of Catholic respondents who say they would vote for a united Ireland under different conditions)**



The potential thus exists for a cumulative effect of UK exit and economic conditions on Catholic support for a united Ireland. If a ‘hard’ Brexit were to be accompanied by a negative economic downturn in Northern Ireland these factors in tandem would likely render Irish unity particularly attractive for Catholics. It should be noted that Protestant support for Irish unity is very low and resistant to significant fluctuation as a function of these various exit and economic conditions.

### Evidence from the deliberative forum

There was a strong sense from the citizens’ discussions that now is not the right time for a referendum; that it would be better to wait until after the *Brexit* dust settles (see Box 11). “That’s the last thing you want on your plate,” commented one (neither Protestant nor Catholic) participant who supports leaving the EU. “Get over this [*Brexit*] first,” he added.

### Box 11: Timing of a referendum on a united Ireland

*"It's not the right time politically wise in this country to be doing a referendum like that."*

Female, 60+, ABC1, Catholic, Remain

*"I don't think people could wrap their heads round that at the minute, there's enough going on. We'll cross one bridge at a time."*

Male, 60+, C2DE, Protestant, Leave

*"I think it would be naïve to hold a referendum on something that might happen or might not happen... Nobody knows what the consequence of leaving the EU is going to be or if we'll even leave at all. So, to call a referendum based on speculation, it's not in line with the Good Friday Agreement and I just don't think it would be a wise move..."*

Male, 18-29, ABC1, Protestant, Leave

*"If we're basing it on leaving the EU, you'd have to wait and see where you were in terms of what you got from staying in the EU then asking for a vote. If you do it in terms of along the same time frame as leaving the EU then it's just going to be a political vote, it's not going to be an economic vote ... I wouldn't be in favour of it right away. I don't think the political landscape has changed so much to a certain point. Although, it is my preferred option long term."*

Male, 45-59, ABC2, Catholic, Remain

*"I would say leave it to 2031 until people see what is actually going to happen."*

Female, 60+, C2DE, Catholic, Remain

Many participants were apprehensive about the likely nature of such a referendum campaign, fearing violence and instability (see Box 12). Participants compared holding a referendum on a united Ireland to throwing a hand grenade and predicted that people would go 'buck mad' and that there's be riots. Some, however, felt that it could be used as a constructive way of testing the mood in a non-binding manner. One participant argued for a referendum "as soon as possible" to achieve the strategic goal of remaining in the EU. This was a distinctly minority perspective across Catholics and Protestants, Leavers and Remainers.

### Box 12: Dangers of a referendum on a united Ireland

*"I would say if a referendum is mentioned, even just the word, you'd have people who would go, excuse the Belfast language, but they would go buck mad ... there'd be riots. I don't think we would actually get as far as voting, people would go berserk before that."*

Female, 60+, ABC1, Catholic, Remain

*"Things are rocky enough ... none of us know what way we're going to go ... there has to be a settle down period before you start throwing another hand grenade in the middle."*

Female, 45-59, C2DE, Protestant, Leave

*"... if a referendum ever happened and it was two choices, whatever the outcome, there'll be violence and reaction. If there were three choices, you'd probably end up with the middle choice of compromise and it would probably end up being the one."*

Male, 45-59, ABC1, Catholic, Remain

*"You might have a lot more, you know, hostility about if there is talk of a united Ireland."*

Female, 30-44, C2DE, Protestant, Leave

Regarding people's preferences on the outcome of such a referendum, the UK's prospective departure from the EU appears to be a significant factor in shaping current and future appraisals (Box 13). For some Catholic participants, it strengthens their desire for Irish unity. One reported his previous equivocation on the matter, but noted that, "When *Brexit* happened I definitely wanted a united Ireland again because it would mean being part of the EU as well."

Some younger Catholic participants openly stated their preference for an immediate referendum straight away as a means of remaining in the EU, linking the UK's departure from the EU to the underlying goal of achieving a united Ireland. Some Protestant participants oppose a referendum for this very reason.

### Box 13: Brexit and support for a united Ireland

*"I think before Brexit, if I was asked about a referendum with the South I wouldn't... but now that you know what the UK is walking into ... I think it's more appealing."*

Male, 30-44, C2DE, Protestant, Leave

*"The questions needs asked more so because of the changes. I think, basically, people need to answer the question to see where the majority wants to go."*

Male, 30-44, ABC1, Catholic, Remain

*"I was kind of unsure ... then when Brexit happened I definitely wanted a united Ireland again because it would mean being part of the EU as well."*

Male, 30-44, ABC1, Catholic, Remain

*"I don't want to be part of a united Ireland because I don't want to be part of Europe either."*

Male, 18-29, ABC1, Protestant, Leave

*"I am fearful of what the UK and Brexit will bring. So I'd like to know if there is the opportunity to bring Ireland together, still in the EU, and the sooner than happens in my book the better."*

Male, 30-44, ABC1, Catholic, Remain

*"It all depends on if a hard Brexit happens ... A hard Brexit and a hard border, terrible economically whatever, and people say it's time for the referendum it would probably influence people and how they would vote."*

Male, 18-29, ABC1, Catholic, Remain

*"I think Brexit just proves that referendums are not a good idea."*

Female, 60+, ABC1, Protestant, Remain

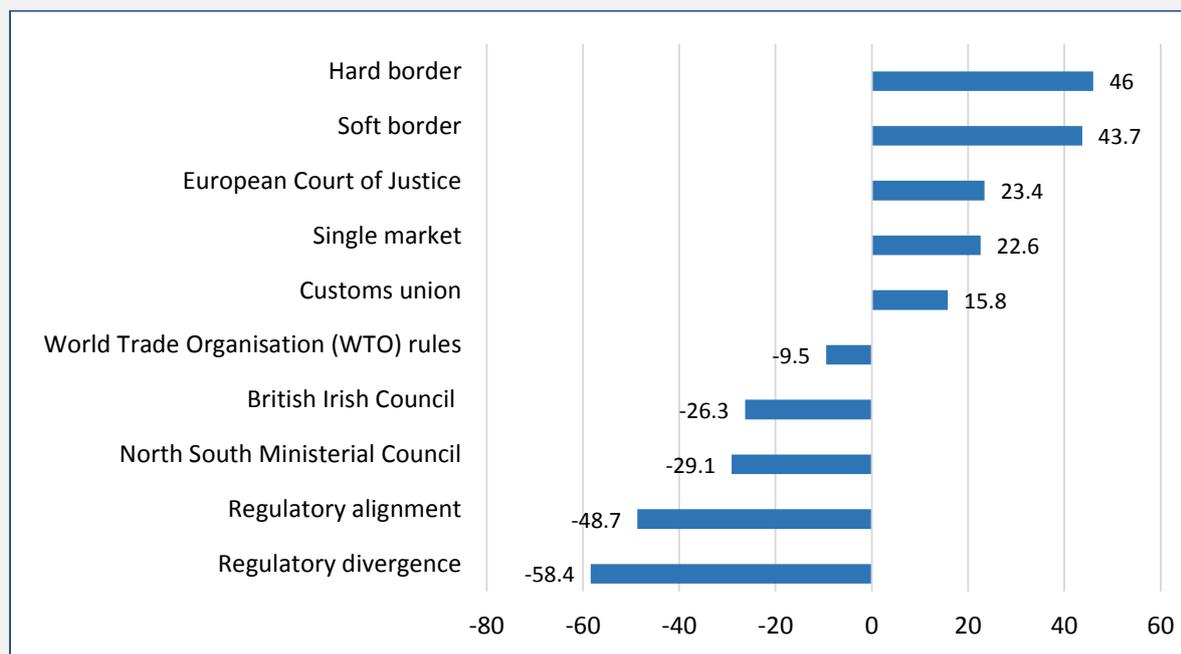
Participants from across the political spectrum reported uncertainty about what a united Ireland would look like in practice, emphasising the conditional nature of some people's preferences on the issue. "There's not enough information," noted a Catholic participant. There was agreement across the discussion groups that it is not yet possible to make an informed choice, including some comparisons between the prospect of Irish unity and *Brexit* itself. Others said that their decision would ultimately come down to instrumental considerations, ranging from the economic impact to future provision of healthcare. "It's about standards of living and education," said a Protestant participant, who voted to remain in the EU.

## 8. Relations among these islands, and rights protection

### Evidence from the attitude survey

Existing institutions such as the North South Ministerial Council (NSMC) could facilitate cooperation in decision-making between Northern Ireland and the Republic of Ireland after the UK's exit from the EU, as could the British Irish Council (BIC), which convenes eight governments, for cooperation between Ireland and the UK.<sup>14</sup> Both were established under the Belfast/Good Friday Agreement. In order to get a sense of how much – if anything – people know about such bodies we asked how confident people are in understanding the terms; we did so in the context of a list of terms relevant to the UK's departure from the EU.

**Figure 9: Understanding of Brexit-related terms (% confident minus % not confident)**



<sup>14</sup> The British Irish Council convenes the two sovereign governments of the UK and Ireland, the three devolved executives of Scotland, Wales and Northern Ireland, and the governments of Guernsey, Jersey and the Isle of Man. We did not ask respondents about the British-Irish Intergovernmental Conference, also established under the Belfast/Good Friday Agreement, which subsumes the previous Intergovernmental Conference established under the 1985 Anglo-Irish Agreement. That is because it had not been convened for some time when we were designing the survey, though it may well become a more animated vehicle for interactions between the two sovereign governments after the UK leaves the EU.

There was a large level of reported understanding of 'soft border' and 'hard border' (with positive understanding scores of 44% and 46%). There was also more reported knowledge of, than lack of knowledge of, core elements of the EU: customs union, single market and the European Court of Justice. The North South Ministerial Council and the British Irish Council were two of the four least understood terms, with negative understanding scores of -29% and -36%. Still, they received higher reported levels of understanding than 'regulatory alignment' and 'regulatory divergence', the latter having a negative balance of -58%. So, reported level of knowledge of these institutions established in the Belfast/Good Friday Agreement (BIC and NSMC) to enable relations on these islands to flourish is low. We now report how citizens discussed in their own words North-South and East-West relations and how *Brexit* may have affected them.

### Evidence from the deliberative forum

In the deliberative sessions, hardly any participants knew much about the NSMC or the BIC: "Heard of them, but I don't know what their function is." On the NSMC, one participant (ironically) remarked, "If it disappeared tomorrow, you wouldn't notice."

There was a prevalent view that relations between Northern Ireland and the Republic of Ireland have improved in recent years: "I think they're the best they've been in my lifetime," claimed one participant. This is attributed to the changed atmosphere due to the peace process, and more contact between citizens across the island.

As for the future relationship between Great Britain and the Republic of Ireland, one participant feared that "If *Brexit* goes ahead it will do more damage." However, at the level of citizens in both countries, a sense of affinity led to greater optimism: "Apart from the rhetoric that comes from the politicians, there's a lot of Irish people that go across and work [in Great Britain]. We speak the same language; we watch the same TV shows," stated one participant.

