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Cross Border Studies

# MEDIA WATCH

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## British notion of frictionless Border is almost an oxymoron

BYLINE: Katy Hayward

Michel Barnier's recent dismissal of the notion of "frictionless" trade between the UK and EU after Brexit has direct ramifications for one of the most complex problems faced by the Brexit negotiators: how to manage the Irish Border.

The UK government has frequently emphasised its desire to see the continuation of the "seamless frictionless Border" with the Republic of Ireland after Brexit and, more recently, David Davis has affirmed the UK government's desire to maintain an "invisible Border" between the UK and Ireland.

For its part, the European Union has expressed a commitment to "working hard to avoid a hard Border" and a desire to find "flexible and imaginative solutions" to achieve this.

The cautious realism of the EU on this front is notable: a "hard" Border is a real possibility, and a "frictionless" Border is almost an oxymoron. A hard Brexit would mean that the Irish Border would be a frontier to the free movement of people, goods, services and capital that is a feature and condition of membership of the EU.

For the UK's land Border with the EU to remain frictionless and seamless would mean one of three things: Northern Ireland would hold a different position within the UK (its territory would be treated differently from that of Britain), the Republic would have a different position in the EU (its territory would be treated differently from the rest of the single market), or the EU would relax its rules regarding freedom of movement and the integrity of its legal order.

Barnier's recent statement confirms this third option is nowhere near the negotiating table; it would be seen as turning Brexit into an act of self-harm for the EU itself. The Irish Government has been equally consistent in its commitment to full EU membership.

Any bespoke arrangements for Northern Ireland would have to be a matter for parallel, careful negotiation with the parties to the Belfast Agreement, including both governments.

'Invisible'

The current suspension of the talks between Northern Irish parties does not bode well for the forward-thinking, creative and bold conversations needed for any reworking of the agreement needed to conjure up a unique Northern Ireland-centred arrangement.

It is perhaps for such reasons that the language of the UK government has moved away from promises of a "frictionless" Border towards one focusing on the possibility that it may be "invisible".

The movement of goods is a particularly complicated matter. The future designation of goods originating in Northern Ireland will affect the nature of the controls required on them in crossing the Irish Border.

Such controls will be necessary to uphold the integrity of the customs regime on either side of this Border.

There are difficulties in all these areas when applied to the context of the Irish Border.

Customs declarations

Some arise from the nature of cross-Border trade on the island (eg such as groupage, Just in Time logistics, predominance of SMEs with small capacity and no experience of customs declarations, agri-food supply chains).

Others arise from the nature of the Border itself, with well over 250 crossing points and a historical symbolism that would make any physical piece of monitoring equipment or customs checkpoint a security target.

It is clear that if there is to be "friction" in the movement of goods across the EU's external border on the island of Ireland, maintaining a truly invisible Border would entail three major areas of risk. The first comes in the rationale for border management: how can compliant trade be facilitated and illegitimate trade be stopped with no physical infrastructure?

The use of mobile taskforces for enforcing on-site or intelligence-led inspections cannot substitute entirely for dedicated, properly equipped inspection facilities.

The second area is in the dangers posed to the economy and to citizens on both sides of the Border if there is a growth in black market activity across the Border - something that will become incredibly lucrative.

The third risk is in the rising capacity for surveillance and electronic monitoring that may accompany the growth in a state's desire to be able to track movement across a border in "hidden" ways. Such risks serve only to exacerbate the existing challenges in the Border region.

If a frictionless Border is impossible, and an invisible Border undesirable, all hope now lies on the capacity of players on both sides for flexibility and imagination. Dr Katy Hayward is a political

sociologist with a particular focus on conflict and post-conflict transitions. She is a senior lecturer at Queen's University Belfast

Source: The Irish Times

**15 July 2017**

**Top doctor: I'll quit NHS in event of hard Brexit - A year after the Brexit referendum, a senior doctor has warned our crisis-ridden health service that the threat of a strict border could leave him with no alternative but to head south. Health correspondent Seanin Graham meets the consultant who says a cross-border stint in a Monaghan hospital "where it works like clockwork" has led him to reassess his future**

A leading doctor with 25 years' experience has launched a blistering attack on the "onerous" conditions in the north's health service - and threatened to move south if a hard Brexit is imposed.

