



Brexit and the Border Economy, Security and Relationships: A quick assessment¹

Dr Anthony Soares, Deputy Director, Centre for Cross Border Studies

I'd like to begin by thanking Patrick for inviting me to be with you here today to share some thoughts on how the process of the United Kingdom's departure from the European Union may affect the social, economic and political landscapes in Northern Ireland in particular, and the island of Ireland more broadly.

However, whilst I don't mean to be rude, I'd rather not have been invited to this conference, or at least not invited to speak on this particular topic.

I'd much rather be here to discuss matters related to what should be the primary focus of the organisation I represent – the Centre for Cross Border Studies – which is to support, promote and advocate for improved cross-border cooperation on the island of Ireland and beyond. Unfortunately, since 2013 our energies have been increasingly diverted first to the UK's referendum on membership of the EU, and then the implications of what the people of the UK voted for in June 2016. It's not what we would like to be doing and, like the people in Scotland, leaving the EU was not the option supported by the people of Northern Ireland.

Although our work on Brexit over the last few years has had to touch on a wide number of areas due to the enormity of what may lie in store for us, I think it would be useful to focus on one central aspect in the short time I have with you – the 1998 Good Friday Agreement – and the extent to which it may frame economic and social relations post-Brexit.

There are doubtless many unknowns and uncertainties as the negotiations over the UK's withdrawal from and future relationship with the European Union progress – too slowly for some, all too quickly for others. Some of the uncertainties include what Brexit may mean for the UK's constitutional arrangements, how it may impact on our ability to undertake cross-border cooperation and regional development, what it could mean for the mobility of a range of citizens and, of course, how we may in future trade with each other and how that will affect our economies. We at the Centre for Cross Border Studies analysed each of these areas and communicated our conclusions prior to the June 2016 referendum, and we have continued to track and comment on developments since then.

¹ This is the text of a speech delivered at the Northern Ireland Council for Racial Equality's 2nd Human Rights & Equality Conference, "Brexit & the Good Friday Agreement", held on 20 April 2018.

As we, as a small organisation with limited resources, have struggled to follow the progress of the negotiations in Brussels and considered each major speech, the publication of each position paper, technical note, resolution, draft guidelines, set of slides and other documents issued by the various parties, what we are confronted with is like a moving feast, or a puzzle with so many different pieces that at times it's not difficult to imagine that some pieces may have been lost and others may belong to an altogether different puzzle. However, there are some pieces that remain constant in this multi-dimensional puzzle, not least the future nature of the border between Northern Ireland and Ireland.

Debates over the border generally descend into arguments over the degree to which it can remain "soft" or will have to have physical infrastructure in place – a "hard" border. These debates tend to create a lot of heat, but little light, and often miss some fundamental points – points that I'll return to shortly.

There may be signs, however, that some who have been claiming that there are existing solutions to maintaining an entirely invisible Irish border even as the UK leaves both the EU's Single Market and Customs Union are slowly beginning to take on board expert advice to the contrary.

On the 16th of March, for example, the House of Commons Northern Ireland Affairs Committee published a report on the border. After having listened to a range of experts the Northern Ireland Affairs Committee's report concluded: "We have [...] had no visibility of any technical solutions, anywhere in the world, beyond the aspirational, that would remove the need for physical infrastructure at the border".²

Avoiding physical infrastructure at the border – the imposition of a "hard" border – has been a shared objective of the UK Government and the EU throughout the negotiations. There are obvious reasons why this should be the case, not least how such a border would represent a visible scar on the ongoing peace and reconciliation process on the island of Ireland. Indeed, the Chief Constable of the Police Service of Northern Ireland like many others, including ourselves at the Centre for Cross Border Studies, have repeatedly warned that any physical infrastructure at the border as a result of Brexit would become the target for attacks by paramilitary groups who have never accepted the 1998 Good Friday Agreement.

If Brexit were to bring about the need for physical infrastructure at the border, it would be a sad and extremely dangerous historic reversal. We would literally be reversing steps taken in the past that brought Northern Ireland relative peace and marked an end to a conflict that cost thousands of lives and has left a legacy of trauma and divisions that are still going through a process of healing. Those steps were first, the removal of customs checks at the border due to the consolidation of the EU's Single Market, to which both the UK and Ireland currently belong, and then the removal of the security infrastructure following the signing of the Good Friday Agreement and the end of the conflict. What we could be facing due to Brexit is first, the reintroduction of customs posts, and then the reintroduction of the security infrastructure that would be needed to protect the customs posts and those working in them.

We *cannot* go down this dark and dangerous path back into a tragic past.