#### Box 14: Catholic alienation from the Republic of Ireland

*"...we have nobody fighting our corner because the South is looking after itself and we have nobody fighting our case ... As far as the majority of the South, they don't want anything to do with the North really because they don't want the bother that comes with it and the troubles that comes with it."*

Female, 60+, ABC1, Catholic, Remain

*"I've spent a lot of time down south talking to other people, and they just don't care about the same things people in the North would care about. Like, politics wise they are nearly blind to everything that goes on up here. We're completely different, like a completely different part of the world... They're also very complacent with their nationality, which isn't a thing we can do up here."*

Female, 18-29, C2DE, Catholic, Remain

*"In my opinion the Republic of Ireland wouldn't be too worried about it. They're happy enough to be part of the EU. They're probably just thinking 'Good luck to you, we're OK where we are.'"*

Male, 30-44, ABC1, Catholic, Remain

*"I think they feel a bit sorry for us. I think there's pity or something ... I've family down south they're like "oh, you're such a mess'."*

Female, 18-29, ABC1, Catholic, Remain

#### Box 15: Protestant alienation from Great Britain

*"Much and all as I would be proud to say "I'm British" I have felt for many, many years, that we are second class citizens over here. That, really, in my opinion, the British don't want us. They'd be glad to get rid of us ... given half the chance the British would be jumping up and down saying "yippee", that's if it went to a united Ireland."*

Female, 45-59, C2DE, Protestant, Leave

*"I think they'd throw Northern Ireland under the bus any day."*

Male, 18-29, ABC1, Protestant, Leave

*"I think that because we are kind of on the periphery of the UK anyhow, really, the rest of the UK I don't think it has feelings for Northern Ireland, not the way Northern Ireland has for them."*

Female, 60+, ABC1, Protestant, Remain

One of the themes emerging from the group discussions relates to how citizens regard their 'patron state' – how Protestants feel about Great Britain and how Catholics feel about the Republic of Ireland (Boxes 14 and 15). Several participants articulated a sense of alienation from their patron state. One Catholic participant said that people in the South don't "want anything to do with the North" and another stated that they "were nearly blind to everything that goes on up here". Similarly there was a sense from some Protestant participants of feeling let down by Britain: "the British don't want us." A number of discussion groups also highlighted an image of Northern Ireland as a child unloved by its British and Irish parents (Box 17).

### Box 16: Unwanted by Parent States?

#### *Example of discussion between a Catholic and a Protestant*

*"That's the hard bit for Northern Ireland, isn't it? They say England doesn't need or want us, in Ireland they don't either."*

Male, 30-44, ABC1, Catholic, Remain

*We're no-man's land.*

Female, 45-59, C2DE, Protestant, Leave

*So, we're kind of this bastard child that's stuck here.*

Male, 30-44, ABC1, Catholic, Remain

#### *Example of discussion between Catholics*

*"There's also the question does the UK want us?"*

Male, 45-59, C2DE, Catholic, Remain

*"No"*

Female, 30-44, C2de, Catholic, Remain

*"...Probably not. Does Ireland want us?"*

Male, 45-59, C2DE, Catholic, Remain

*"No."*

Female, 30-44, C2de, Catholic, Remain

*"...Probably not. And we are literally the orphan child."*

Male, 45-59, C2DE, Catholic, Remain

#### *Example of discussion between Protestants*

*"...Northern Ireland is like the unwanted kid sometimes."*

Male, 18-29, ABC1, Protestant, Leave

*"Yeah, that's exactly it. Neither really want to have to deal with us."*

Male, 45-59, ABC1, Protestant, Leave

## Evidence from the deliberative forum on the protection of rights

It is also worth noting that one concern articulated by a number of participants in the deliberative forum related to the possible negative effect that UK departure could have on the rights of people living in Northern Ireland. Fears were expressed about losses of rights protections, and of a possible return to a discriminatory past where there had been rights-denial and negative discrimination.

Some participants wanted guarantees that rights would remain protected (“I would just want a hard guarantee”), and this related both to EU-derived rights and European Convention rights. Some expressed the fear that English (their word) governments might not follow their own laws and citizens should have legal protection against such a danger.

### Box 17: Concerns over rights

*“...having read some articles coming up to the referendum, there did seem that there would be losses on certain rights with Brexit and that deeply concerns me. That would be probably the biggest concern ... there are definitely laws that are rights under EU law that we will lose. We’re not exactly sure what they are but it is an issue...”*

Male, 30-44, ABC1, Catholic, Remain

*“If you’re an Irish passport holder, you’re also an EU citizen so it means you’re entitled to EU rights and if you’re not, are you entitled to them? There’s questions there that need asked. It’s a big thing with workers like.”*

Male, 30-44, ABC1, Catholic, Remain

*“I don’t think there’d be any losses in human rights whatsoever. Nobody is going to be declined their right to religion, their right to liberty, their right to whatever. That’s not going to happen.... Nobody is going to lose their right to vote. You might lose rights protected by the EU but you still have the ECHR. And the ECHR is in UK law under the Human Rights Act. That’s domestic law. ... It’s in nobody’s interest to deprive human rights ....”*

Male, 18-29, ABC1, Protestant, Leave

Some observed that European rights had come through the EU Parliament: so we had voted for some of our rights, rather than them being imposed on us. Specifically, concerns were expressed about loss of anti-discrimination employment rights, and one participant expressed fear that the police had failed to become representative of Northern Ireland’s population: “it’s still like that in the Police Service as well. It’s a minority of Catholics”. Some

highlighted their concern that each person's rights would be linked to whatever passport they held. Differently put, there was a sophisticated fear of rights-differentiation, and the view that all should have the same rights was expressed.

Other participants did not share those fears about the dilution of rights, and thought that existing UK law will provide adequate protection and argued that 'it's in nobody's interests to deprive human rights'.

## 9. Conclusions

It is possible to interpret our data from the two investigations in different ways, but some interpretations, we believe, are strongly robust, and objective.

### a. North-South border

- i. There is a cross-community consensus against any physical border infrastructure between Northern Ireland and the Republic of Ireland. It would be seen as highly disruptive to day-to-day life, detrimental to both economies, and politically destabilising.
- ii. There is considerable support for protests in the event of any North-South border checks, particularly among Catholics, and many fear that these protests would descend into violence – even if this course of action would have little popular support.

### b. East-West border

- i. Equally, there is a large degree of opposition to any new border in the Irish Sea (administered at ports and airports) between Northern Ireland and the rest of the UK. Again, people are apprehensive about the potential impact on trade and, crucially, the potential for political instability. This arrangement would be perceived as less disruptive in practical terms, compared to a land border, but the consequences for their British identity and constitutional status raise strong concerns among Protestants.
- ii. There would be considerable support for peaceful protests against any East-West border checks, from Catholics and Protestants, and analogous fears that they could easily become violent just as they might with a hardening of the land border.

### c. Type of exit from the EU

- i. Within Northern Ireland there is little support for a ‘hard’ *Brexit*, defined as taking the whole of the UK outside of the customs union, the single market, and the jurisdiction of the Court of Justice of the European Union. Instead, there is

considerable support for a softer form of departure whereby the United Kingdom as a whole remains in the customs union and single market. This judgment appears to be linked to the widespread desire to avoid the need for any new form of border infrastructure, either North-South or East-West.

- ii. Failing this option, many Catholics are supportive of Northern Ireland remaining in programs and institutions of the EU, even if the rest of the UK leaves. Protestants tend to be more sceptical about any kind of 'mixed' exit.
- iii. Across the board, there appears to have been a shift in people's preferences since the 2016 referendum in a pro-Remain direction, as shown in our survey. This result is consistent with the evidence from the deliberative forum in which a number of Leave voters reported changing their mind since the referendum.

#### **d. Post-exit referendum on united Ireland**

- i. There is a widespread reluctance to hold a referendum on Irish unity in the short-term. Instead, most people would like to move beyond the UK's exit from the EU before considering any further constitutional change. That said, there is considerable openness to the idea of a referendum in at least ten years' time.
- ii. For a sizeable number of Catholics, their voting intention in any future referendum on re-unification is dependent on the outcome of negotiations between the UK and the EU-27. A 'soft' exit appears to make little impact on their reported preference, whereas a 'hard' form of departure would make Catholics significantly more likely to support a united Ireland. Evidence from the deliberative event also shows that Protestants who voted Remain in the EU referendum would at least consider the economic arguments for Irish unity, as opposed to dismissing the idea outright.

#### **e. Absence of power-sharing Executive in Northern Ireland**

- i. Few people think the UK and Irish governments are doing a good job at representing their views in the current negotiations, widely described as the *Brexit* negotiations; even fewer think that the Northern Ireland parties are doing a good job. There is an overwhelming sense of frustration at the lack of a Northern Executive, but many doubt that a functioning Assembly and Executive would make much difference to Northern Ireland's position.

- ii. Many people feel powerless, with a strong expectation that the outcome of negotiations is firmly out of their hands. A recurring theme is that Northern Ireland is seen as an afterthought, regarded as an inconvenience to both the UK and the Republic of Ireland.
- iii. There is support for changing some of the rules underpinning power-sharing arrangements at Stormont, particularly making it easier to form an executive and harder to collapse it. There is also support for same sex marriage, a stumbling block issue in inter-party negotiations. However, most people report low levels of understanding of Northern Ireland's institutional arrangements.

**f. Post-exit North-South and East-West cooperation, and the protection of rights**

- i. Most participants in the discussions believe that relations people in Northern Ireland and citizens living in the rest of the UK are better than they've been in living memory. This assessment is attributed to the peace process and the greater opportunities for mixing, both North-South and East-West.
- ii. However, there is a perception that, politically, relations across these islands have declined since the 2016 referendum, particularly between the British and Irish governments. Protestants tend to perceive the Irish government's position as hostile, whereas Catholics tend to be more sympathetic to the Irish government defending its interests in the wake of the UK's decision to leave the EU.
- iii. There is little awareness of the North South Ministerial Council, and even less knowledge about the British Irish Council, let alone how either of these bodies might play a more substantial role after the UK leaves the EU.
- iv. Several participants were concerned that UK exit may result in losses of rights protections, and of a possible return to a discriminatory past, though other participants thought that existing UK law will provide adequate protection

## 10. Further Information

For further information about the project itself, including background and briefing papers, please refer to the project website: <https://www.qub.ac.uk/sites/brexitni/>

The project website contains a number of supplementary materials:

### a. From the attitude survey

- Questionnaire (PDF)
- Dataset (SPSS file)

### b. From the deliberative forum

- a. Transcripts of the expert presentations (PDF)
- b. PowerPoint slides from the expert presentations (PDF)
- c. Moderators' guide (PDF)
- d. Transcripts of the group discussions (PDF)
- e. Questionnaire (PDF)
- f. Dataset (SPSS)

Details of the deliberative forum will also be available on the Ipsos Mori Northern Ireland website

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## 11. Appendices

### Appendix A

Questionnaire for the representative sample of 1,012 respondents

#### SHOWCARD CN1

CN1. I would like to ask you how you would react to each of the following possible consequences of Brexit for the border between Northern Ireland and the Republic of Ireland. In relation to each option, please tell me which of the following best describes your reaction:

- I would find this almost impossible to accept
- I would not like it, but I could live with it if I had to
- or, I would happily accept this

I would like to begin with the first option...

