



The Centre for
Cross Border Studies

MEDIA WATCH

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Could the Irish border be an unnecessary Brexit sticking point?

The tension in the Brexit negotiations because of disagreements about 'what to do about the border' has made Northern Ireland a major focus for international attention. The Irish border question came from a simple proposition which has now mushroomed into a confused argument.

When the Brexit referendum was successful, business and consumer interests trading across Ireland immediately saw the danger that the frictionless trading arrangements, which had developed as part of the EU membership, could be lost.

A return to the cross-border trading arrangements of the Fifties and Sixties would be unwelcome.

Avoiding a return to a border with formal trading conditions and a renewal of incentives to cross-border smuggling has mutated into a UK-EU crisis. Did a simple aspiration to continue to have frictionless trading need to become complicated?

Achieving a near frictionless Irish border brings unintended consequences. First, there is no doubt that, in formal legal terms, there will be a border between the UK and the EU, meaning between the UK and Ireland.

The search for a frictionless border is a search for the means to minimise the impact of that changed legal position.

If there is no customs border, for trade or regulatory standards, for goods manufactured or processed anywhere within the whole island, that would facilitate all the manufacturing and farming businesses, north and south. That would be the successful objective.

The difficulties emerge when the question becomes 'what happens when goods made in GB travel through Northern Ireland to buyers in the Republic of Ireland?' That question can also be reversed: 'what happens to goods made in the Republic of Ireland which pass through NI to reach customers in GB?'

If there are no formal border checks, because there are no checks in NI, how would UK, or RoI, trading and regulatory standards be enforced?

The creation of a frictionless border for home-produced goods travelling within the island, which might be a mutually agreed ambition, has the consequence that goods made in GB might travel through NI and enter the EU by a 'back door' in Ireland.

The dilemma emerges because, whether the border is frictionless or not, for some, there will be an international border between NI and RoI which happens to be the border between the UK and the EU.

Logically there cannot be 'no formal border'.

For people and businesses based in Northern Ireland, the debate (often misleadingly) has been about either a land border (as between the UK and the Republic) or a border down the Irish Sea (between Britain and the island of Ireland).

For people and businesses in Northern Ireland, this apparent choice needs to be challenged.

Could businesses in Northern Ireland be allowed to operate with neither a north-south or east-west border?

As an extra benefit, that would give Northern Ireland processors and manufacturers an advantage over GB based businesses with a 'back door' to the rest of the EU and might, depending on the UK trading rules, do a similar favour to Irish processors and manufacturers selling to GB/UK.

The really difficult question is whether it is possible to combine a sensible trading arrangement for manufacturers across the island of Ireland with arrangements that do not make trading through the RoI a 'back door' for GB businesses or vice versa.

From a UK perspective, the answer needs to be a trade mechanism that administratively controls the consequence of the absence of formal border installations in NI.

That problem could disappear if the UK and EU had agreed duty free access or effectively maintained a single market.

That solution is part of the unpopular Chequers proposals.

The alternative is a system of monitoring the larger trading organisations at a distance: at the point of dispatch or receipt.

Some such compromise, on regulatory and political grounds, is still being explored.

Maintaining an all-island frictionless trading area is still a key requirement and objective.

Source: The Belfast Telegraph

3 October 2018

Jon Tonge: Is the Good Friday Agreement even still alive;

The only surprise about Arlene Foster saying the Good Friday Agreement is 'not sacrosanct' is that people were surprised.

The 1998 deal has always been the agreement that dare not speak its name in DUP circles. Whilst 71% of Northern Ireland's voters were saying 'yes' in 1998, 70% of DUP members were voting 'no'.

Watch live: [Theresa May](#) ▼ speech at Tory Conference

Watch: DUP's Foster confronted by gay journalist Owen Jones about same-sex marriage

And more than a decade-and-a-half later, almost three-quarters of the DUP membership said they would vote no again, in the event of another referendum on the Good Friday Agreement.

Arlene Foster jumped from the pro-Agreement UUP to the DUP partly because she was never comfortable with the deal. So those startled by her utterances must be suffering from amnesia.

The DUP's conversion to tacit - but never avowed - support for the Good Friday Agreement was only on the basis that Ian Paisley wanted to be First Minister.

So, hey presto, the rules were changed at St Andrews in 2006 - with the subtlety of a sledgehammer - to allow the largest party in the largest designation - the DUP, funnily enough - to nominate for that post, without anything as troubling as cross-community approval being required. Most of the other changes at St Andrews - with the notable exception of Sinn Fein's movement towards supporting the PSNI - were minor. They involved such items as the introduction of a ministerial code to improve governance. That's gone well.

Foster is correct in claiming that the rules of the Good Friday Agreement are not written in stone.

Some of the Northern Ireland Act 1998 was replaced by new legislation after St Andrews.

However, those changes related mainly to internal power-sharing arrangements within Northern Ireland, updating the multi-party agreement reached in 1998.

The Good Friday Agreement is also an inter-state treaty between Britain and Ireland registered at the United Nations. Some breaches of the Good Friday Agreement are inevitable as a consequence of Brexit - which is backed by two-thirds of DUP voters.

Strand 2 of the Agreement requires the North-South Ministerial Council to take account of EU policies, implement them as appropriate and be represented at EU meetings. Is that really possible when one half of the Council will be outside of the EU from next March?

Ask a UK government minister - I have - what is proposed in respect of these redundant text sections of Strand 2 - and you get a shrug.

They have no idea - and it's not even clear that they truly care.

And the Irish government - 94% yes vote in the Republic in 1998 remember - is hardly going to start producing a new agreement to help the British take account of changed realities. So perhaps both governments will simply pretend they haven't noticed those awkward sections of the Agreement that no longer make sense.

Strands 1 and 3 of the Good Friday Agreement are less directly affected, but the right of citizens in Northern Ireland to full Irish citizenship is compromised by that citizenship being beyond the EU.

The bigger question raised by Foster is perhaps not whether the Good Friday Agreement is sacrosanct but whether it is alive. Devolved power-sharing has collapsed. The North-South Ministerial Council is not meeting.

The British-Irish Council is in abeyance. That's three strands of a three-stranded agreement that are not working. So the Agreement is in serious trouble. But, as in 1998, we are not awash with alternatives.

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Source: The Belfast Telegraph