² House of Commons Northern Ireland Affairs Committee, "The land border between Northern Ireland and Ireland: Second Report of Session 2017-19" (March 2018), p.4, <https://publications.parliament.uk/pa/cm201719/cmselect/cmniaf/329/329.pdf>.

Successfully avoiding the need for physical infrastructure at the border between Northern Ireland and Ireland – avoiding a “hard” border – should not of itself be seen as a resolution to the overall issue of the relations between Northern Ireland and Ireland, or between the island of Ireland, Great Britain and beyond.

To some extent, the question of a “hard” border is a red herring. *If* it were to be avoided, this would not necessarily mean that Brexit would not entail the reintroduction of tariff and non-tariff barriers to trade between Northern Ireland and Ireland, which would be detrimental to businesses on both sides of the border, particularly to those involved in the agri-food sector.

By avoiding physical infrastructure at the border we would have simply “shifted” the border elsewhere. In the case of cross-border trade, the border would be placed in the businesses themselves, as they would be required to comply with all the new administrative and customs procedures to allow them to move their goods to the other jurisdiction, with all the costs that these would imply. Inevitably, those costs would be passed onto consumers and, in some cases, making businesses unviable propositions.

An invisible border does not mean *no* border for trade.

The same is the case in relation to the movement of people.

Even before the June 2016 referendum, we at the Centre for Cross Border Studies pointed out that Brexit would not necessarily mean the introduction of passport controls at the border between Northern Ireland and Ireland, even as Ireland continues to allow the free movement of EU citizens into its territory, who would then be able to travel onto Northern Ireland. Bearing in mind that it is highly likely that the Common Travel Area arrangements in place since the early 1920s between Ireland and the UK will continue post-Brexit, and that therefore Irish citizens from the Republic of Ireland will continue to be allowed to move freely to the UK, the avoidance of any controls on the movement of people at the land border will be based on the shifting of those controls elsewhere.

In other words, post-Brexit a French, Spanish or German citizen, for example, having arrived at Dublin airport and decided to travel onto Belfast, is unlikely to be stopped at the border. Instead, controls over their movement will be felt if they attempt to access employment or public services in Northern Ireland, where they would be required to prove their entitlement to do so. In terms of the movement of people, therefore, management of the border would be undertaken *away* from the border itself, with all the potential consequences that may bring in terms of social cohesion in Northern Ireland.

There has perhaps been an unhealthy fixation on tracing how Brexit will make visible the line on the map between Ireland and Northern Ireland, as if maintaining its current invisibility will be the mark of a successful withdrawal of the UK from the EU.

No one should be fooled into thinking of the invisibility of the border as a measure of success.

Neither should anyone be under any illusion that the solution to the land border between Northern Ireland and Ireland lies in the introduction of a border in the Irish Sea, between the island of Ireland and Great Britain. Unless there is unequivocal and loud support for it from Northern Ireland’s Unionist political parties and the communities they represent, the famous “backstop option”

whereby Northern Ireland would remain within the European Union's regulatory and customs framework even as the rest of the UK leaves it would become a source of significant division and instability. Although this option may safeguard the existing relations between Northern Ireland and Ireland, and satisfy nationalist political parties and communities, it is not one that is currently acceptable to Unionists who see it as undermining Northern Ireland's constitutional status as an integral part of the United Kingdom.

Fundamentally, alterations to how we relate with one another between the two jurisdictions on the island of Ireland, and between the island of Ireland and Great Britain due to Brexit will have consequences for the 1998 Good Friday Agreement – an internationally recognised agreement, lodged at the United Nations, which marked an end to the decades-long conflict that brought so much misery to so many people – and this is what I would like to focus on for the last few minutes I have with you.

Just as the need to avoid infrastructure at the border between Northern Ireland and Ireland has been one of the constant pieces in the Brexit puzzle, so too has the need to avoid undermining the Good Friday Agreement *in any of its parts* been one of the issues placed on the negotiating table by both the EU and the UK Government.

In June 2017 we at the Centre for Cross Border Studies published our own proposals on how to maintain post-Brexit relations.³ We argued that the 1998 Good Friday Agreement should be used as the framework to enable the post-Brexit flows of people, goods and services between the two jurisdictions on the island of Ireland, and between the island of Ireland and Great Britain, avoiding the hardening of existing borders or the creation of new ones. We also stated that the framework provided for by the 1998 Good Friday Agreement must be a *minimum* conclusion to the Brexit negotiations.

