



## Centre for Cross Border Studies Statement on UK Government's Position Paper on Northern Ireland and Ireland

18 August 2017

Following the publication of the Position Paper on Northern Ireland and Ireland,<sup>1</sup> and while welcoming the UK Government's recognition of the central importance of the 1998 Belfast/Good Friday Agreement, the contribution made by the European Union to supporting the ongoing peace and reconciliation process, and its ambition to maintain an open and seamless border, the Centre for Cross Border Studies (CCBS) notes the following:<sup>2</sup>

1. Given the emphasis placed throughout the Position Paper on safeguarding the 1998 Agreement in all its parts, CCBS is concerned that in its conclusion setting out the UK Government's proposals for the next steps in the Northern Ireland and Ireland dialogue it states:
  - "the UK and EU could aim by October to have [...] reached agreement on the scope of the issues arising from the Belfast ("Good Friday") Agreement, and specifically agreed to confirm our continued support for the Agreement" (paragraph 75).

It is the view of CCBS that agreeing to confirm support for the Agreement and the scope of the issues arising from it is an entirely unambitious and highly problematic aim. As the Position Paper itself points out, there is already significant consensus among all parties on the need to support the Agreement, and the EU's institutions are sufficiently apprised of the issues that arise from it. Support for the 1998 Agreement and the totality of socio-economic relations it encompasses should not be placed in any doubt almost twenty years later.

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<sup>1</sup> HM Government, "Northern and Ireland Position Paper" (16 August 2017), <https://www.gov.uk/government/publications/northern-ireland-and-ireland-a-position-paper> [last accessed 17/08/2017].

<sup>2</sup> The issues raised here are a summary position of the more detailed response of the Centre for Cross Border Studies to be published shortly.

2. Maintaining the totality of socio-economic relations encompassed by the 1998 Belfast/Good Friday Agreement must not be contingent upon the UK Government obtaining the “bold and ambitious” free trade agreement with the EU it aims for, or any transitional arrangements. As CCBS has noted previously in its proposals for flexible and imaginative solutions, **“the framework provided for by the 1998 Belfast/Good Friday Agreement must be a *minimum* conclusion to the negotiations”**.<sup>3</sup>
3. CCBS welcomes that the UK Government’s proposals for the next steps in the Northern Ireland and Ireland dialogue include the objective of reaching agreement on “the continuation of PEACE funding to Northern Ireland and border counties of Ireland” (paragraph 75). However, CCBS calls for clarity from the UK Government that such an agreement is not limited to guaranteeing HM Treasury support to the conclusion of the current programming period (2014-2020) or of its funded projects whose closure may not occur until 2023.
4. While welcoming the comments regarding PEACE funding (although with the caveats noted above), CCBS notes that the UK Government’s proposals on this programme are intended to be “without prejudice to the wider discussions on the financial settlement and Structural and Investment Funds” (paragraph 17). CCBS urges the UK Government to ensure sufficient progress is made on the issue of the financial settlement in order to secure agreement on all other issues, including those related specifically to Northern Ireland and Ireland, and therefore to allow negotiations to proceed to the next phase. Moreover, CCBS calls on the UK Government to include in the financial settlement continued UK commitments to other EU funding programmes that, along with the PEACE programme, have provided vital support to Northern Ireland. Among those programmes, we would highlight INTERREG as a vital means of supporting the UK Government’s stated aim of preserving North-South and East-West cooperation.
5. Although CCBS agrees with the UK Government’s objective of maintaining the Common Travel Area and its associated rights, it is our view that this matter should not be completely disassociated from the issue of the rights of EU citizens in the UK and of UK nationals in the EU. Not only is progress in this area critical to allowing negotiations with the EU to proceed to the next stage, it is also vital that the UK Government provide clarity to those in Northern Ireland with Irish citizenship as well as those with British nationality who have no desire to take up their right under the 1998 Agreement to claim Irish citizenship, what EU rights they will preserve and which will they lose post-Brexit.

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<sup>3</sup> Centre for Cross Border Studies, “‘Flexible and imaginative solutions’: The 1998 Belfast/Good Friday Agreement as a framework for post-Brexit relations within and between these islands” (July 2017), <http://crossborder.ie/the-centre-for-cross-border-studies-publishes-brexit-briefing-paper-flexible-and-imaginative-solutions/>.

6. CCBS notes the UK Government's proposals to avoid a hard border in terms of the movement of goods, and welcomes the fact that its approach excludes the reintroduction of any physical infrastructure. However, it is the view of CCBS that to maintain a genuinely "seamless and frictionless" border between Northern Ireland and Ireland the UK would have to adhere to EU standards and "mirror" its external tariff regime following its withdrawal, and agreement would have to be reached on an oversight mechanism to ensure compliance. Any post-Brexit UK derivation from EU standards or tariffs, such as the partial "mirroring the EU's requirements for imports from the rest of the world where their final destinations is the EU" proposed by the UK Government in its earlier paper on future customs arrangements,<sup>4</sup> will not result in a seamless or frictionless border. Moreover, CCBS urges the UK Government not to delay progress on the other priorities to be addressed in the first stage of the negotiations by attempting to seek agreement from the EU on issues related to the Northern Ireland-Ireland border that will form part of the discussions on the UK's future relations with the EU.

The Centre for Cross Border Studies would underline again the centrality of the 1998 Belfast/Good Friday Agreement, as agreed by the UK and Irish Governments, as well as the European Parliament, European Council and European Commission. CCBS calls on all sides not to regard the 1998 Agreement simply as an issue to be resolved during the negotiations over the UK's withdrawal from the EU, but instead as the framework containing the flexible and imaginative solutions needed. However, we also urge all parties that if the "bold and ambitious" free trade agreement being sought by the UK is ultimately unachievable, then the totality of the socio-economic relations encompassed by the 1998 Belfast/Good Friday Agreement must be protected.

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<sup>4</sup> HM Government, "Future customs arrangements: A future partnership paper" (15 August 2017), <https://www.gov.uk/government/publications/future-customs-arrangements-a-future-partnership-paper> [last accessed 18/08/2017].