

CENTRE FOR CROSS BORDER STUDIES

Quarterly Survey on the conditions for North-South and East-West cooperation:

Briefing on the findings from the 3rd
Quarterly Survey (July to September 2021)

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About the Centre for Cross Border Studies

The Centre for Cross Border Studies, based in Armagh, Northern Ireland, has a strong reputation as an authoritative advocate for cross-border cooperation and as a valued source of research, information and support for collaboration across borders on the island of Ireland, Europe and beyond.

The Centre empowers citizens and builds capacity and capability for cooperation across sectors and jurisdictional boundaries on the island of Ireland and further afield. This mission is achieved through research, expertise, partnership and experience in a wide range of cross-border practices and concerns (for more details visit www.crossborder.ie).

1. Introduction

While we are now heading almost to the end of the first year post-transition, the tensions surrounding the Protocol on Ireland/Northern Ireland have increased markedly, with the fractious relationship between the UK Government and EU seeming to have deteriorated further. The beginning of the period covered by this third quarterly survey saw the UK Government publish (in July) a Command Paper – [“Northern Ireland Protocol: The way forward”](#) – that included a proposal that the UK and EU ‘should agree a “standstill” on existing arrangements, including the operation of grace periods in force, and a freeze on existing legal actions and processes, to ensure there is room to negotiate without further cliff edges, and to provide a genuine signal of good intent to find ways forward’ (paragraph 77). However, among its other proposals, the Command Paper also sought to remove the oversight role of the EU’s Court of Justice that had been accorded to it in the Withdrawal Agreement in relation to the Protocol:

‘The most unusual feature of the current Protocol is Articles 12(4) to 12(7), which give the institutions of the EU, up to and including the Court of Justice, the right to enforce major elements of the Protocol’s provisions. It is highly unusual in international affairs for one party to a treaty to subject itself to the jurisdiction of the institutions of the other, all the more so when the arrangements concerned are designed to mediate the *sui generis* relationship between the EU and its Member States. The UK refused to accept this in the negotiations on the Trade and Cooperation Agreement, and only agreed to it in the Protocol because of the very specific circumstances of that negotiation’ (paragraph 67).

The EU’s initial response upon the publication of the Command Paper came in a [statement](#) from the Commission’s Vice-President, Maroš Šefčovič, who co-chairs the Withdrawal Agreement with Lord Frost, which remarked:

‘We take note of the statement made by Lord Frost today. We will continue to engage with the UK, also on the suggestions made today. We are ready to continue to seek creative solutions, within the framework of the Protocol, in the interest of all communities in Northern Ireland. However, we will not agree to a renegotiation of the Protocol’.

Although the proposed “standstill” seemed to offer potential breathing space for the two sides to agree solutions to the operation of the Protocol, as the Centre for Cross Border Studies’ online survey on the conditions for North-South and East-West cooperation was coming to a close, that breathing space appeared to be about to be discarded as tensions rose.

The ongoing disputes over the content and implementation of the Protocol (which could be interpreted as resulting from conflicting interpretations of the Protocol as either the agreed solution to the problems arising from Brexit, or as “the problem” itself) have potential impacts on the underlying context for cross-border cooperation and collaboration both North-South and East-West. These have included increased opposition to the Protocol from Northern Ireland’s unionist parties, which led the leader of the Democratic Unionist Party, Sir Jeffrey Donaldson MP, to confirm in a [speech](#) on 9 September that, ‘as the protocol issues remain unresolved, the DUP will immediately withdraw from the structures of Strand Two of the Belfast Agreement relating to north south arrangements’. With a judge of the Belfast High Court declaring on 11 October the boycotting of meetings of the North South Ministerial Council by the DUP as unlawful, we will await to see in the fourth quarterly survey how these events, as well as the more recent [speech](#) delivered by Lord Frost on 12 October and the [European Commission proposals on the Protocol](#) published on 13 October, are seen as impacting on the conditions for North-South and East-West cooperation.

For civic society organisations on the island of Ireland who work and regularly engage with counterparts in the other jurisdiction, as well as those who do the same with those in Great Britain, and who are concerned with relations within and across these islands, the protection of all strands of the 1998 Agreement is of paramount importance. It is the core objective that has steered the Centre for Cross Border Studies in all its work in relation to the United Kingdom’s departure from the European Union, and it informs the reasons for the Centre to have initiated this quarterly survey of North-South and East-West cooperation, with the [findings from the first quarter](#) published in April 2021. It also inspired the Centre to establish the [Ad-Hoc Group for North-South and East-West Cooperation](#) with a number of other organisations from both jurisdictions on the island of Ireland. While the overall and continuing interest of the Ad-Hoc Group is to promote and improve North-South and East-West cooperation and relations, the rising tensions from the Protocol and Brexit have inevitably become priority areas of concern.

The Protocol on Ireland/Northern Ireland, which forms part of the [Withdrawal Agreement](#) that became the legal framework for the UK’s departure from the EU, sets out how both the UK Government and European Union recognise “that **cooperation between Northern Ireland and Ireland is a central part of the 1998 Agreement**”. It also confirms “that **the United Kingdom remains committed to protecting and supporting continued North-South and East-West cooperation**”, but with both parties noting that “**the United Kingdom’s withdrawal from the Union gives rise to substantial challenges to the maintenance and development of**

North-South cooperation". Within the body of the Protocol, Article 11 legally binds the parties to the following:

Article 11
Other areas of North-South cooperation

1. Consistent with the arrangements set out in Articles 5 to 10, and in full respect of Union law, **this Protocol shall be implemented and applied so as to maintain the necessary conditions for continued North-South cooperation**, including in the areas of environment, health, agriculture, transport, education and tourism, as well as in the areas of energy, telecommunications, broadcasting, inland fisheries, justice and security, higher education and sport.

In full respect of Union law, **the United Kingdom and Ireland may continue to make new arrangements that build on the provisions of the 1998 Agreement in other areas of North-South cooperation on the island of Ireland.**

2. **The Joint Committee shall keep under constant review the extent to which the implementation and application of this Protocol maintains the necessary conditions for North-South cooperation.** The Joint Committee may make appropriate recommendations to the Union and the United Kingdom in this respect, including on a recommendation from the Specialised Committee.

Following the end of the transition period and the implementation of the Protocol on Ireland/Northern Ireland from the 1st of January 2021, **this Quarterly Survey by the Centre for Cross Border Studies has, therefore, become a vital means to give us an understanding of the extent to which the necessary conditions for North-South cooperation are being maintained, and how relations between civic society organisations and local authorities on the island of Ireland and Great Britain are being safeguarded.**

The survey is aimed specifically at civic society organisations and local authorities, due to the fact that the mapping exercise of North-South cooperation undertaken in 2017 by the UK and EU to inform the negotiations may have overlooked them or some of the activities they undertake: "areas of informal, local and community-level cooperation may not have been captured by this exercise" (para 16 of Department for Exiting the European Union's December 2018 "[Technical Explanatory Note: North-South Cooperation Mapping Exercise](#)"; see also "[Negotiations on Ireland/Northern Ireland, Mapping of North-South Cooperation](#)", p.4). That is why **it is crucial that cross-border cooperation taking place at informal, local and community levels – which have for decades been the life-blood of cross-border cooperation and reconciliation – is made visible and taken into account when considering whether the conditions for North-South cooperation are indeed being maintained.**

This Research Briefing proceeds in 4 sections. The first provides information regarding the data collection and analysis. The second section provides an overview of the respondents. Due to the anonymous nature of the survey this is necessarily brief. The third examines in detail the respondents' experiences and perceptions of the North-South dimensions of cooperation and relations, and the fourth section analyses the respondents' insights into the East-West dimension.