However, just as I have done with you here this afternoon, there is a serious risk that despite noting its importance from the outset of the negotiations in Brussels, the Good Friday Agreement will only become the *true* focus when they are coming to a conclusion. In other words, although coming to the foreground intermittently, the negotiations will draw towards a range of options for the UK's future relations with the EU which will then be checked against the Good Friday Agreement to assess the extent to which it may be impacted.

This is the wrong approach.

The Good Friday Agreement *in all its parts* should always be the *starting* point for *every* stage of the negotiations. The structures it put in place and the relations it sustains should be the building blocks – the foundations – for whatever withdrawal agreement is eventually reached at the conclusion of the Brexit negotiations.

It is important to remind ourselves of what the Good Friday Agreement *in all its parts* – its three interconnected strands – has given us. It has not only brought about two decades of relative peace

³ 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" (June 2017), <http://crossborder.ie/site2015/wp-content/uploads/2017/07/Brexit-GFA-19.07.2017-revised.pdf>.

and economic development in Northern Ireland, it also changed how we relate to one another within and between the islands of Ireland and Great Britain.

Strand one of the Good Friday Agreement brought about the creation of a Northern Ireland Assembly and a devolved power-sharing government representative of both dominant communities – nationalists and unionists – and a commitment to seeking resolutions through exclusively peaceful means.

Strand two of the Agreement established the relations between Northern Ireland and the Republic of Ireland. It created the North South Ministerial Council, bringing together the Governments of Ireland and Northern Ireland to discuss and cooperate on matters within their competence, while also creating six implementation bodies to take forward specific areas for cooperation, such as trade and economic development, EU programmes, and food safety.

Finally, Strand three – perhaps the part of the Good Friday Agreement most neglected in discussions over Brexit – formalised relations between the island of Ireland and Great Britain. This strand has given us the British Irish Council, which not only brings together the UK and Irish Governments, but also the devolved governments of Northern Ireland, Scotland and Wales, as well as the Governments of the Isle of Man and the Channel Islands, to discuss and cooperate on matters within their respective competences. It also established the British-Irish Intergovernmental Conference, where the two Governments could discuss and cooperate on non-devolved matters.

So, when we speak of the Good Friday Agreement *in all its parts* in the context of Brexit, it's the *totality* of these relations encompassed within its three strands that we must be ever conscious of. It's the relations between divided communities in Northern Ireland, the relations between Northern Ireland and the Republic of Ireland, *and* between the island of Ireland and Great Britain as they have evolved over the two decades since the Agreement was signed. To damage any one of these sets of relations is to undermine part – and therefore *all* parts – of the Agreement since they're all interconnected.

This *cannot* be allowed to happen.

And I'd like to finish with a warning.

There is a risk that, when we arrive at the end of the Brexit negotiations, we are faced with the realisation that a minimalist approach has been adopted in relation to the Good Friday Agreement. The UK Government and the EU may be able to point to the safeguarding of all of the institutions created by the Good Friday Agreement – the North South Ministerial Council, the implementation bodies, the British Irish Council and so on – and declare that the Good Friday Agreement has not been undermined in any of its parts by the UK's withdrawal from the EU. This would arguably mean that the *letter* of the Agreement may have been obeyed, but not its spirit.

This would be a damaging and dangerous conclusion to the Brexit negotiations, particularly for Northern Ireland and to the ongoing peace and reconciliation process.

The institutions of the Good Friday Agreement represent its important architecture, but without the lifeblood of the Agreement – its *spirit* – represented by the relations between people and communities on the island of Ireland and Great Britain, their ability to cooperate and to move

themselves and what they produce across the borders that divide them, the Good Friday Agreement would become an empty shell. And devoid of its spirit, the Good Friday Agreement would no longer be able to nurture the difficult path to peace and reconciliation.

Primary responsibility for ensuring that we don't arrive at this situation lies with the UK Government, as one of the co-guarantors, along with the Irish Government, of the Good Friday Agreement. When they signed the British-Irish Agreement that forms part of the Good Friday Agreement two decades ago, they did so – *and these are their words* – “Wishing to develop still further the unique relationship between their peoples and the close co-operation between their countries as friendly neighbours and as partners in the European Union”.⁴

As one of those partners leaves the European Union, we at the Centre for Cross Border Studies will continue to make sure that not only the letter, but also the *spirit* of the Good Friday Agreement in all its parts are not undermined in the process. Anything less will represent a damaging failure no matter what other priorities are achieved at the end of the negotiations. It would be a failure none of us can afford.

Thank you!

⁴ HM Government, “The Belfast Agreement” (10 April 1998), <https://www.gov.uk/government/publications/the-belfast-agreement>.