SINGLE CODE FOR EACH STATEMENT

Options	I would find this almost impossible to accept	I would not like it, but I could live with it if I had to	I would happily accept this	Don't Know
Cameras at the border that record vehicle number plates as they drive across the border	1	2	3	99
Border checks that would add about 30 minutes to your journey between Northern Ireland and the Republic of Ireland	1	2	3	99
Being required to produce a passport at the border between Northern Ireland and the Republic of Ireland	1	2	3	99
Having to apply in advance for travel documents	1	2	3	99
Drone technology policing the border - that is small, remote control flying cameras.	1	2	3	99
Having your photograph taken or your fingerprints checked or any other biometric testing	1	2	3	99
The UK and the Republic of Ireland sharing data about their citizens in order to know who travelling across the border	1	2	3	99
Checkpoints with customs officials	1	2	4	99
The Police Service of Northern Ireland (PSNI) manning checkpoints	1	2	3	99
British soldiers manning checkpoints	1	2	3	99
Gardaí (Irish police) manning checkpoints	1	2	3	99
Irish soldiers manning checkpoints	1	2	3	99

**SHOWCARD CN2**

CN2. Now I would like to ask you a question about possible forms of protest against any new border checks or controls between Northern Ireland and the Republic of Ireland. If people who are opposed to a North/South border engaged in each of the following, which of these best describes your reaction?

- I would have no sympathy whatsoever with this, and would not support it at all
- I would have very little sympathy with this, and have very little support for it
- I would have a fair amount of sympathy with this, and would support it
- I would have a lot of sympathy with this, and would support it a lot
- No opinion

**SINGLE CODE FOR EACH STATEMENT**

<b>Options</b>	<b>I would have no sympathy whatsoever with this, and would not support it at all</b>	<b>I would have very little sympathy with this, and have very little support for it</b>	<b>I would have a fair amount of sympathy with this, and would support it</b>	<b>I would have a lot of sympathy with this, and would support it a lot</b>	<b>No opinion</b>	<b>Don't Know</b>
Signing a Petition or writing a letter to a politician	1	2	3	4	5	99
A peaceful demonstration	1	2	3	4	5	99
Protesters blocking traffic	1	2	3	4	5	99
Vandalising border technology, such as cameras	1	2	3	4	5	99
Attacking any new border installations or infrastructure	1	2	3	4	5	99
Engaging in violence against persons	1	2	3	4	5	99

**SHOWCARD CN3**

CN3. I would like to ask you how you would react to each of the following possible consequences of Brexit, and this time in relation to any possible border **between Northern Ireland and Great Britain** – that is, border controls of one kind or another at ports and airports checking movement between Northern Ireland and the rest of the UK. In relation to each option, please tell me which of the following best describes your reaction:

- I would find this almost impossible to accept
- I would not like it, but I could live with it if I had to
- or, I would happily accept this

I would like to begin with the first option...

**SINGLE CODE FOR EACH STATEMENT**

<b>Options</b>	<b>I would find this almost impossible to accept</b>	<b>I would not like it, but I could live with it if I had to</b>	<b>I would happily accept this</b>	<b>Don't Know</b>
Cameras at ferry terminals that record vehicle number plates	1	2	3	99
Border checks that would add about 30 minutes to your journey between Northern Ireland and Great Britain	1	2	3	99
Being required to produce a passport to travel between Northern Ireland and Great Britain	1	2	3	99
Having to apply in advance for travel documents	1	2	3	99
Drone technology at ferry terminals - that is small, remote control flying cameras.	1	2	3	99
Having your photograph taken or your fingerprints checked or any other biometric testing at ports or airports	1	2	3	99
The UK and the Republic of Ireland sharing data about their citizens in order to know who travelling between Northern Ireland and Britain	1	2	3	99
Checkpoints with customs officials at ports or airports	1	2	3	99
The Police Service of Northern Ireland (PSNI) manning checkpoints at ports or airports	1	2	3	99
British soldiers manning checkpoints at ports or airports	1	2	3	99
The Police Service of Northern Ireland (PSNI) and the Gardaí (Irish Police) manning checkpoints at ports or airports	1	2	3	99
British soldiers and Irish soldiers manning checkpoints at ports or airports	1	2	3	99

**SHOWCARD CN4**

CN4. Now I would like to ask you a question about possible forms of protest against any possible border checks and controls between Northern Ireland and Great Britain. If people who are opposed to a border between Northern Ireland and Great Britain engaged in each of the following, which of these best describes your reaction?

- I would have no sympathy whatsoever with this, and would not support it at all
- I would have very little sympathy with this, and have very little support for it
- I would have a fair amount of sympathy with this, and would support it
- I would have a lot of sympathy with this, and would support it a lot
- No opinion

SINGLE CODE

<b>Options</b>	<b>I would have no sympathy whatsoever with this, and would not support it at all</b>	<b>I would have very little sympathy with this, and have very little support for it</b>	<b>I would have a fair amount of sympathy with this, and would support it</b>	<b>I would have a lot of sympathy with this, and would support it a lot</b>	<b>No opinion</b>	<b>Don't Know</b>
Signing a petition or writing a letter to a politician	1	2	3	4	5	99
A peaceful demonstration	1	2	3	4	5	99
Protesters blocking traffic	1	2	3	4	5	99
Vandalising border technology, such as cameras	1	2	3	4	5	99
Attacking any new border installations or infrastructure at ports and airports	1	2	3	4	5	99
Engaging in violence against persons	1	2	3	4	5	99

**SHOWCARD CN5**

CN5a. And now I would like to ask you about the different possible outcomes of the Brexit negotiations. I am going to read out three possible outcomes and I would like you to tell me which one is your preferred option:

1. A hard Brexit for all of the UK. So, Great Britain and Northern Ireland leave the EU, and this involves leaving the Single Market and the Customs Union.
2. A soft Brexit for all of the UK. So, Great Britain and Northern Ireland leave the EU, but both of them stay in the Single Market and the Customs Union
3. A hard Brexit for Great Britain, but a soft Brexit for Northern Ireland. So, Britain leaves the EU and the Single Market and the Customs Union. Northern Ireland leaves the EU but stays in the Single Market and the Customs Union.

SINGLE CODE

A hard Brexit for all of the UK	1
A soft Brexit for all of the UK	2
A hard Brexit for Britain, but a soft Brexit for Northern Ireland	3
<i>Don't know</i>	99

**SHOWCARD CN5 AGAIN**

CN5b. ...and now, which one is your second preference?

A hard Brexit for all of the UK	1
A soft Brexit for all of the UK	2
A hard Brexit for Britain, but a soft Brexit for NI	3
<i>Don't know</i>	99

**SHOWCARD CN6**

CN6. If Northern Ireland leaves the Single Market and Customs Union, how likely do you think it is that this will result in manned checkpoints and cameras at the North/South border: Very likely, Fairly likely, Not very likely, Not at all likely?

SINGLE CODE

Very likely	Fairly likely	Not very likely	Not at all likely	<i>Don't Know</i>
1	2	3	4	99

CN7. When the UK leaves the EU, do you think there should be a referendum in Northern Ireland asking people whether they want Northern Ireland to remain in the United Kingdom or to re-unify with the rest of Ireland?

READ OUT SINGLE CODE

Yes there should be a referendum	No, there should not be a referendum	<i>Don't Know</i>
1	2	99

**SHOWCARD CN8**

CN8. When the UK leaves the EU, if there was a referendum in Northern Ireland asking people whether they want Northern Ireland to remain in the United Kingdom or to re-unify with the rest of Ireland, how would you vote in that referendum?

SINGLE CODE

Northern Ireland should remain a part of the United Kingdom	Northern Ireland should unify with the Republic of Ireland	<i>I would not vote</i>	<i>Don't know</i>
1	2	3	99

**SHOWCARD CN9**

CN9. And now I would like to ask you this same question again, but get your opinion under certain conditions...

SINGLE CODE FOR EACH STATEMENT

	<b>Remain in United Kingdom</b>	<b>Unify with the Republic of Ireland</b>	<b>Don't Know</b>
Please imagine that the outcome of the Brexit negotiations is a 'hard' Brexit for all of the UK. In this circumstance how would you vote in the referendum?	1	2	9
Also, if the outcome of the Brexit negotiation was a 'soft' Brexit for all of the UK, how would you vote in the referendum?	1	2	9
If the outcome of the Brexit negotiation was a hard Brexit for Britain, but a soft Brexit for Northern Ireland, how would you vote in the referendum?	1	2	9
If the UK were to change its mind and decide to remain full members of the EU, how would you vote in the referendum?	1	2	9
If Irish unity were to lead to you being £3,500 a year better off how would you vote in the referendum?	1	2	9
If Irish unity were to lead to you being £3,500 a year worse off how would you vote in the referendum?	1	2	9
If Irish unity involved a guarantee that unionist politicians would be part of the government in Dublin and would have the power to reject any new laws they felt were against the interests of unionists, how would you vote in the referendum?	1	2	9

**SHOWCARD CN10**

CN10. Following the UK's departure from the EU, decisions regarding the regulation of goods and services in Northern Ireland may be made in different possible ways. If decisions were made by each of the following, please indicate whether your reaction would be...

- I would find this almost impossible to accept
- I would not like it, but I could live with it if I had to
- or, I would happily accept this

So, if decisions about regulating goods and services in Northern Ireland were made by...

SINGLE CODE PER OPTION

	I would find this almost impossible to accept	I would not like it, but I could live with it if I had to	I would happily accept this	Don't Know
The UK Government	1	2	3	99
The Northern Ireland Executive	1	2	3	99
The Irish Government	1	2	3	99
The European Union	1	2	3	99
Northern Ireland Executive and the UK Government together	1	2	3	99
Northern Ireland Executive and the Irish Government together	1	2	3	99

**SHOWCARD CN11**

CN11. I would now like to ask you about some possible outcomes of the Brexit negotiations. For each of the following options I would like you to tell me what your reaction is.