1.1. Understanding the data

In this, the third round of this survey, 52 of 61 respondents have completed at least one previous round of the survey. This means that, while differences in the composition of the panel mean that it is not possible to make direct comparisons between this and the second survey (because some people completed the 1st and 3rd survey, some 2nd and 3rd), we can start to infer the shape of some trends over the course of the year in a practical sense. It also bears emphasising that the respondents to all rounds of survey conducted thus far each have a wealth of insight, experience, and expertise of cross-border cooperation and collaboration and the results presented should be considered with that in mind.

Following on from the positive response to our second survey, we have continued to include open text questions to understand more precisely *how* respondents are experiencing the changing political, social, regulatory, and material conditions for North-South and East-West collaboration as this information has proved invaluable in painting a more nuanced and detailed picture of the current contexts for cross border collaboration.

2. Respondents

The data has been collected via a survey of self-selected respondents between the 17th and 30th September 2021, gathering 61 responses in total. 85% (52) reported that they completed the survey in the last quarter while 15% are new respondents.

Of the 61 responses to the survey, 38% were based in the Republic of Ireland and 53% based in Northern Ireland, with 10% having a presence on both sides of the border (figure 1).

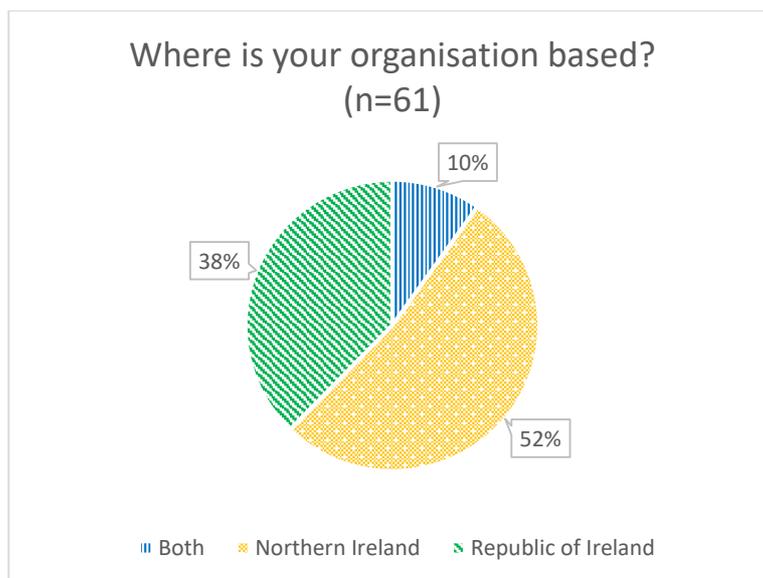


Figure 1

3. The North-South dimension

3.1. contact and collaboration

In this quarter (July-Sept 2021) 74% of respondents have had meetings with organisations in the other jurisdiction on the island of Ireland (figure 2). For 46% of respondents their level of contact this quarter has been at the same level as the last and has increased for 30% of respondents.

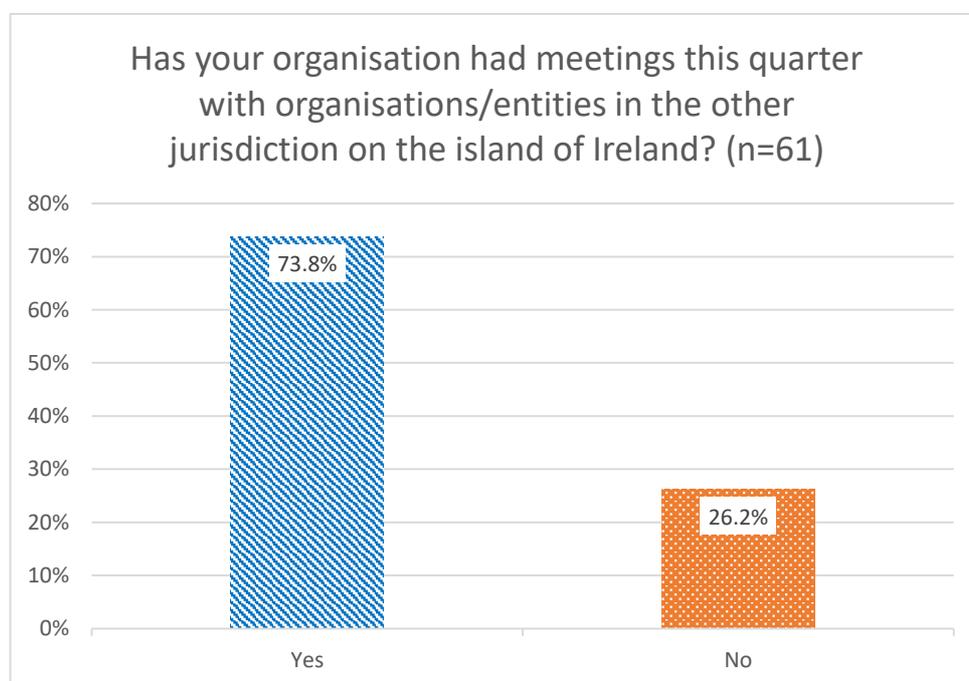


Figure 2

76% of respondents reported that meetings with organisations in the other jurisdiction discussed challenges to cross-border cooperation either on occasion (51%) or to a significant extent (24%) The nature of these challenges were varied and manifold, including:

The new requirement by NI local authorities to use EU-based laboratories to test food for statutory compliance.

Different statutory policies, lack of data sets, the impact of Brexit, the challenging political and societal issues we have at present associated with the Protocol.

Working from home in one jurisdiction and employed in the other - tax issues.

Access to potential staff and school leavers. Difference between apprenticeships on each side of the border.

Continuing research partnerships in the light of changing structures and funding at EU level.

At present 80% of respondents are involved in cross-border collaborations with a partner in the other jurisdiction on the island of Ireland (figure 3), and 26 respondents are actively considering new collaborative projects. The main areas of current collaboration are cross-border cooperation, community development, education, and economic development. 47% of respondents presently engaged in cross border collaboration reported that they were in receipt of funding for cross-border collaborative projects, with the predominant funding sources being the Irish government and the EU.

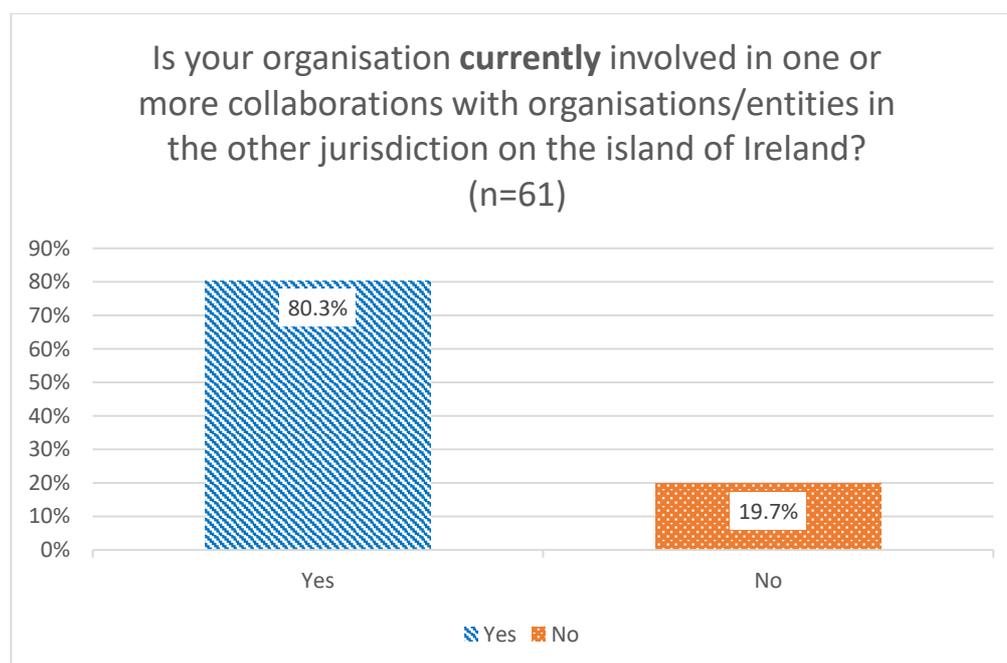


Figure 3

3.2. North-South context

When asked whether they believe that the political, social, regulatory, and material contexts for cross-border collaboration have changed over the last quarter (all n=61), 54% of respondents believe that the **political** context for cross-border cooperation has stayed more

or less the same since the previous quarter, with 36% saying it has deteriorated and only 5% saying it has improved (figure 4).

