No return to a ‘hard’ border
A Conflicted Border
British soldier patrols the border 1998
The 1998 Agreement

Cross-border cooperation is a central element of the Belfast/Good Friday Agreement.

Strand Two: North/South Bodies

➢ to formalise cooperation between the government of the Republic of Ireland and the Northern Ireland Executive, as well as between civil servants in certain key areas

Strand Three: regular meetings between the two governments

➢ and between representatives from the governments and Executives of the Isle of Man and the Channel Islands
“Common membership of the EU has been a force for reconciliation and a framework for cooperation on this island. Even in the context of the positive state of North-South and East-West relations a British exit from the EU would have extremely serious consequences irrespective of mitigation strategies.”

Paschal Donohoe, Irish Minister of State for EU Affairs, June 2014
Acts of the Northern Ireland Assembly
- Must be compatible with Convention rights
- Must be compatible with Community law
- Shall not modify the European Communities Act 1972 or the Human Rights Act 1998

Article 12: “Reconsideration where reference made to EJC”

“(3) In this section “reference for a preliminary ruling” means a reference of a question to the European Court of Justice ...”
Withdrawal from the ECHR could place Britain in breach of its international obligations in the 1998 Good Friday agreement:

- the two communities in Northern Ireland would be protected by safeguards that include “the European Convention on Human Rights and any Bill of Rights for Northern Ireland supplementing it, which neither the Assembly nor public bodies can infringe”.

European Convention on Human Rights
Cross-border cooperation

- predates the EU funds
- took place even at the height of the conflict

- Irish Council of Churches (1923)
- Irish Congress of Trade Unions/NIC ICTU (1945)
- IBEC / CBI
- Local Authorities (EBR – 1976)
- Cooperation Ireland (1979)
- International Fund for Ireland (1986)

- SCoTENS (2003)
- Universities Ireland (2003)
Many core problems of the Irish border region – whether directly attributable or exacerbated by the conflict, or simply those that are related to geography or economic underdevelopment, do not respect jurisdictional boundaries.

Many problems associated with the border or issues of a cross-border nature cannot be effectively addressed within one or both jurisdictions separately.
The border has been a core issue in the conflict and has a central role in any sustainable peace process.

Cross-border cooperation adds value to peacebuilding and reconciliation.

CBC addresses a number of core conflict issues.

CBC tackles a range of problems that are a direct legacy of the conflict, e.g.:
- the breakdown in cross-border relationships
- isolation of border communities
- overall social and economic decline
EU has fundamentally rebalanced bilateral relations between Ireland and the UK

- NI Department officials travel to Dublin “every 6 months to review the key files and the ambitions of the current Presidency”
- Informal contacts run all year round between Dublin, Belfast and our offices in Brussels
- NI Ministers invited to 20+ Ministerial-level events across the full spectrum of EU competences during Ireland’s EU Presidency
- NI Executive hosted 80 Presidency-related meetings
- NI officials seconded to the Irish Presidency
EU Territorial Cohesion Policy:

- to diminish the gap between different regions, more precisely between less-favoured regions and affluent ones
- to reduce inequalities and improve the potentiality of the territory by engaging more actors -- involving civil society
- 3 pillars of sustainable development: social, economic and environmental.
Border areas in Europe: often peripheral, underdeveloped or marginalised areas – sometimes “historical scars”

Cross-border cooperation helps “to reduce the effect of borders as administrative, legal and physical barriers, tackle common problems and exploit untapped potential”

EU cross-border funding programmes permitted the **strategic upscaling** of piecemeal cross-border activities to a level offering the potential for wider regional development.
EU cross-border programmes (PEACE and INTERREG) mirror the objectives of the NSMC in the 1998 Agreement:

- “to develop consultation, co-operation and action within the island of Ireland – including on an all-island and cross-border basis – on matters of mutual interest”.

- funded projects contribute to the further embedding of Strand II
EU Territorial Cooperation Programmes

- **INTERREG A**
  - Total funding 1990 – 2020: £822m /€934m
  - “To address problems that arise from the existence of borders”

- **PEACE**
  - Total funding 1995 – 2020: £1,563m/€1,776m
  - Unique to Northern Ireland and the Border Counties of Ireland
  - “to reinforce a peaceful and stable society”
Community-based Peacebuilding

- PEACE Programmes were designed to catalyse middle and grass root activities in order to reinforce the climate for top-level negotiations, compensate for the costs of the conflict, and speed up the pace of overall development.