- I would find this almost impossible to accept
- I would not like it, but I could live with it if I had to
- or, I would happily accept this

To start off, imagine the following outcome:

SINGLE CODE

	I would find this almost impossible to accept	I would not like it, but I could live with it if I had to	I would happily accept this	Don't Know
People from the EU are able to freely travel to live and work in Northern Ireland, but can't freely travel to live and work in the rest of the UK.	1	2	3	99
Health and safety standards for goods in Northern Ireland and the rest of the UK are different to each other, leading to restrictions on trade between these places	1	2	3	99
Goods moving between Northern Ireland and the rest of the UK are taxed as if going between two different countries.	1	2	3	99
The European Court of Justice can make decisions in relation to Northern Ireland, but not the rest of the UK.	1	2	3	99

**SHOWCARD CN12**

CN12. Please tell if you think each of the following are doing a good or a bad job at representing the interests of people in Northern Ireland during the Brexit negotiations. Are they doing a: Very bad job, fairly bad job, neither good nor bad job, fairly good job, or a very good job.

	<b>Very bad job</b>	<b>Fairly bad job</b>	<b>Neither good nor bad job</b>	<b>Fairly good job</b>	<b>Very good job</b>	<b>Don't Know</b>
The British Government	1	2	3	4	5	99
The Irish Government	1	2	3	4	5	99
The European Union	1	2	3	4	5	99
The Democratic Unionist Party (DUP)	1	2	3	4	5	99
Sinn Féin	1	2	3	4	5	99

**SHOWCARD CN13**

CN13. Below are some words commonly used in the debate about Brexit. For each, rate how confident you are that you understand these terms. Are you: very confident you understand it, fairly confident, not very confident, or not at all confident you understand it?

	<b>Very confident</b>	<b>Fairly confident</b>	<b>Not very confident</b>	<b>Not at all confident</b>	<b>Don't Know</b>
Hard Border	1	2	3	4	99
Soft Border	1	2	3	4	99
Regulatory Alignment	1	2	3	4	99
Regulatory divergence	1	2	3	4	99
The Single Market	1	2	3	4	99
The Customs Union	1	2	3	4	99
European Court of Justice	1	2	3	4	99
World Trade Organisation (WTO) rules	1	2	3	4	99
The North-South Ministerial Council	1	2	3	4	99
The British-Irish Council	1	2	3	4	99

ASK ALL

CN14. In relation to the referendum on the UK's membership of the EU that took place in June 2016, can I ask if you voted in that referendum?

SINGLE CODE DO NOT PROMPT

Yes, I voted	1
No, I did not vote	2

ASK IF YES AT CN14 (CODE 1 AT CN14)

CN15. How did you vote? "Should the United Kingdom remain a member of the European Union or leave the European Union"

SINGLE CODE DO NOT PROMPT

Remain a member of the European Union	1
Leave the European Union	2
Refused	98

ASK ALL

CN16. In the referendum that took place in June 2016, the UK voted to leave the EU. If there was a second referendum on this issue and you had a chance to vote again, how would you vote? “Should the United Kingdom remain a member of the European Union or leave the European Union”

Remain a member of the European Union	1
Leave the European Union	2
I would not vote (do not read out)	3
Don't know	99

**SHOWCARD CN17**

CN17. Please tell me whether you agree or disagree with each of the following statements about possible reforms to how a power sharing government is established in Northern Ireland. Do you agree strongly, agree, neither agree nor disagree, disagree or disagree strongly?

SINGLE CODE FOR EACH STATEMENT

	<b>Strongly agree</b>	<b>Tend to agree</b>	<b>Neither agree nor disagree</b>	<b>Tend to disagree</b>	<b>Strongly disagree</b>	<b>Don't know</b>
Instead of having a First Minister and a deputy First Minister, both people should be called 'Joint First Minister'	1	2	3	4	5	99
Instead of needing the support of the biggest nationalist party <u>and</u> the biggest unionist party, a power-sharing executive should only need the backing of 60% of MLAs in the Assembly	1	2	3	4	5	99
<b><i>And also to what extent do you agree or disagree with the following statements...</i></b>						
Same sex marriage should be introduced	1	2	3	4	5	99
An Irish Language Act that promotes the Irish language should be introduced	1	2	3	4	5	99

## Appendix B

### Transcript of Presentation by Dr Kevin McNicholl at Deliberative Forum (Morning Session)

#### ***Northern Ireland, Brexit and border issues***

So, thank you very much for coming. In this short presentation, I'm going to take you through what we think are some of the main, most likely, plausible, post-Brexit border options. Now Brexit has the potential to impact a lot of different parts of society but we're just focusing on one, the border. And looking at just a range of different ways of what it might end up looking like. So, we're trying to answer a few key questions that are most important like what's it going to look like? Where is it going to be? Is it going to be where the current border between Northern Ireland and the Republic is or is it going to be in the Irish Sea? What sort of things are going to be affected? Is it going to affect trade? Is it going to affect people? I'm going to take you through some of these options and give you some key points for discussion afterwards.

So, some of the main questions that we're looking at here are, what are the possible outcomes of the Brexit negotiations? What impacts do these possible outcomes have on a potential border between Northern Ireland and the Republic of Ireland or a possible border between Northern Ireland and Great Britain, that's England, Scotland and Wales? This is an Irish Sea border then. What would you feel about checks that you might encounter as you cross over each of these borders, any potential documentation that you might have to show, your passport possibly? Also, we want you to consider the possibility that there could be protests that occur and what kind of protests, not necessarily what you support personally, what kind of protests do you think might have support in the community in Northern Ireland? What kind of levels of support do you think people might have for that kind of behaviour?

So, there are five overall possible outcomes to what the border might end up being like after Brexit, depending on what way the negotiations go. And within each one there are a number of little differences as well. The first one is the whole UK, Northern Ireland, England, Scotland and Wales leave the European Union in its entirety, including all of its associated treaties, including the customs union and the single market. That could end up looking a number of different ways if it occurs. However, under another outcome, the entirety of the European Union, sorry of the UK rather, will leave the European Union but remain either in the single market and/or the customs union. Depending on which of these they remain a part of, this could end up having a number of iterations in terms of how a border between Northern Ireland and Republic of Ireland would look or with Great Britain. Option C is Great Britain, England, Scotland and Wales leaves the European Union but Northern Ireland stays in either the single market and/or the customs union and that will have its own implications of what the border might look like, in the Irish Sea especially. The other option is Great Britain, England, Scotland and Wales leaves the European Union but Northern Ireland in its entirety stays in the European Union. So, that could happen a number of different ways. That could occur and there could be big differences of what might happen to the border then. Or, option E is, for whatever reason, the entirety of the UK remains in the European Union and the referendum was ignored. So, let's have a look at each of these options and spell out what each of these iterations might look like.

So, let's say the UK leaves the European Union in its entirety. So, this would have an impact on the free movement of people from the European Union to the UK, because part of being part of the European Union, especially being part of the single market, means free movement of people from all over Europe to and from the UK and vice versa. It would also have an impact on the free movement of goods. Goods would be taxed as they cross over in from Europe; including from the Republic of Ireland into Northern Ireland. This would mean that there is a new land border between the European Union and outside the European Union and this border would occur between where the border between Northern Ireland and the Republic of Ireland is at the minute.

Now, the way this might end up looking, we have three different ways that this could end up appearing. The first is a low visibility North-South border using elements of high technology. This would mean cameras, primarily. Cameras that occur around the roads at the border and these cameras would look at registration plates of cars that cross over, and people, just to keep an eye that the cars and the people that are crossing over are the people that should be. The goods that move across, they will incur taxation because the UK is no longer part of the European Union. So, they make sure that the registration plates of all cargo lorries crossing over the border, that they have all of their forms up to date in terms of the tax that they are paying. Now this is one iteration of how it might be physically possible to move across the border as a person but it will be difficult because there's a certain level of scrutiny of who comes across the border.

However, there's another way that this could end up looking, a North-South border with minimal policing. So that means that, rather than cameras, you don't have really much policing. A strategic decision is made that yes, the entirety of the UK leaves the single market, customs union and the European Union meaning that there is going to be taxation and restrictions on the movement of people, but you wouldn't actually see much of policing at the border. Maybe one in a very small number of lorries gets pulled over to check the cargo for standards, to make sure they paid their taxes and people will be pulled over in their cars very seldom, just to make sure that they've got documents that are up to date. If they're allowed to move into the country or not. This means that if someone from the rest of Europe comes into the Republic of Ireland, as they're allowed to as part of the European Union, they'll physically be able to come into for example Belfast from Dublin but as soon as they try to engage with any services, try to get a job or a driver's licence or something like that, then they'll encounter some difficulties. Similarly, if they try to go from Belfast to Great Britain by plane, they will have certain issues when doing that.

Now the third option is a highly militarised, highly visible North-South border. Let's imagine that an attempt at high technology at the border failed. They were vandalised and it was incapable of policing this border very well. So, if that occurs, a decision might be made, well either we go for the second option where we police it very seldom, or we really make an effort to make sure that the border is heavily policed. This would mean potentially police or soldiers at the border who guard, customs officials who will be checking documents as you go through. There's a very high likelihood in this case that there'll be queues, there'll be delays to cross the border and this would restrict peoples access. And in all of those options, the movement of people, the movement of goods would be highly restricted in terms of taxation and migration policy.

Now, one thing to consider in all three of those options is you may, everyone in this room may, be able to move across the border freely, you may not need any additional documents if the common travel area between the Republic of Ireland and Great Britain, the UK, remains in force. That may or may not be the case. But certainly, you might still have to have the delays like everyone else to be able to prove that you are one of the people that is allowed to cross over the border. Someone

from France unlike someone from the Republic of Ireland however, may have difficulty, may have to produce extra documents but you may not. That's difficult to know. Another thing to note in this highly militarised version is, the army and the police there, they may be Irish or they may be British, or both.

In the next few options, we're going to be talking about different variations of whether the UK or Northern Ireland stays in the single market or the customs union. Now we hear a lot of the single market and customs union being discussed in the news but I think it's worthwhile at this point just to give a very, very brief overview of what these treaties are and what they mean. So, both the single market and customs union include all European Union member states, but both contain a number of other non-European Union member countries. The customs union means that goods can move across all those custom union countries whether they're European Union or not and they're not taxed as they cross over. There's no taxation, there's no restrictions on the movement of goods across there for tax purposes. It also means that goods from outside the European Union, let's say from China, if they move to anywhere in the customs union, they're all taxed at the same rate. A customs union state cannot get a special deal with an outside European Union country. The taxation level will be decided by the European Union.

However, the single market goes a lot further than that. It involves what they call the four freedoms. That is the free movement of people, free movement of goods, free movement of capital, that's money, and free movement of services. So, it's not just about taxation between them, it's also about people moving between any of these states unrestricted. You don't need any extra security or visas or anything like that to move between any single market country. Furthermore, it also requires a uniformity in the standard of goods. So, that means that if you're in the customs union but not in the single market, the lorries might still get pulled over to check to see if the goods are of the right standards. But they won't necessarily pay any taxes as they cross over. So, that's a very basic overview of what those two treaties mean and we'll take it through each of the options now to see what impact that might have on any potential border.