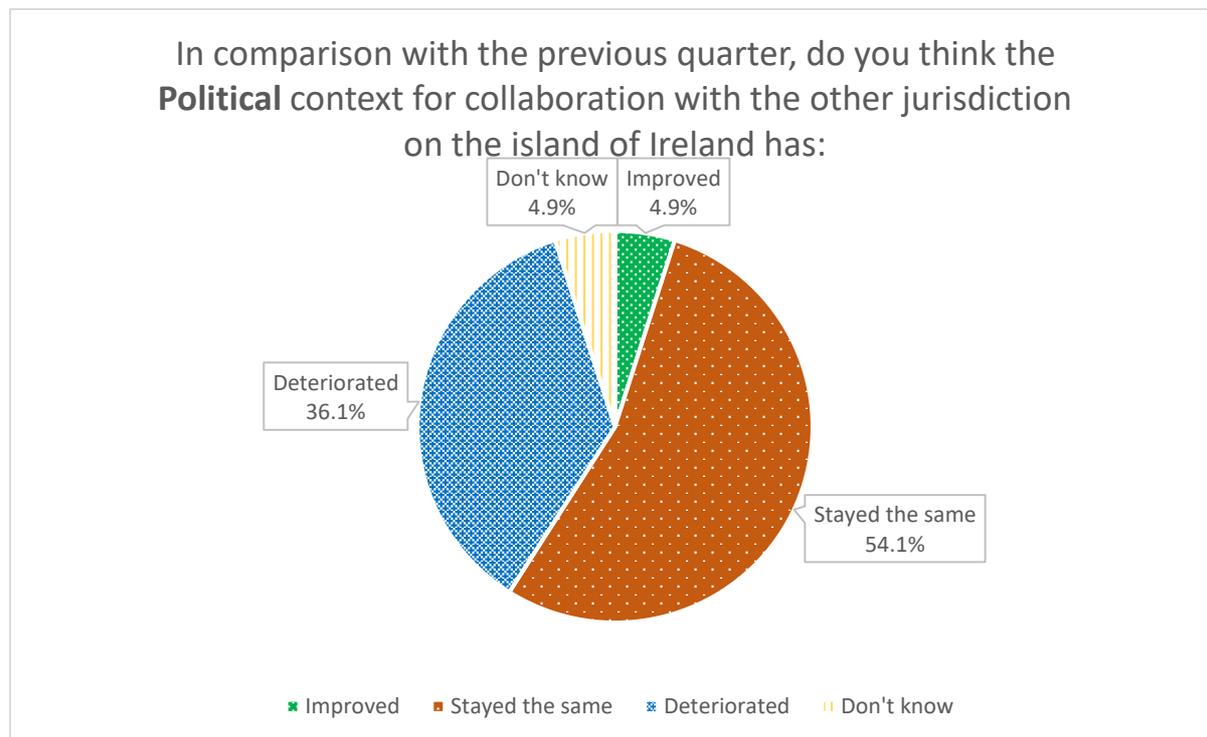


Figure 4

When asked to expand on their experiences of the impact of Brexit and the protocol on the **political** context for collaboration, respondents primarily pointed to politicking having a negative impact on conditions for collaboration and inhibiting the ability for cooperation. Responses included:

It is a frustrating game play for party political gain for the most part - while the work at Government level between the two governments continues but while the context hasn't changed its impact is waning as people find their own solutions to real-time issues and move on.

The politicisation of Brexit and the implementation of the NI protocol and UK/EU TCA have exacerbated community tensions and are undermining UK/NI/ROI relations. This is creating, in some ways, a more difficult environment for co-operation, but also a context in which all-

island collaboration to tackle the real issues faced by people on these islands and beyond has never been more needed or important.

There isn't a political drive for more collaborative dialogue and certainly our main political parties do not lead by example. It appears that the onus (and presence) is on Civil Society to facilitate dialogue.

However, some respondents reported increased cooperation and engagement from political parties:

The majority of political parties seem open to collaboration, however that doesn't often reach media headlines which often skews public perception.

It feels like there has been an improvement in PR messaging from political parties and partners on joint working, commonality around victims and movement on the protocol. Peace 4 and the establishment of small all island funds as created more visibility to the common social, economic, and cultural issues for society. I would like to see more on democracy and how citizens and civil society are included in the changes and reform processes.

Turning to the **social** context (figure 5): 30% of respondents say that the social context has deteriorated since the previous quarter, though 61% say it has remained the same.

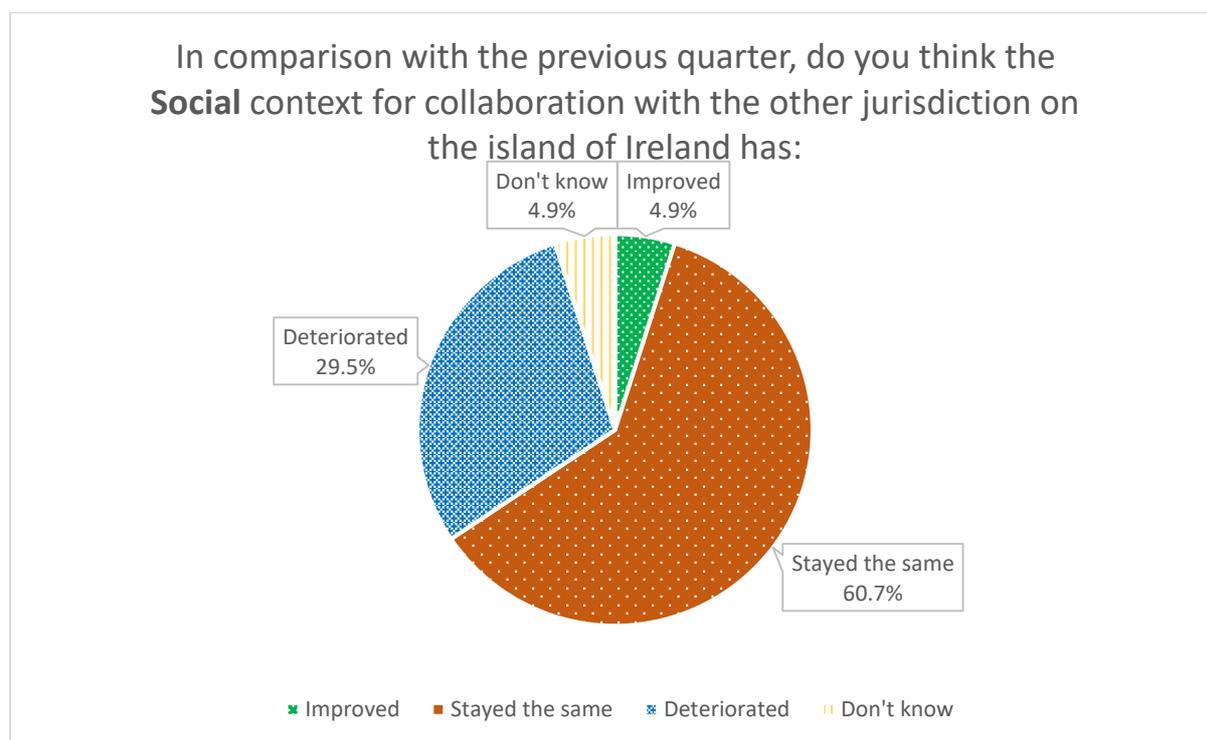


Figure 5

Respondents indicated that the social context is still fragile after Brexit which is having perceived impacts on cross-border movement and knock-on implications to the conditions for collaboration:

Social context remains fragile, requiring support from grass roots organisations which should then have the opportunity to feed into the development of appropriate policies for our communities, especially those living in the border regions of Ireland and Northern Ireland.