Dr Peter Maguire has said the level of cost-cutting in northern hospitals means medics must "beg" for the best anaesthetic drugs that are easily accessible in the south.

The consultant anaesthetist, who is based at Daisy Hill hospital in Newry, told The Irish News his experience of working in a Co Monaghan hospital over the past year and a looming Brexit will have a major impact on his career path.

"The retirement age is now 68. I'm 48 - do I see myself in 20 years being at the coalface of the NHS which is tough work and under resourced? I just don't know," he said.

"The health service here is just so, so stretched. The idea of Brexit with passport control and an identity check and a customs check to go a short distance to do a day's work, which is ultimately for patient care, is just ridiculous.

"It's therapeutic to go into work in the Republic. You go to work in morning, you're happy in your work. Time is not relevant. It's just the happiness of being in the job."

The Newry man said that pressures in the north's health system had "crept in" three years ago but had got "much worse".

"We used to have bed pressures during the winter. We don't have winter pressures any more, we have 'every day' pressures," he said.

"Driving into work in the morning, you think I wonder will we get to do a day's work today? You don't know how it will all pan out."

Dr Maguire took up the offer of working part-time in a hospital in the Republic a year ago as part of cross-border project funded by EU money.

The Monaghan facility is a smaller public hospital which only carries out day procedures and does not treat emergency patients. Significantly, doctors can easily access the best drugs to treat patients undergoing surgery.

According to Dr Maguire, there is endless form-filling and "palaver" to get permission to use the same world-class drugs on northern patients.

"When I work in Monaghan there's a particular new drug which I use in every single anaesthetic. When I come in, it is on my anaesthetic trolley. If I want to use that in Northern Ireland, I have to fill in forms and effectively beg for its use and make a case in writing. This is due to cost.

"The benefits are that it's a newer drug, it's a cleaner drug and just really effective. If you're wondering why there is easier access, it's because it's made in Ireland. What's the point in having all these pharmaceuticals, what's the point in not being able to use them."

Pharmaceuticals giants such as Pfizer are based in the Republic and medical drugs are the country's biggest goods exports - with EUR4bn worth leaving the State each month.

Dr Maguire is concerned the introduction of a hard Brexit will compound the situation even further with inflated drug prices.

"Let's say this drug costs €100 a vial, I'm not sure of the cost. The Euro cost will stay static but with the value of the pound, what's it going to end up like?"

Fears there will be a massive drop in the number of EU health professionals applying to work in the north's health service have also been documented - with a 96 per cent reduction in EU nurse registrations to the NHS since the Brexit referendum.

Just 46 nurses applied to practise in the entire NHS in April this year, falling from 1,304 in July last year.

Dr Maguire also pointed to the "red tape" difficulties facing some northern surgeons post-Brexit who trained in Queen's University and require Irish registration.

"There is cross-border exchange not only in cardiac services but also on the GP front. There is obviously concern for services, such as the cancer unit at Altnagelvin in Derry used by many Donegal patients. Will they have to go to Galway for treatment even though radiotherapy is much closer to home?"

The Co Down man accepted that consultants are well paid in the north - but that a big change in the pound to euro exchange rate may impact significantly on salary.

"Something that only occurred to me a week ago is I can be in Drogheda or Dundalk much quicker than I can be in Craigavon where I can work from time to time.

"In terms of salary, would I be better off working in Republic? I'm not talking about moving house or anything. Six months ago, I wouldn't have even thought of it but now would think of it.

"The problem is NHS pressures are so onerous and the pressures are getting much worse. The more austerity, the lack of future planning, the more difficult it will be. I do not know if the pressure would be less under a post-Bengoa system, I do not know."