So, let's say the entirety of the UK, Northern Ireland, England, Scotland, Wales, they leave the European Union, however they either stay in the single market and/or the customs union. So, if the UK stays in the customs union but leaves the single market, that means there'll still be checks on lorries coming across from the Republic, to and from the Republic of Ireland, for standards, but not for tax. If you're in the customs union, they are taxed at the same rate. So, there is no taxation on lorries, on the movement of goods between the border between Northern Ireland and the Republic of Ireland, however, there still might be checks for standards. The customs union does not deal with movement of people. There will still be restrictions on the movement of people. Now that means someone from France moving between the Republic of Ireland and Northern Ireland, they'll be likely be expected to produce new documents to make that movement across the border and there will still be the same delays for people, but not on taxation of goods.

However, if the UK in its entirety stays in the single market, but not in the customs union, that means there might be checks for taxes on lorries that move across between Northern Ireland and the Republic of Ireland, just to make sure that they've paid the tax that they have to, but it will mean free movement of people. All people will be able to move across there freely but it will just be goods that are checked. However, if the UK stays in the single market and the customs union but leaves the European Union, that means that the border between Northern Ireland and the Republic of Ireland remains very much the same as it is today. There'll be really no change of effect there at all. But the entirety of the border here is between Northern Ireland and the Republic of Ireland, there will be no difference in moving between Northern Ireland and Great Britain.

Now, let's imagine Northern Ireland did its own thing, slightly different than Great Britain. Great Britain leaves the European Union in its entirety, but Northern Ireland stays in the single market and/or the customs union. What happens then? Well, what happens now is let's say Northern Ireland stays in the customs union while the rest of Great Britain leaves. This means that goods that move between Northern Ireland and Great Britain, so let's say a ship taking cargo from Belfast to Scotland, they would be taxed as if they were moving between two different countries. Let's say then even further than that, Northern Ireland stays in the single market while all the rest of the UK leaves, well that means there'll be checks on cargo going between Northern Ireland and Scotland, let's say, to make sure their standards are the same. Standards of goods in Northern Ireland will remain the same as in the rest of the European Union, but this may be different than in the rest of the UK. There will also be extra checks on the movement of people. So, people can move between Northern Ireland and the Republic of Ireland without any restriction whatsoever, but as soon as they go from Northern Ireland to Great Britain, they cross over the Irish Sea. At that point, they'd have to produce some sort of extra documentation to prove that they're allowed to do that. If Northern Ireland remains in the customs union and the single market, that means there will be a border between Northern Ireland and Great Britain in terms of goods and movement of people. Any of these options will help to serve a free North-South border. The border between Northern Ireland and the Republic of Ireland stays exactly the same, as it is. Free movement of people, free movement of goods. There will be a border in the Irish Sea. The border moves in these cases from Northern Ireland and the Republic of Ireland, to the Irish Sea. So, movement between Scotland, England and Wales and Northern Ireland.

Okay, let's imagine then that Great Britain, England, Scotland and Wales, leaves the European Union, single market and customs union but Northern Ireland remains in all of them. Well, that means there'll be even more checks and taxes of goods as they move between Northern Ireland and Great Britain so this is the border in the Irish Sea again. And, again as in the last iteration, the North-South border between Northern Ireland and the Republic of Ireland is just not there. It stays the same way as it is now. This could happen a couple of different ways. It could end up being somehow part of the negotiation that occurs at the moment between the UK government and the European Union, or this could also happen if there is a successful border poll to unify Ireland.

The last option is the UK as a whole stays in the European Union and well, no surprise there, it's just the same as it is now. There'll be no real border between Northern Ireland and the Republic of Ireland and there'd be no change in the border in the Irish Sea. However, just in the same way as it is today, there'd be the same limits on movements of people from outside of the European Union; so, someone coming from the US or China coming here, they'll face exactly the same restrictions as they do today. There'll be checks on taxes and goods that come from outside the European Union but the border between Northern Ireland and the Republic of Ireland and Northern Ireland and Great Britain will be exactly the same as it is now. The referendum result will have been ignored.

So just to summarise what you heard there, it is quite complex to understand. If the UK leaves the European Union in its entirety, it means a significantly harder border between the north and the south but how that looks, it could be high technology, it could be strategic minimal policing or it could be very heavy policing. If the UK leaves the European Union but the entire UK stays in the single market and customs union, that means there will be increased border security at the North-South border, but this could either affect goods or people or both. If Great Britain leaves the European Union but Northern Ireland stays in some elements of the European Union, such as the single market and customs union, there'll be no change to the border between Northern Ireland and the Republic of Ireland. However, there will be a change to the border in the Irish Sea. If Great

Britain leaves the European Union but Northern Ireland stays in the European Union, there'll be a significantly harder Northern Ireland/Great Britain border than there was before. And if the UK stays in the European Union in its entirety, there'll be no change, it will be as if Brexit never happened.

So, in your discussions I want you to have a think about the particular issues that this throws up. Let's imagine the border remains the same as today, so you'd have free movement of people to come and live and work in Northern Ireland from the rest of the European Union, just as it is today; and the same issues to do with taxation from outside of the European Union countries in terms of goods, how would you feel about that? Is it important to you that there is a change? Or is it important to you that it stays the same? If there were minor changes like just the addition of a few cameras that didn't really restrict your journey or very rare, seldom checks, but there was still a very real legal border there. How would you feel about that? If there were permanent check points of some kind that did delay your journey, let's imagine you had to wait another ten minutes, twenty minutes, half an hour, it's difficult to say how much, how would you feel about that? And let's imagine then that there were permanent check points that also had the police or the army permanently there to add security to border officials and that there was an increase in the amount of documents that you had to show as you went by. How would that make you feel? And this is between Northern Ireland and the Republic of Ireland.

However, let's imagine instead of that, the border between Northern Ireland and the Republic of Ireland stayed the way it is now, however there was additional security as you moved across from Northern Ireland to Great Britain. If the border remained as today just with free movement of people and goods between Northern Ireland and Great Britain, how would you feel about that? Is it important to you that there is a change there or is it important to you that it stays the same? If there were increases in security or somehow minor changes, like you have to show your passport as you cross over to Great Britain when you didn't have to, how would you feel about that? Would additional security like cameras or checks occur when you cross on the ferry or the airplane over to Great Britain? However, if there was significantly more security at the airports and at ferries as you cross between Northern Ireland and Great Britain, that could add an extra 10, 20, 30 minutes to your journey, how would that make you feel?

Now, let's imagine as you cross between Northern Ireland and Great Britain there was a lot more security. There was a heavy police presence, or even soldiers at ferry ports and airports checking extra documents and restricting goods as you went across. How would that make you feel?

Now, let's turn the attention and have a think about different forms of protest that might occur. Now let's imagine one of these iterations occurred and there was an increase in border security between Northern Ireland and the Republic of Ireland. Some people might disagree with that to the extent that they are willing to engage in different forms of protest. Let's imagine there was a petition signing campaign. People collecting signatures from the population to present to elected representatives to say that we vehemently disagree with any border between Northern Ireland and the Republic of Ireland. Do you think that would be supported by people? Not necessarily by you, but do you think there would be support for that?

Let's take it a stage further and imagine that instead of the petition, they actually had a peaceful, legal demonstration. There was a rally of people all collected together, holding placards and shouting slogans that they're very angry about a border between Northern Ireland and the Republic of Ireland. Is that the sort of thing that would be supported?

Now let's say these protestors took it one stage forward and they started breaking the law. They started blocking roads for example, restricting traffic to show their disapproval of a North-South border. Do you think this is the type of thing that might have a lot of support or do you think there'd be very little support in the community? What if you saw, as you drove past, what if you saw that the security cameras that had been put up to police the border between Northern Ireland and the Republic of Ireland, let's imagine someone had vandalised that as you drove past. Do you think if you saw that you would think it would be something people would support? Or would it be something that had gone too far, no one is going to support this?

And at the very extreme level, let's imagine there was either rioting or some other form of violence against persons at the North-South border. Is this something that the people would support? Or is this something that people would not support. Not necessarily you, but in the population could you imagine this sort of thing having a big level of support?

Let's turn our attention, instead of the North-South border, to the border between Northern Ireland and Great Britain. If there was an additional security there, if there were additional documents for people crossing over or increase in taxation of goods moving across the Irish Sea, as if they were two different countries, people might be very angry about that and might engage in various types of protest. Just the same as before, they might collect signatures as a petition to distribute to elected representatives, to show that people are very angry about this increased border in the Irish Sea. Or they might engage in peaceful demonstrations as before, rally, gather together in numbers of people with placards and slogans, very angry about increased border security in the Irish Sea. Is that the sort of thing that would be supported? And again, as before, if these protestors started breaking the law, started blocking roads, do you think this is the sort of thing that would have a lot of support in the community? And, as before, if there was additional technology policing the border between Northern Ireland and Great Britain, if this increase in technology like cameras at ferry ports and at airports, if these started getting vandalised, is that the sort of thing that if you saw that you would think 'yeah people will support that, people are angry about this border'? Or do you think people would have no support at all? And as in much the same way as before, let's imagine some people took it so far that they engaged in some form of violence against persons who are policing the border between Northern Ireland and Great Britain, is that the sort of thing you think would have a level of support in the community?

## Appendix C

### Transcript of Presentation by Professor Brendan O'Leary at Deliberative Forum (Afternoon Session)

#### ***The Constitutional Implications of the UK's Vote to Leave the EU***

Good afternoon, everybody. Our subject this afternoon is the constitutional implications of the UK's vote to leave the European Union. Just to refresh your mind, this map illustrates the vote for Remain and the vote for Leave in the referendum held in June 2016. As you'll recall, the vote was close in the UK as a whole. Rounding, 52% voted to leave. But within the UK, that result was differentiated. In Scotland and in Northern Ireland, there was a clear and decisive vote in favour of remain; and in England and Wales, there was a clear and decisive vote in favour of leaving. So those are the outcomes of the referendum, just to refresh your memory.

What are the constitutional implications of the result of 2016? We believe five major questions are raised with implications for the future. One is, as you'll recall, immediately after the referendum, the former deputy First Minister Martin McGuinness immediately called for a referendum on Irish reunification. That's one possibility. A second possibility that will flow from the UK's departure from the European Union is a possible reconstruction of Northern Ireland's own institutions. A third possibility is that there might be a change in North-South institutional relationships: what might that be like? A fourth possibility is changes in the possible overall institutional relationships across all these islands in Great Britain and Ireland and the islands around them. And, lastly, there are possible implications for the protection of rights in Northern Ireland and I'll try and briefly allude to all of these as we go forward.