Perceptions about the actors in other jurisdictions have (fairly or unfairly) deteriorated in some communities we work in.

Social context largely driven by civil society orgs who generally do not get the coverage required in order to drive change in this regard.

The companies we work with have identified that the same issues [staff shortages] applies both sides of the border and people from the North in a social context are sticking to their own side of the border.

In terms of the **regulatory** context (figure 6), 51% of respondents say that the regulatory context has remained the same compared to the last quarter with 36% saying it has deteriorated. Of particular note is that no respondent reported an improvement in regulatory conditions over the last quarter.

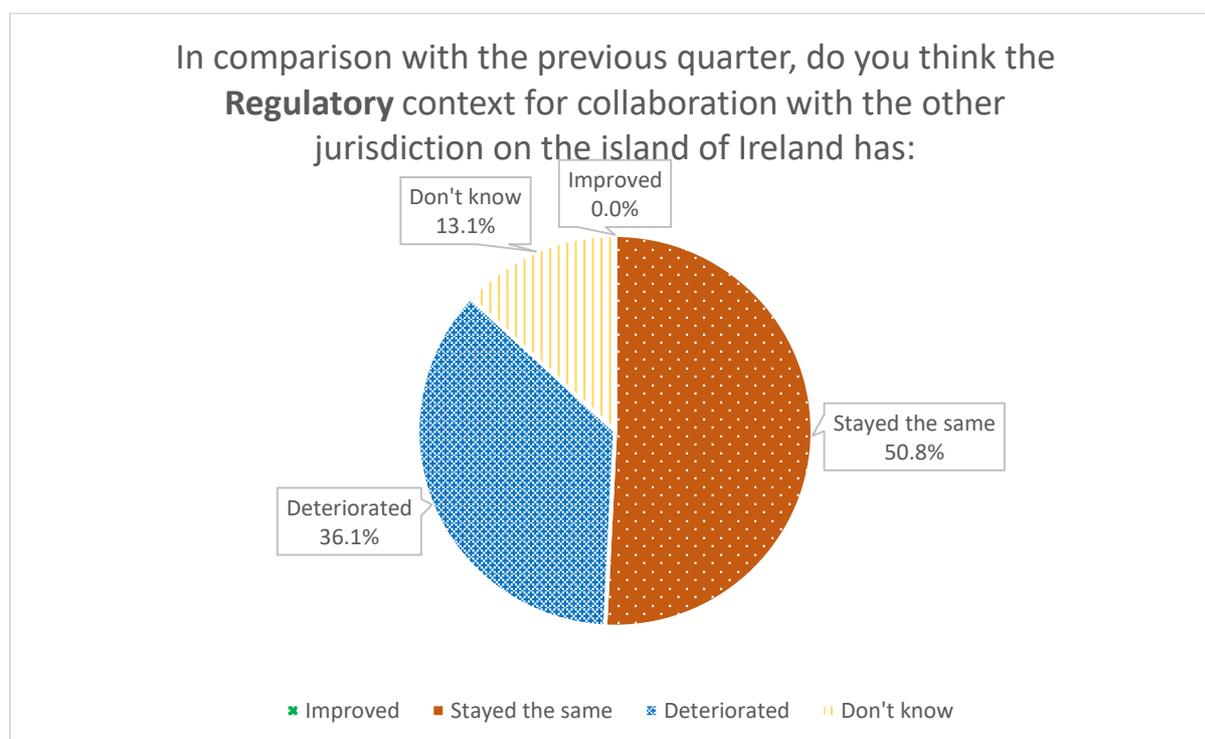


Figure 6

When asked to expand on their experiences of the impact of Brexit and the protocol on the **regulatory** context for collaboration, respondents primarily pointed to uncertainty and issues in labour mobility and recruitment:

New UK immigration rules affecting capacity to accept interns from EU (other than Ireland).

concerns about delivering meals on wheels to vulnerable older service-users in NI from Rol.

What we are finding challenging is the uncertainty of the regulatory context -- it has not deteriorated, nor has it remained the same, but the context has become much more uncertain, as neither we nor our colleagues in the North know what is being decided in London, and how that will affect our work.

Finally, with regard to the **material** context for North-South collaboration (figure 7), 46% of respondents believe it is the same as the previous quarter, with 28% reporting that it has deteriorated since the last quarter, and only 12% of respondents saying it has improved.

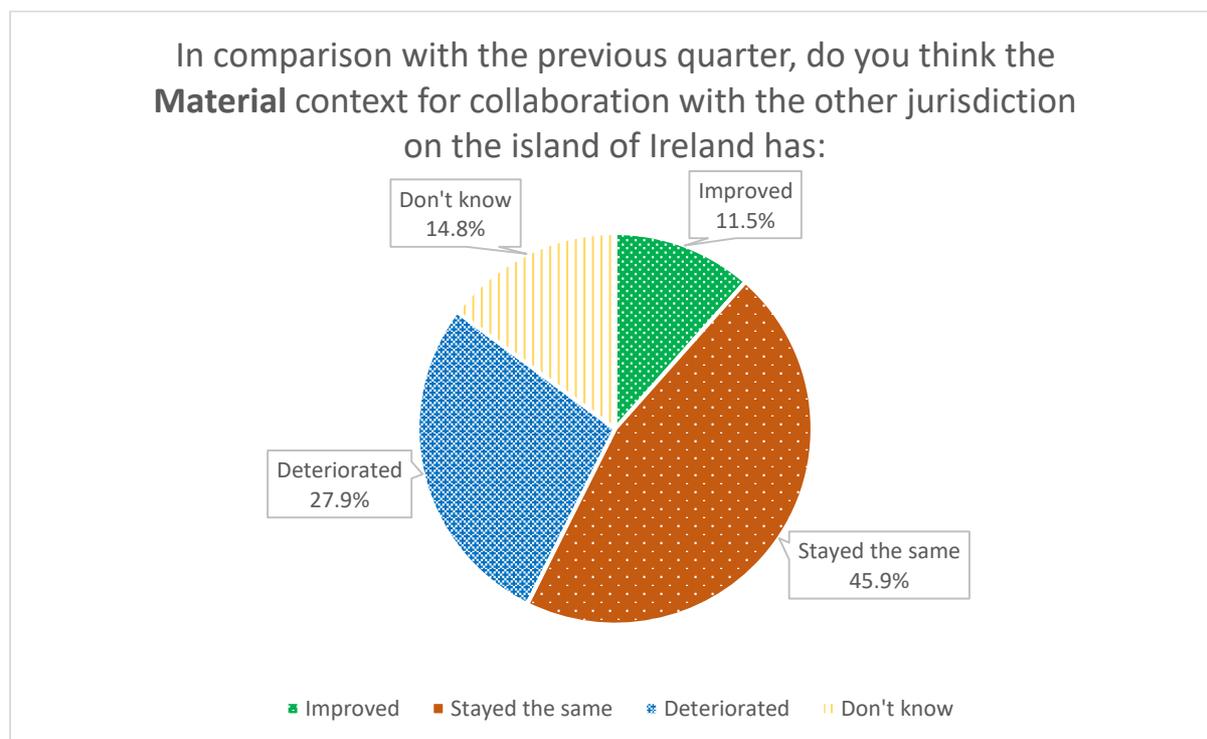


Figure 7

When asked to elaborate on their experiences of the impact of Brexit and the protocol on the **material** context for collaboration, respondents mentioned issues around supply chains East-West but noted some improvements due to businesses becoming familiar with new processes and some reorientation to North-South trade:

Transport form-filing has improved with experience and knowledge. Business is finding new sources of goods.