- activate ordinary citizens in a diverse range of projects, all of which obliged them to think about peace-building.
Still a ‘conflicted’ border

David McNarry (Chair Northern Ireland UKIP):

- Armed patrols of the 500 kilometre long border essential to preserving the safety of British towns and cities.

- The open border will be used as a backdoor entrance for "people who wish us harm".

- The west coast is a prime area for drug and people smuggling ... migrants or terrorists can easily travel across the unpatrolled Northern Ireland border and into mainland Britain via a ferry to Scotland.

- A pre-emptive armed response essential in blocking off what is the only land entrance into Britain from the rest of the EU.

Brian Leeson (national chairman, Republican socialist group Eirigi):

- Eirigi wants to reassert Irish independence and sovereignty within the island of Ireland

- Two states prevent Irish people enjoying 32-county national self-determination: the British state and the EU state

- Brexit is an opportunity here to potentially end one of those external interferences

  http://republican-news.org/current/news/2016/06/brexit_irelands_opportunity.html#.V_O_5vkrKUk
Ian McBride (Professor of Irish and British history, King’s College London):

- Brexit undermines the spirit of Good Friday in several ways

- the agreement clearly envisaged that Northern Ireland’s future constitutional arrangements would be worked out in the context of continuing partnership between the north and the south, and between politicians in London and Dublin.

- To remove Northern Ireland from Europe without its consent is not only morally wrong and politically risky; it is also a rejection of the fundamental bilateralism of the peace process.

- The creation of a hard border along a line that has been invisible for many years is at odds with the full recognition of nationalist aspirations enshrined in the settlement.

- The border will dominate politics again, in Dublin as well as Belfast.
Brexit and the Peace Process

**Gerry Rooney**, General Secretary, Permanent Defence Force Other Ranks Representative Association:

- The decision by successive Irish governments to close six Army barracks along the Border may prove a costly mistake in the event of change in the security situation in **Northern Ireland** following Brexit.

- “If there is going to be a security situation because of the nature of the form that Brexit will take, the Army again will be playing a role in support of the gardaí.

- “We didn’t particularly think Brexit was going to happen but you never know with the security situation in Northern Ireland what is going to happen, but Brexit is just another angle on the same issue - so yes, the closures were a huge mistake.”

Dr Edward Burke (Royal United Services Institute):

- Northern Ireland's “brittle” peace process would be damaged if the UK quits the European Union

- “Inattention in the case of Northern Ireland is complacent and dangerous”

- "Northern Ireland's departure from conflict remains brittle.”

http://www.express.co.uk/news/politics/665137/Brexit-European-Union-EU-referendum-Westminster-Stormont-Northern-Ireland?_ga=1.147811828.2144317352.1475591761
Emer O’Toole (School of Canadian-Irish Studies, Concordia University):

- “The border checks of the Troubles were, for many, “militarised sites of fear and oppression”
- The psychological impact of border checks ... cannot be overstated
- For the 25% of people in the north who consider themselves to be Irish only, “a newly reinforced border is a provocation and an injury”
- The free passage from north to south that citizens and travellers now enjoy is “an auspicious sign of the peace process working.”

‘Brexit’ and the Peace Process

- **John Bruton** (former Taoiseach):
  - The underlying assumption of the Good Friday agreement between the two governments was that both parts of Ireland would be included in a zone of free movement of goods and people.
  - If the UK leaves the Customs Union Ireland would have to impose the full EU common external tariff on imports from Britain.
  - Controlling immigration from the EU, means hard controls within Ireland or between Ireland and the UK mainland.
  - Britain’s subsidisation of the Northern Ireland economy will become less sustainable.
  - “Leaving the bloc has been decided, but the extra step of leaving the customs union has such serious implications for peace on the island of Ireland that it is arguable that it should be the subject of a separate referendum.”

https://www.ft.com/content/9d364f78-78e0-11e6-97ae-647294649b28
Cross-Border Cooperation ‘post-Brexit’

- ‘Brexit’ has potential to affect nearly all aspects of North-South and East-West relations
- ultimate impact depends on the shape and detail of any new relationship negotiated between the UK and the EU
- the rationale for cross-border co-operation does not change