So, just to recall, a core feature of the Good Friday Agreement was the principle of consent: that there would be no significant change in the constitutional status of Northern Ireland without majority consent inside Northern Ireland. But, indeed, the question becomes, as a result of the vote on the European Union: has that fundamentally modified the Good Friday Agreement? Some say it has, some say it hasn't. Now, given that there has been obviously some significant change, some have argued that there should be a referendum on Irish reunification.

The arguments in favour I will briefly outline, and then give you some of the arguments against. Some people argue that there should be a referendum on Irish reunification because Northern Ireland voted to remain within the European Union and it will be taken out of the European Union against its will. The terms of the Good Friday Agreement have been changed, one-sidedly, and so there should be an opportunity to vote on Irish reunification. Secondly, some people say there has been no poll on Irish reunification since 1973. After 44 years, perhaps it's time for another opportunity. Thirdly, some argue there are all sorts of turbulence that follows from leaving the European Union and there would obviously be turbulence from Irish reunification. Why should Northern Ireland go through two sets of possible turbulence? Why should it not have the opportunity to remain in the European Union but join with Ireland and therefore avoid the possible consequences of leaving the European Union?

What are the arguments against such a referendum? First of all, there's the argument it would be deeply polarising. People in Northern Ireland are already divided. Having a fresh referendum on a deeply divisive question might further antagonise the local populations. The second argument is

that the conditions for holding such a referendum have not been met. In the provisions of the Good Friday Agreement and in the Northern Ireland Act, the Secretary of State is obliged to call a referendum when there is evidence of a demand for change in the status of Northern Ireland. And we know from elections that support for nationalist parties in Northern Ireland hovers currently at around 40% – not the 50% that might be required to produce a decisive change. The third argument against having such a referendum is that many people who favour a united Ireland fear that if they hold a referendum now, they might lose, and it might damage the prospects of future Irish reunification. So, these are some of the core arguments for and against a referendum.

If it were to be held, the question would arise of when should it be held? Should it be held now? Should it be held perhaps more sensibly in 2021? Which is our current best judgement of when the UK will fundamentally leave European institutions, because those of you who have been reading newspapers and watching TV will know, there is currently a planned transition period from 2019 that will last roughly two years. That would be one possible date for holding such a referendum. Another possible idea for a referendum would be to hold one later. To hold it ten years after the experience of leaving the European Union to give people in Northern Ireland a choice about what they wanted to do in light of the consequences of leaving the European Union. So, that's the big constitutional question and we're interested in hearing your views about whether your attitude to a united Ireland is linked in any way to the possible outcomes of the UK's negotiations with the European Union. Does it shape your view for or against or make no difference to a united Ireland? And we'd like you to think about this against four possibilities that are related to what Kevin talked about this morning.

One, we might call a hard exit in which the entire UK leaves both the European Union customs union and the single market. By contrast, a soft exit [is one] in which all of the UK leaves the European customs union and/or the single market, or just one of them. Thirdly, a mixed exit in which Great Britain leaves the European Union customs union and single market but Northern Ireland remains in both. That's special status. It wouldn't mean the creation of new countries, Northern Ireland would still remain inside the UK, but it would remain inside the institutions of the European Union, the most important institutions – the single market and the customs union – while Great Britain left. Another compromise option would be a staged exit in which Great Britain left the single market and the customs union before Northern Ireland, in order for Northern Ireland to have more time to adjust to the consequences. So those are four possible exits. Do they shape your view of a united Ireland? A hard exit, a soft exit, a mixed exit and a staged exit.

Your views on a united Ireland could be positive, negative or indifferent, but are they shaped by what you think a united Ireland might look like? We think it's worth thinking about whether there are three basic configurations of what a reunified Ireland might look like. One is Ireland would basically expand northwards. There would be no parliament in Belfast at Stormont, there would be no special Northern Ireland assembly, there would be a Dublin parliament as of now, and basically Ireland would be reunified by absorbing Northern Ireland. A second possibility is that Northern Ireland becomes part of a united Ireland but keeps its own parliament in Belfast, as is provided for in Ireland's constitution. And the power-sharing arrangements that exist now will be transferred by Northern Ireland inside a united Ireland. The third possibility is that Ireland is remade as a federation in which there are federal regions and a common all Ireland federal parliament. And there are at least three ways in which that could be constructed. One would be a two-unit federation of Northern Ireland and the existing Republic of Ireland. Another would be to recreate the four historic provinces like the four rugby teams: Ulster, Connacht, Leinster and Munster. And the third option would be to rebuild Ireland as a federation around new city regions. One in Dublin,

one in Belfast, one in Derry/Londonderry, one in Cork, one in Galway etc. Building around new urban units with their own respective rural areas. So, we're interested in your views on these questions.

The second big constitutional question is: what are the consequences of what's happening now for future institutional arrangements in Northern Ireland? As we know, the Good Friday Agreement established a power-sharing executive and a novel assembly with special power-sharing rules. We're interested in your views on whether you think the UK's departure from the European Union makes a Northern Ireland executive and assembly more important, less important or makes no difference. Do you think that the UK's departure from the European Union makes forming a government here in Northern Ireland more difficult, less difficult or makes no difference? Thirdly, do you think that the impact of the UK leaving the European Union has damaged cross-community relations inside Northern Ireland? Improved them? Made no difference? What impact has it had in this domain? Lastly, we'd like you to consider whether, if the major parties in the Northern Ireland government cannot decide an agreed position on the consequences of the UK leaving the European Union, should they actually form a government together?

When we think about the internal arrangements in Northern Ireland, some people have advocated change for a long time. Some people have said we should have changes because of the UK's departure from the European Union. One change that has been on the horizon for a long time is whether we should change the titles of First Minister and deputy First Minister. Should they simply both be First Ministers? Should we be done with the distinction in status which makes no difference to their powers, should we change their titles? More significantly, should we change the way the Northern Ireland Executive operates? Let me give you four possible ways in which that change might occur. In one change, the Northern Ireland cabinet would be formed as it is now under the D'Hondt rule, but if parties refused to take their positions we would simply allocate the places to parties in order and a cabinet would be formed, even if that meant that there was a minority government. What do you think of that possibility? A second possibility would be for a special majority rule, a qualified majority rule, for example, 60%, to be required before a cabinet was formed. But once it was formed it would hold office until the end of its term of office. There would be no way in which the Assembly could bring it down. It would be, so to speak, entrenched until the end of its term. A third possibility would be to stop the current procedures under which either the first minister or the deputy first minister can call a snap election. Should we require both of them to be in agreement before a snap election is called? Lastly, we might ask, what is locally called doing the hokey pokey, whether that should be outlawed. That's the process by which one party might nominate a minister to a particular portfolio and then take them out quickly and replace them quickly with another person, as a way of registering their protest against other parties. Should that come to an end?

The third big constitutional question that arises out of the UK's decision to leave the European Union is whether this should in any way reshape North-South relationships. As you recall, in the Good Friday Agreement or Belfast Agreement, there was extensive provision for a North South Ministerial Council with specific tasks to be performed across at least 12 domains and there were six implementation bodies granted power across border and all-Ireland. Given that the UK is going to leave the European Union and it seems the single market, should the powers of the North South Ministerial Council actually be increased because they'll have more tasks to perform, given the fact that things will become more complicated between the UK and the European Union and the UK and the Republic of Ireland? And if there is no government in the North, should Irish ministers replace Northern Ireland ministers? Sorry, should British ministers replace Northern Ireland

ministers and run the North South Ministerial Council in conjunction with Irish ministers? That's a possibility.

A fourth major theme of possible constitutional change might apply across these islands as a whole. Some of you talked this morning about crossing jurisdictions, going from Northern Ireland into Great Britain. It's easy to forget that there are islands attached to the isles: the Isle of Man, Jersey and Guernsey, which are already outside the European Union yet they're part of a Common Travel Area with Great Britain and Ireland. Do you think it might be an idea to expand the range of competences and powers of the British Irish Council which currently incorporates eight governments: the two sovereign governments, the three devolved governments in Scotland, Wales and Northern Ireland, and the three sets of the Channel Isles and Isle of Man. Should that body have some role to play in keeping the Common Travel Area working smoothly? Should it perform some kind of equivalent role to that of the European Union with the regulation of goods, services and capital? What do you think the impact of the UK's departure from the European Union might mean for the relations between all the peoples of these islands, negative, positive, or make no difference? In particular, we'd like you to think about the possibility that Scotland might leave Great Britain as a consequence of the UK leaving the EU? We know that the Scottish National Party is keen to hold a referendum to create exactly that possibility, as and when it gets the first opportunity. Would that be good for Northern Ireland, bad for Northern Ireland or make no difference?

Lastly, and perhaps trickiest, there's a whole series of questions related to rights that flow from the United Kingdom leaving the European Union. It's easy to make a mistake here and I'd just like to draw your attention to the fact that there are two important courts. One is known as the Court of Justice of the European Union, that's the court that regulates the single market and the customs union and, indeed, the Charter of Rights attached to the European Union. Then there is the European Court of Human Rights which sits in Strasbourg (the other court sits in Luxembourg) and, as its name suggests, it is primarily focused on human rights.

The decision to leave the European Union only has consequences for the first court, the Court of Justice of the European Union. But we know that Conservative ministers and Conservative politicians have previously expressed the wish to be free of the jurisdiction of both courts, both the European Courts of Human Rights and the Court of Justice of the European Union. Rights protections were at the heart of the Belfast and Good Friday Agreement. One of the items stated that the parties have confirmed their commitment to the mutual respect, the civil rights and the civil liberties of everyone in the community. Less noticed, but a core feature of the Belfast/Good Friday Agreement was a commitment by both the London and the Dublin governments to ensure the protection of rights equally on both parts of the Island of Ireland, to ensure—the language was—the functional equivalent of rights protection.

So, having digested all those mouthfuls, we'd like you to think about what are the implications of the UK leaving the European Union for rights protection in Northern Ireland? Do you think, for example, that Northern Ireland should remain under jurisdiction of the Court of Justice of the European Union as regards anti-discrimination law and employment rights? Because those rights are centrally connected to the European Union and its court, not the European Convention on Human Rights. Secondly, in leaving the European Union, is it your view that the UK government should pledge to remain part of the European Convention on Human Rights? If only, but especially, with regard to Northern Ireland, and thereby, solemnly recommit to the pledges it made in the Belfast/Good Friday Agreement. Thirdly, even though the UK is leaving the European Union, should

both governments recommit to supporting equivalent rights on both parts of the island, human rights, minority rights, protection of religious freedoms and so on? And, lastly, a very interesting and tricky question. One of the rights that you have all enjoyed as members of the European Union is the right to elect members of the European Parliament. When the UK leaves the European Union, as you know under existing provisions, people in Northern Ireland are entitled to either have Irish citizenship or British citizenship or both. Do you think they should retain the right if they're Irish citizens to elect members of the European Parliament to represent their interests in that parliament?