The challenges associated with Brexit and the Protocol continue to impact on supply changes, as highlighted in the media.

slower, more costly and without reciprocal end to end buy-in to ensure receiving goods is seemly for the NI based receiver of goods.

Shops have more access to produce in ROI but I am not sure how that is working out for everyone.

I don't think there was much change in the material context during the period for the survey but this may materialise in the coming months with knock on effect of what is happening in the UK and as the debate on Protocol continues.

4. The East-West Dimension

4.1. East-West contact and collaboration

Turning now to the East-West Dimension, this quarter almost half of respondents (49%) reported having meetings with organisations in Great Britain (figure 8). 72% of respondents say that this is the same level of contact as the last quarter, and 16% reported that their level of contact had increased on the previous quarter.

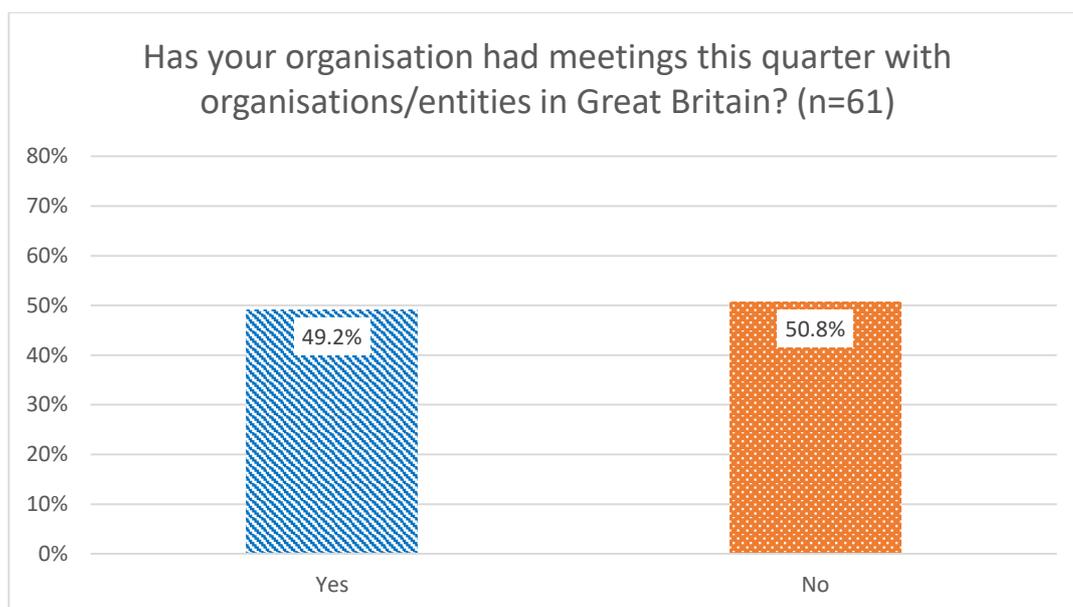


Figure 8

60% of respondents reported that meetings with partners in Great Britain discussed challenges to cooperation either on occasion (43%) or to a significant extent (17%). Such challenges included:

The questions as to whether or not the UK Govt will embrace any inclusion in the next INTERREG programmes, or regulatory frameworks, that can enable easier co-operation between our organisations.

Insurance, can't use UK companies to the same extent.

The obstacle or challenge of involving stakeholders from and making policies and programmes that work for different parts of the UK and Ireland because of their different legislative, political, and social contexts.

This quarter 61% of respondents say they are currently involved in collaboration with a GB-based organisation (figure 9), with the predominant areas of collaboration being economic development and community development. At present 44% of respondents are actively

considering initiating new collaborative projects with organisations in Great Britain. 35% of respondents currently engaged in East-West collaborative projects reported that their organisation was in receipt of funding for those projects, with the funding being drawn mainly from the UK Government, charitable foundations, and from the organisation's own core funding.

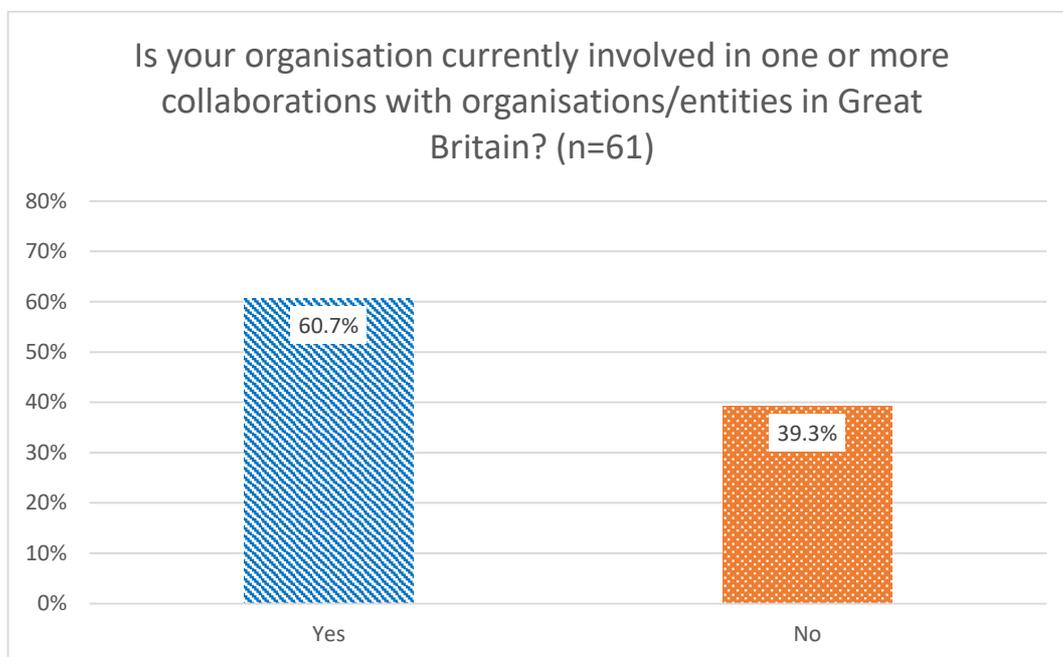


Figure 9

4.2. The East-West context

When asked whether they believe that the political, social, regulatory, and material contexts for East-West collaboration have changed over the last quarter (all n=61), 48% of respondents believe that the **political** context for East-West cooperation has remained the same since the previous quarter, with 39% saying it has deteriorated (figure 10).