**Source: The Irish News**

**17 July 2017**

## People deserve honesty from Brexit negotiators, says European Ombudsman

The watchdog for European citizens has said people have a right to know what the UK's Brexit negotiators are tabling.

As the second round of talks on the split got underway in Brussels, Emily O'Reilly said she had yet to see options for a so-called soft border between the Republic of Ireland and Northern Ireland.

The European Ombudsman also warned about "mixed signals" and "uncontrolled leaks" from Prime Minister Theresa May's Cabinet.

Ms O'Reilly told parliamentarians from Ireland, Northern Ireland, Scotland, Wales, the Isle of Man, Guernsey and Jersey that voters need to be given as much neutral information as possible and what the consequences might be.

"Irrespective of your views on Brexit, the people at the very least deserve honesty and honesty at every stage of this process," she said.

Ms O'Reilly said it is inconceivable that leaks will not happen but she said it would be better to publish as many documents as possible to control the spin.

At a meeting of the British-Irish Parliamentary Assembly in Kilkenny, the Ombudsman gave an impassioned defence of the work of the European Union, from women's rights to environmental reform.

She praised the attitude of Europe's chief negotiator Michael Barnier towards transparency in the talks and called for the greatest possible openness.

"While much of Brexit is highly technical and bureaucratic, it is still being played out on a political stage and if greater transparency is seen to be useful to one side then greater transparency we shall have," Ms O'Reilly said.

"It will not have gone unnoticed in Brussels that - certainly before the general election - the British Government was urging secrecy around the talks process and counselling in very strong terms against leaks.

"In a divided, divisive and febrile atmosphere, uncontrolled leaks risk undermining both the negotiating team and the Government itself."

Ms O'Reilly described the negotiations as the greatest "chess game of our lives" and she said people have a "right to know".

The former journalist, who headed up the ombudsman's office in Ireland before moving to the European role in 2013, also noted the influence law firms and consultancies were trying to exert on the Brexit talks.

"The EU chief negotiator Michel Barnier is being transparent in relation to his meetings but influence is attempted to be peddled at all levels and in every member state with a stake in the outcome of these negotiations," she said.

"The transposition of EU laws and regulations into the UK legal framework is an area also ripe for lobbyists and while that of course is none of my business, I expect that this is where UK politicians will be keeping a close eye."

Ms O'Reilly also told parliamentarians that one of the first investigations she launched in the public interest concerned the transparency of negotiations between the EU and the United States in the Transatlantic Trade and Investment Partnership (TTIP) deal.

Britain's ambassador to Ireland Robin Barnett addressed the issue of the border between the Republic and Northern Ireland and said Mrs May's Government "gets" that north-south movement and trade is an "essential part of daily life".

"My point is that, notwithstanding the inevitable challenges ahead, our relationship need not be defined by Brexit," he said.

"I realise that some might consider that statement to be naive but I genuinely believe that there are opportunities to bolster this already special relationship."

Source: The Irish Examiner

**21 July 2017**

## Ferry linking Louth and Down makes maiden voyage

A new cross border ferry service linking Co Louth and Co Down has begun sailing following a delay due to severe weather conditions.

Earlier, it was announced that the maiden voyage was cancelled until tomorrow, but improved weather conditions has allowed the service to commence.

The multimillion euro project aims to boost tourism and the economy on both sides of the border.

The idea of a ferry connection across Carlingford Lough has been talked about for 50 years and has finally become a reality.

The service, which cost €10 million to establish, will connect the existing port of Greenore in Louth with a newly-built landing at Greencastle in Co Down.

These are scenically beautiful but underdeveloped areas and it is hoped the link will help grow tourism and the general economy in the border region.

The ferry can carry 44 vehicles and their passengers.

It has been established by a Shannon-based company, which already operates services in Passage East and across Lough Foyle between Derry and Donegal.

The service aims to attract 100,000 passengers in its first year.

Source: RTE News