These are not the only questions attached to the constitutional significance of the UK leaving the European Union, but they're some of them. We are very interested to hear what you have to say. Thank you.

## Appendix D

### Dr Kevin McNicholl's presentation on 'Northern Ireland, Brexit and border issues': PowerPoint Slides

**Welcome**  
Brexit and its implications  
QUB & Ipsos MORI

Wifi details:  
130-000-480

**Introductions**

Fiona Rooney Ipsos MORI  
John Garry Queen's University Belfast

**Northern Ireland, Brexit and border issues**  
Kevin McNicholl

**Five questions**

1. What are the possible outcomes of the Brexit negotiations?
2. What impact do these possible outcomes have on...
  - a. The border between Northern Ireland and the Republic of Ireland?
  - b. A possible border between Northern Ireland and Great Britain?
3. Attitudes towards possible border checks?
4. What possible types of protest could there be?
5. How much support, if any, might there be for such protests?

**Possible outcomes of the Brexit process**

- A. UK leaves EU
- B. UK leaves EU, but stays in some elements of the EU such as the Single Market and/or Customs Union
- C. Great Britain leaves EU, but Northern Ireland stays in some elements of the EU such as the Single Market and/or Customs Union
- D. Great Britain leaves EU, but Northern Ireland stays in EU
- E. UK as a whole stays in the EU

**Border implications of each of these possible outcomes...?**

### A. UK leaves EU

- This will put constraints on:
  - the free movement of people from the EU to the UK
  - the free movement of goods from the EU to the UK
- The UK/Ireland border will be the UK's land border with the EU
- Three different possible implications for North-South border...

### A1: low visibility, North-South border using technology



### A2: North-South border with minimal policing



### A3: Highly visible militarised North-South border

### The Customs Union & Single Market

#### The Customs Union

- Contains all EU members, and some other countries
- Goods moving between these countries are not taxed
- Members tax goods from outside the EU at the same rate

#### The Single Market

- Contains all EU members, and some other countries
- Requires free movement of people, goods, capital, and services
- Also requires uniformity of standards of goods

### B. UK leaves EU, but stays in some elements of the EU such as the Single Market and/or Customs Union

### B. Implications for the North-South border if...

...UK stays in Customs Union but not the Single Market

- Likely to be **checks on goods to ensure quality** of standards (but not for tax)
- Likely to be **checks on movement of people**

...UK stays in Single Market but not the Customs Union

- Likely to be **checks on goods for tax reasons** (but not for quality of standards)
- Not likely to be checks for free movement of people

...UK stays in Single Market and the Customs Union

- Likely to remain just as it is today

### C. Great Britain leaves EU, but Northern Ireland stays in some elements of the EU such as the Single Market and/or Customs Union

### C. Implications for the border between Northern Ireland and Great Britain if...

- ...Northern Ireland stays in Customs Union
    - Likely to be **taxes on goods** between Northern Ireland and Great Britain
  - ...Northern Ireland stays in the Single Market
    - Likely to be **checks on quality standards of goods** between NI and GB
    - Likely to be **checks on movement of people** between NI and GB
  - ...Northern Ireland stays in Customs Union and Single Market
    - Likely **checks on good and people** between NI and GB
- Any of these options would help to preserve a free North-South border but would likely...



### ... lead to what is called the border down the Irish Sea



### D. Great Britain leaves EU, but Northern Ireland stays in EU

- Checks and taxes on goods and checks on people between NI and GB
- But North-South border is kept free
- NI staying in EU could be achieved by negotiation...

...or Irish unification



### E. UK as a whole stays in the EU

- The current situation: no change
- Limits on movement of people from outside the EU
- Checks and taxes on goods from outside the EU



### Summary: border implications of possible outcomes of the Brexit process?

- UK leaves EU: **significantly harder north-south border**
- UK leaves EU, but stays in some elements of the EU such as the Single Market and/or Customs Union: **harder north-south border**
- Great Britain leaves EU, but Northern Ireland stays in some elements of the EU such as the Single Market and/or Customs Union: **harder NI-GB border**
- Great Britain leaves EU, but Northern Ireland stays in EU: **significantly harder NI-GB border**
- UK as a whole stays in the EU: **no change**



### If any of these outcomes affected the border between Northern Ireland and the Republic of Ireland, how would you feel about it?

- If the border remained as it is today, with free movement of people and goods?
- If there were minor changes, like the addition of cameras, or very rare checks?
- If there were permanent checkpoints that could delay your journey?
- If there were permanent checkpoints manned by police or soldiers?



**If any of these outcomes affected the border (airports and ferry ports) between Northern Ireland and Great Britain, how would you feel about it?**

- If the border remained as it is today, with free movement of people and goods?
- If there were minor changes, like the addition of cameras, or very rare checks?
- If there were permanent checkpoints that could delay your journey?
- If there were permanent checkpoints manned by police or soldiers?



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**If anyone protested against an emerging North/South border, would they be supported at all?**

- Signing a petition
- Peaceful demonstration
- Protestors blocking traffic
- Vandalising border technology (e.g. cameras)
- Engaging in violence against persons



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**If anyone protested against an emerging border between Northern Ireland and Great Britain, would they be supported at all?**

- Signing a petition
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- Protestors blocking traffic
- Vandalising border technology (e.g. cameras)
- Engaging in violence against persons



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**Group Discussion**



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## Appendix E

### Professor O’Leary’s presentation on ‘The constitutional implications of the UK’s vote to leave the EU’: PowerPoint slides

**The constitutional implications of the UK’s vote to leave the EU**  
**Brendan O’Leary**

**The 2016 EU referendum outcomes**

Units	Leave %	Remain %
UK & Gibraltar	51.9	48.1
England	53.4	46.6
Wales	52.5	47.5
Northern Ireland	44.2	55.8
Scotland	38.0	62.0
Gibraltar	4.1	95.9

**Five major constitutional questions flow from the UK’s prospective exit from the EU**

1. Possible future referendum on reuniting Ireland
2. Possible changes to Northern Ireland’s institutions
3. Possible changes to Northern Ireland–Republic of Ireland relations
4. Possible changes in relations between the Great Britain & Ireland
5. Protection of rights in the UK and Ireland

**1. A referendum on staying in the UK v. re-uniting Ireland within the EU?**

**1998 Belfast/Good Friday Agreement** “...recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland”

- Given that the UK’s exit from the EU will change matters should there be a referendum on whether Northern Ireland should remain in the UK or reunite Ireland? And if so, when?
- Arguments in favour? Arguments against?
- Should there be a referendum
  - In 2021 (when the UK will effectively leave)
  - or in 2031 (ten years after)?

**Is your attitude to a united Ireland linked to the possible outcome of the UK’s negotiations with the European Union?**

**Will you be more likely or less likely to favour a re-united Ireland if the outcome is:**

- A “Hard Exit”, in which the entire UK leaves both the EU Customs Union and Single Market?
- A “Soft Exit”, in which the entire UK stays in both the EU Customs Union and/or Single Market, or one of them?
- A “Mixed Exit”, in which Great Britain leaves the EU Customs Union and the Single Market, but Northern Ireland stays in both?
- A “Staged Exit”, in which Great Britain leaves the EU Customs Union and Single Market in 2021, and Northern Ireland leaves both, but at a later date?

**To what extent is your attitude to a re-united Ireland dependent on what it might look like?**

- If a re-united united Ireland looks like Ireland now, except taking in Northern Ireland...
  - no provision for a regional government and parliament in Belfast/Stormont
  - no provision for obligatory power sharing
- If ‘Northern Ireland’ remains a distinct regional part of a united Ireland...
  - a regional government and parliament in Belfast/Stormont and with current power sharing arrangements
- If Ireland was re-made as a federation, based on...
  - Two units : Northern Ireland and existing Ireland
  - The four historic provinces of Ireland: Ulster, Connaught, Munster and Leinster
  - A larger number of regions, of which Northern Ireland would be one

## 2. Institutions within Northern Ireland

**1998 Belfast/Good Friday Agreement** *"This agreement provides for a democratically elected Assembly in Northern Ireland which is inclusive in its membership, capable of exercising executive and legislative authority, and subject to safeguards to protect the rights and interests of all sides of the community."*

- Does the UK's departure from the EU make a Northern Ireland Executive and Assembly more/less necessary?
- Does the UK's departure from the EU make the formation of an executive more/less difficult?
- Is the UK's departure from the EU making cross- community relations more/less harmonious?
- If the major parties in Northern Ireland cannot form an agreed position on the UK's exit from the EU, should they form an executive together?

## Is it time to consider some changes to the Workings of the Executive and Assembly?

- Should we have some name-changes: from First Minister and deputy First Minister to the two First Ministers?
- Should it be made easier to form and maintain the executive?
  - *Example 1:* If parties don't take their chance to choose ministerial positions then the executive will form without them anyway, thereby pressurizing them to take their positions, but allowing for the possibility of a minority government
  - *Example 2:* Should there be a rule requiring that the executive be supported by sixty per cent of the MLAs in the Assembly in order to form, but once elected it would stay in office until the next elections?
  - *Example 3:* Should there only be a 'snap election' if both the FM & DFM agree?
  - *Example 4:* Should "doing the hokey-pokey" be outlawed?

## 3. North-South relations

**1998 Belfast/Good Friday Agreement** *"...a North/South Ministerial Council to be established to bring together those with executive responsibilities in Northern Ireland and the Irish Government, to develop consultation, co-operation and action within the island of Ireland - including through implementation on an all-island and cross-border basis - on matters of mutual interest within the competence of the Administrations, North and South."*

## Possible changes to the North-South ministerial council?

Should the powers of the North-South Ministerial Council be increased because cross-border political management will now be more demanding?

If the Assembly and the Executive do not function in the North, should London and Dublin ministers run the North-South Ministerial Council?



"North South Ministerial Council: Brexit dominates cross-border talks" BBC 2016

## 4. East-West relations between Ireland and Great Britain

**1998 Belfast/Good Friday Agreement** *"A British-Irish Council (BIC) will be established under a new British Irish Agreement to promote the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands."*

- Representatives from 8 governments:
- The two sovereigns: UK & Ireland
- Scotland, Northern Ireland & Wales
- Isle of Man, Jersey and Guernsey



2016

## East-West relations between Ireland and Great Britain...

- Should the British Irish Council have any role in determining changes to:
  - the common travel area
  - movement of goods, services, and capital?
- Will the UK's departure from the EU negatively/positively impact upon the relationships among peoples of these islands?
- Does a 'hard exit' by the UK from the EU make Scotland's possible departure from Great Britain more likely, and, if so, would that be good or bad for Northern Ireland?