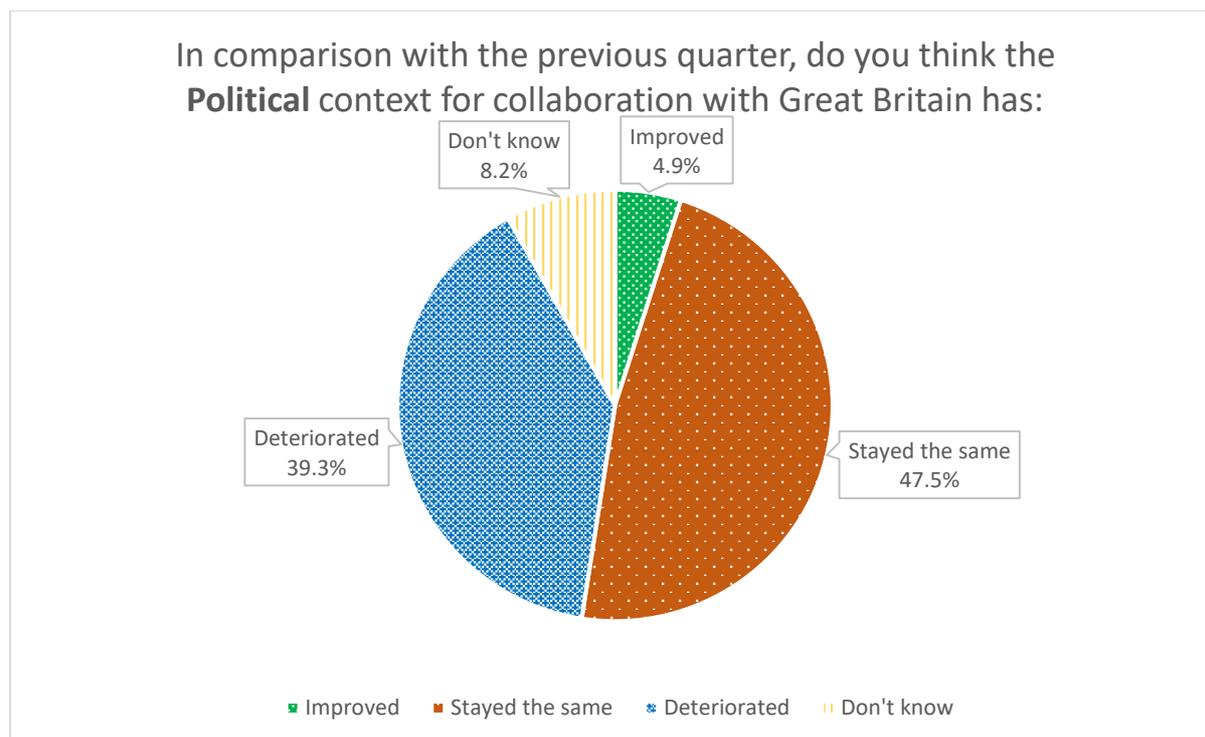


Figure 10

When asked to expand on their experiences of the impact of Brexit and the protocol on the political context for collaboration, respondents indicated a lack of trust in the British government and a lack of progress in politicians being able to address issues, responses included:

The same challenges remain in dealing with the implementation in NI of new UK Government (post-Brexit) programmes and policies. Experience of collaborating with UK civil society organisations remain positive and useful.

Great Britain is increasingly 'distant' or isolated from our concerns.

The challenges of Brexit and the Protocol remain and the political rhetoric continues to be stoked up.

GB does not seem to have answers for mitigating for Brexit in N.I. Good Friday agreement at risk if Stormont is pulled down.

61% of respondents report that the **social** context (figure 11) has remained the same since the previous quarter, though 21% say it has deteriorated, and only 3% report that it has improved.

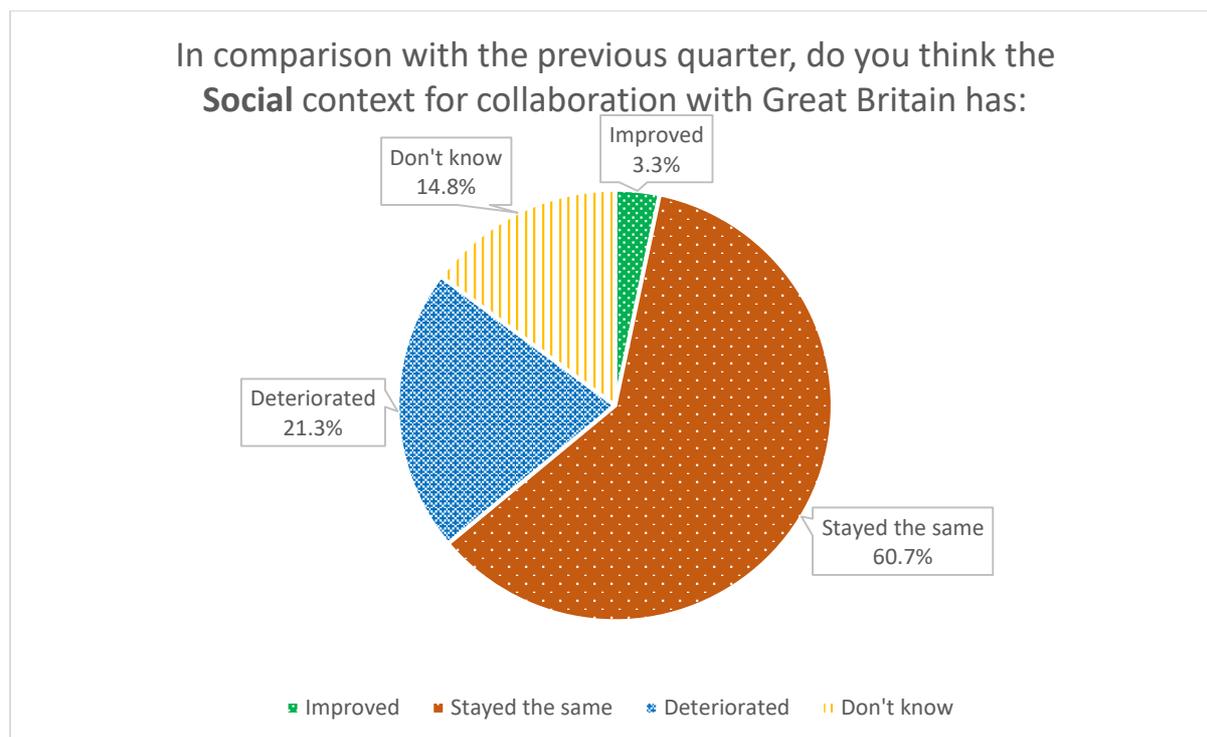


Figure 11

Respondents pointed to the anxieties PUL communities are facing over the protocol, responses included:

Some protests against N.I protocol still happening, although seems with small numbers. Good Friday agreement at risk if Stormont is pulled down.

Turning to the **regulatory** context (figure 12), 44% of respondents say that the regulatory context has deteriorated over the last quarter with 38% saying it has remained the same as the previous quarter and only 2% reporting an improvement.

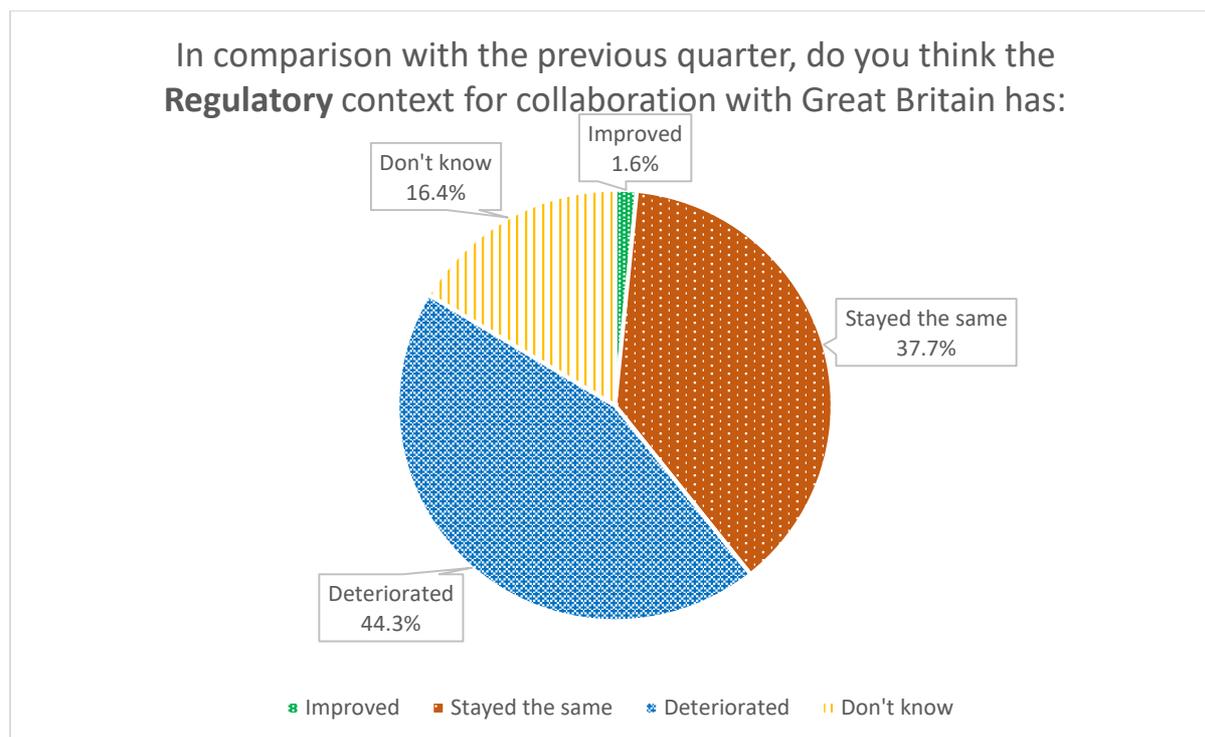


Figure 12

Respondents pointed toward unilateral actions by the British Government and misinformation around the protocol as a having a negative impact on the **regulatory** environment for East-West cooperation:

Inaccurate claims about implementation of the Protocol is stifling normal trade relationships.

Unilateral actions around the NI protocol on the part of the UK government are undermining confidence & trust.

I think it is becoming more difficult as the political will from Westminster is not there. As the impact of Brexit is being felt more now this may change

Finally, when considering the **material** context (figure 13), 41% report that the material context has remained the same since the last quarter, while 36% of respondents say it has deteriorated.

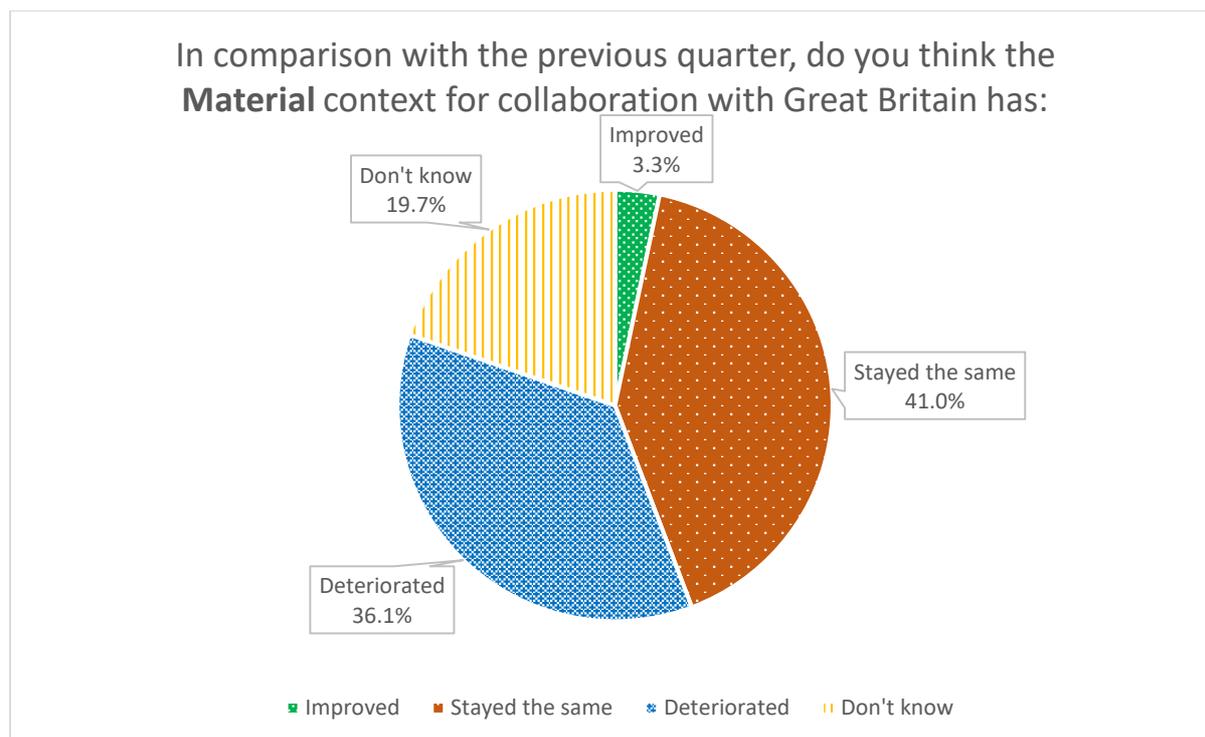


Figure 13

When asked to expand on their experiences of the impact of Brexit and the protocol on the material context for collaboration, respondents pointed toward not being able to access and purchase supplies, responses included:

Due to VAT implications we are less inclined to purchase supplies from GB

Especially among Great Britain stores there seems to be less products in these stores with some stores cutting these lines from their Irish stores. Also shopping online, the charge to return products to some stores (depending on delivery service used).

Though news that telecoms companies were taking steps to avoid roaming charges being applied in the border region were welcomed:

The decisions by some of the Big Mobile Telecoms providers not to bring in charges for inadvertent roaming between NI and ROI, is welcomed, and aids cross-border communities and workers, who are a very very small share of the revenue bases for these multinationals.

5. The Protocol on Ireland/Northern Ireland

We have also asked respondents around their knowledge of the Protocol on Ireland/Northern Ireland. 69% of respondents reported that they do not feel there is enough information on the protocol available to those involved in cross-border (North-South and/or East-West) cooperation activities compared to 15% who feel that there is (figure 14). However, 16% of respondents feel very informed about the protocol and 61% feel somewhat informed, with the press and social media being one of the primary sources of information (67% of respondents gathered information on the protocol from press and social media). The Irish

government was a source of information on the protocol for 65% of respondents, and the EU for 55%, while the UK government was a source of information for 43% of respondents.