## 5. The protection of rights

**1998 Belfast/Good Friday Agreement** *"The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community."*

- Should Northern Ireland remain under the jurisdiction of the Court of Justice of the European Union as regards anti-discrimination law and employment rights?
- In leaving the EU, should the UK government pledge to remain within the jurisdiction of the European Court of Human Rights and Freedoms regarding Northern Ireland (as currently under the Belfast/GFA Agreement)?
- Even though the UK is leaving the EU should the UK and Irish governments pledge to maintain equivalent standards or human rights, minority rights, and religious freedoms in both parts of Ireland?
- Should Irish citizens in Northern Ireland retain the right to vote for Members of the European Parliament?

## Group Discussion

## Appendix F

### Moderators' Guide to Facilitating the Deliberative Forum (Morning Session)

#### **Introduction (< 5 Mins)**

- Introduce self
- Ask each participant to introduce themselves

**MODERATOR: REITERATE POINT THAT THERE ARE DIFFERENT TYPES OF PEOPLE ON THE TABLES AND WE WOULD ASK THAT EVERYONE RESPECTS EACH OTHER'S VIEWS.**

NOTE TO MODERATOR: GIVEN THE ISSUES ARE QUICKLY EVOLVING ON THIS SUBJECT, SOME PARTICIPANTS MAY QUESTION WHY WE ARE DISCUSSING IT, IF THIS HAPPENS PLEASE RESPOND AS FOLLOWS:

“That’s a fair point. There’s a long way to run in the negotiations and so we still really want to know what you think...”

#### **Implications of Brexit (10 mins)**

What, if anything, do you think the implications will be for Northern Ireland, if the UK leaves the EU? PROBE FULLY.

MODERATOR INSTRUCTION: ASK EACH PERSON INDIVIDUALLY WHAT THEIR TOP OF MIND THOUGHTS ARE. LET PARTICIPANTS TALK UNPROMPTED.

Probe, if discussion is slow with:

- Political implications for Northern Ireland;
- Financial implications for Northern Ireland;
- Implications for the way people do business/trade;
- Implications on freedom of movement

#### **Preferred outcomes of Brexit (10 mins)**

MODERATOR INSTRUCTION: REFER PARTICIPANTS TO SLIDE 6 IN THEIR BOOKLET AND READ OUT EACH OF THE OPTIONS.

What, if any of these, would be your preferred outcome of the Brexit negotiations? PROBE FULLY ON EACH OF THE POSSIBLE OUTCOMES BELOW

- A. UK leaves the EU
- B. UK leaves the EU, but stays in some elements of the EU such as the Single Market and/or the Customs Union – REFER PARTICIPANTS TO SLIDE 12 FOR DEFINITIONS OF THE SINGLE MARKET AND CUSTOMS UNION
- C. Great Britain leaves the EU, but Northern Ireland stays in some elements of the EU such as the Single Market and/or the Customs
- D. Great Britain leaves the EU, but Northern Ireland stays in the EU.
- E. The UK as a whole stays in the EU.

Why would you prefer this outcome?

How does it compare with the other options? PROBE FULLY TO UNDERSTAND SPECIFICALLY WHY PARTICIPANTS ARE NOT IN FAVOUR OF THE OTHER OUTCOMES

**Views on a hard border between Northern Ireland and the Republic of Ireland (10 mins)**

If a hard border was to be created between Northern Ireland and the Republic of Ireland what do you think that might be like? PROBE FULLY TO UNDERSTAND THE TYPES OF CONTROLS THAT PARTICIPANTS THINK THERE MIGHT BE IN PLACE.

How would you feel about the creation of a hard border between Northern Ireland and the Republic of Ireland? Why? PROBE FULLY TO UNDERSTAND FEELINGS TOWARDS DIFFERENT FORMS OF A HARD BORDER

How do you think that people would react would if a hard border was put in place?

To what extent do you think protests might occur?

- What specifically do you think would make people protest about this issue? PROBE FULLY AROUND TRIGGERS OF PROTESTING.
- What kind of protesting do you think might occur? PROBE FULLY ON TYPES OF PROTESTING:
  - Petitions;
  - Peaceful demonstrations (what do these look like);
  - Protestors blocking traffic;
  - Vandalising border technology; and,
  - Violence against persons.

What level of support do you think there would be, among the general public, for such protests? PROBE FULLY ON WHICH TYPES OF PROTESTING WOULD BE SUPPORTED AND ON THE EXTENT TO WHICH THE PARTICIPANTS WOULD ENGAGE IN SUCH PROTESTS THEMSELVES

Do you think protests would be effective? Why/Why not? PROBE FULLY ON DESIRED OUTCOMES OF A PROTEST, WHAT WOULD NEED TO HAPPEN FOR A PROTEST TO BE CONSIDERED SUCCESSFUL?

**Views on a hard border between Northern Ireland and Great Britain (10 mins)**

If a hard border was to be created between Northern Ireland and Great Britain what do you think that might be like? PROBE FULLY TO UNDERSTAND THE TYPES OF CONTROLS THAT PARTICIPANTS THINK THERE MIGHT BE IN PLACE

How would you feel about the creation of a hard border between Northern Ireland and the Great Britain? Why? PROBE FULLY TO UNDERSTAND FEELINGS TOWARDS DIFFERENT FORMS OF A HARD BORDER

How do you think people who are against the creation of a border between Northern Ireland and Great Britain would react if one was created?

To what extent do you think protests might occur?

- What specifically do you think would make people protest about this issue? PROBE FULLY AROUND TRIGGERS OF PROTESTING.
- What kind of protesting do you think might occur? PROBE FULLY ON TYPES OF PROTESTING:

- Petitions;
- Peaceful demonstrations (what do these look like);
- Protestors blocking traffic;
- Vandalising border technology; and,
- Violence against persons.

What level of support do you think there would be, among the general public, for such protests?  
PROBE FULLY ON WHICH TYPES OF PROTESTING WOULD BE SUPPORTED AND ON THE EXTENT TO WHICH THE PARTICIPANTS WOULD ENGAGE IN SUCH PROTESTS THEMSELVES

Do you think protests would be effective? Why/Why not? PROBE FULLY ON DESIRED OUTCOMES OF A PROTEST, WHAT WOULD NEED TO HAPPEN FOR A PROTEST TO BE CONSIDERED SUCCESSFUL?

**THANK AND FEEDBACK TO GROUP**

## Appendix G

### Moderators' Guide to Facilitating the Deliberative Forum (Afternoon Session)

MODERATOR: WELCOME EVERYONE BACK TO THE TABLE DISCUSSION

NOTE TO MODERATOR: GIVEN THE ISSUES ARE QUICKLY EVOLVING ON THIS SUBJECT, SOME PARTICIPANTS MAY QUESTION WHY WE ARE DISCUSSING IT, IF THIS HAPPENS PLEASE RESPOND AS FOLLOWS:

"That's a fair point. There's a long way to run in the negotiations and so we still really want to know what you think..."

#### **Political situation in Northern Ireland (5-10 mins)**

What implications, if any, do you think the lack of a Northern Ireland government will have on the outcome of negotiations between the UK and EU?

MODERATOR INSTRUCTION: ASK EACH PERSON INDIVIDUALLY WHAT THEIR TOP OF MIND THOUGHTS ARE. LET PARTICIPANTS TALK UNPROMPTED.

Considering the UK's decision to leave the EU, do you think there should be changes to how the power-sharing government is setup in Northern Ireland? Why? PROBE FULLY

#### **Views on a Referendum on the reunification of Ireland (15-20 mins)**

Considering the UK's decision to leave the EU, what do you think of the idea of having a referendum on whether Northern Ireland should remain in the United Kingdom or re-unify with the rest of Ireland?

PROBE FULLY TO UNDERSTAND WHY/WHY NOT.

- What are the pros and cons of a referendum on this subject?
- Have your views on a referendum changed since the UK's decision to leave the EU?
- Do you feel that you know enough about what a united Ireland might look like, in order to make an informed choice?
- What information should be provided before such a referendum?
- When should it be?

MODERATOR INSTRUCTION: IF THE ISSUE OF THE PROTECTION OF RIGHTS IS RAISED SPEND NO MORE THAN 1-2 MINUTES ON THE SUBJECT ASKING THE FOLLOWING:

- What rights are you concerned about?
- How might these be affected?

#### **Relations between Northern Ireland and the Republic of Ireland (10 mins)**

How do you feel relations are between Northern Ireland and the Republic of Ireland generally speaking?

Do you think relations have changed since the EU referendum?

- Why do you think they have changed / Why do you think they have not changed?

MODERATOR INSTRUCTION: IF CHANGES ARE MENTIONED PROBE TO UNDERSTAND WHERE THEY GOT THE IMPRESSION THAT CHANGES HAVE OCCURRED.

Do you think relations between Northern Ireland and the Republic of Ireland will change if the UK leaves the EU?

Do you think relations between Northern Ireland and the Republic of Ireland can be improved?

- Why/Why not?
- In what ways could relations be improved?
- How might this be achieved?

MODERATOR INSTRUCTION: IF THE NORTH-SOUTH MINISTERIAL COUNCIL HAS NOT BEEN RAISED, SPEND **1 MINUTE** DISCUSSING THE FOLLOWING:

To what extent do you feel informed about what the North-South Ministerial Council is?

REFER PARTICIPANTS TO SLIDE 34 WHERE DESCRIPTION OF THE COUNCIL IS GIVEN. GATHER TOP OF MIND THOUGHTS TO GAUGE UNDERSTANDING ON WHAT THE COUNCIL'S ROLE IS PERCEIVED TO BE.

### **Relations between the Republic of Ireland and Great Britain (10 mins)**

How do you feel relations are between the Republic of Ireland and Great Britain generally speaking?

Do you think relations have changed since the EU referendum?

- Why do you think they have changed / Why do you think they have not changed?

MODERATOR INSTRUCTION: IF CHANGES ARE MENTIONED PROBE TO UNDERSTAND WHERE THEY GOT THE IMPRESSION THAT CHANGES HAVE OCCURRED.

Do you think relations between the Republic of Ireland and Great Britain will change if the UK leaves the EU?

Do you think relations between Republic of Ireland and Great Britain can be improved?

- Why/Why not?
- In what ways could relations be improved?
- How might this be achieved?

MODERATOR INSTRUCTION: IF THE BRITISH IRISH COUNCIL HAS NOT BEEN RAISED, SPEND **1 MINUTE** DISCUSSING THE FOLLOWING:

To what extent do you feel informed about what the British Irish Council is?

REFER PARTICIPANTS TO SLIDE 36 WHERE DESCRIPTION OF THE COUNCIL IS GIVEN. GATHER TOP OF MIND THOUGHTS TO GAUGE UNDERSTANDING ON WHAT THE COUNCIL'S ROLE IS PERCEIVED TO BE.





*The UK in a Changing Europe promotes rigorous, high-quality and independent research into the complex and ever changing relationship between the UK and the EU. It is funded by the Economic and Social Research Council and based at King's College London.*

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