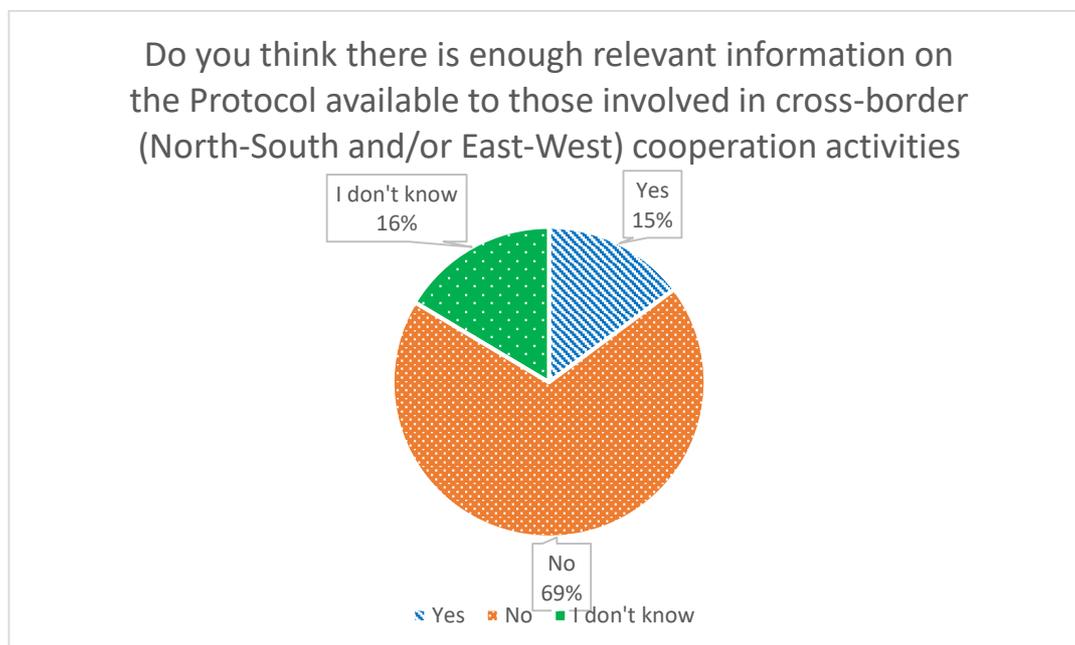


Figure 14

6. The respondents in their own words

In addition to the open text questions asked specifically around political, social, regulatory, and material conditions, the survey also asked respondents to provide, in their own words, any additional comments and insights they feel would be beneficial to understanding the impact of Brexit and the protocol on cross-border contact and collaboration, both North-South and East-West.

Cooperation between the regions happens at many levels. At the strategic level there has been for too long a reluctance to develop connectivity. The last major development in terms of top down lead was the Shannon-Erne canal. Originating from that lead came other tourist and business links associated with the canal line. In a similar way rail can have a positive impact of linking and connecting as it did in the past. A major project like Derry Donegal or linking NI by rail to the western rail corridor at Sligo are the type of initiatives that have wider long term effect. The upper level lead must be more visionary rather than the small, though necessary, developers locally.

Unless we challenge the deliberately negative narrative from UK and DUP, we will end up not resolving the solvable issues on trade and creating a worse situation on trade and everything else.

The ordinary people in the street would get on well together if they were not stirred up by mindless and bigoted politicians on both sides of the political divide.

Conclusion

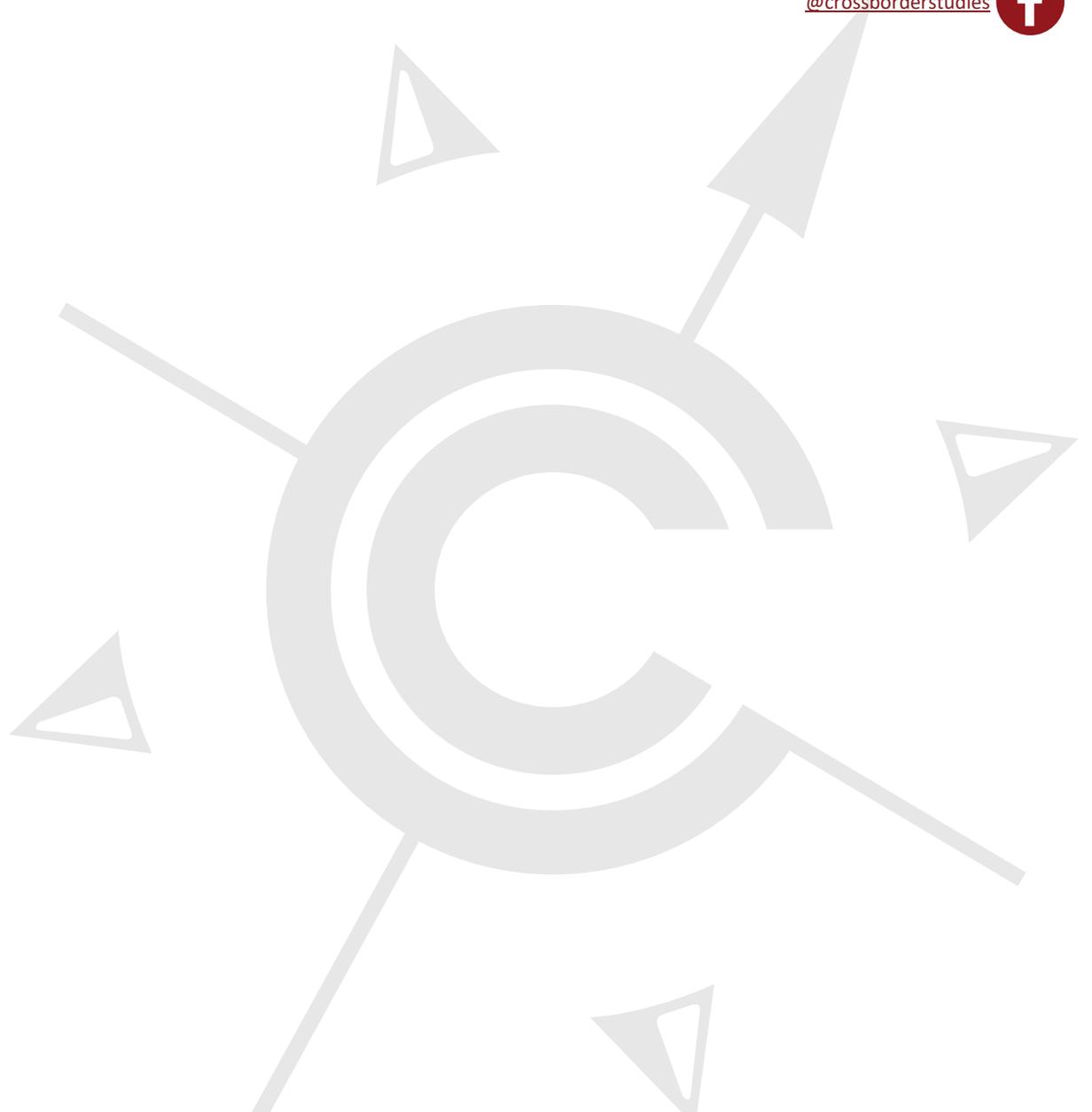
In summary, then, what the survey responses indicate is that the overall context of the conditions for cooperation between Northern Ireland and the Republic of Ireland, and between Northern Ireland and Great Britain in this quarter are, broadly, the same or worse than the last quarter. Indeed, “stayed the same” was the predominant response for all contexts with “deteriorated” as the second most selected option, apart from the regulatory context East-West, which was primarily perceived as having deteriorated on the last quarter. As mentioned, the composition of the panel means that we cannot draw direct comparisons between this and previous rounds of the survey. However, by drawing on the high number of respondents who have participated in at least one of the previous survey rounds, combined with the qualitative responses, we can begin to see evidence that indicates a normalisation of the deteriorated conditions as business and groups begin to operate within the new contexts, but that there are very few signs of improvements and that much work is still to be done in order to recover from the disruption caused (and in some cases still being caused) by Brexit.

One of the common themes through this survey has been the increased obstacles to labour mobility and recruitment following Brexit as people find it difficult to recruit from across the border and, in the case of NI, from the EEA. This situation is compounded by Covid as the complexity around tax and social security arrangements when employed on one side of the border but working from home on the other side are becoming apparent. Despite these challenges, cross border cooperation, both North-South and East-West remain relatively robust with a majority of respondents report engaging in meetings and collaborations with partners in the North-South dimension, though these figures were slightly lower for the East-West dimension. Stability is still very much needed for cross border cooperation and collaboration, this needs all parties to come to some agreement on the workings of the protocol and further work and engagement from across governments is required to help the cross border organisations, both North-South and East-West, in adapting to whatever will ultimately be the ‘new normal’.

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