



The Centre for  
Cross Border Studies

# Brexit and the UK-Ireland Border

## *A new Briefing Paper series*

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## Briefing Paper 1: A Roadmap

### *An Executive Summary*

November 2017

The Centre for Cross Border Studies (CCBS) begins a new Briefing Paper Series on 'Brexit and UK-Ireland border'. The series consists of five papers and develops an overview of the likely effects of Brexit on the future of the UK-Ireland land border. This first paper in the series is prepared by Dr. Milena Komarova, CCBS Research Officer. It discusses what contemporary state borders are and how they work. The paper further outlines the remaining four briefing papers.

## Executive Summary

- This Briefing Paper argues that in order to understand how the UK-Ireland border can remain as 'frictionless' and as 'invisible and open' as possible, despite the UK leaving the European Union's single market and customs union, we must properly acknowledge what borders are and how they operate. It therefore **discusses** the following **four propositions** about state borders:
  - **State borders are not only lines at the edges of states. They exist in multiple sites within and between states**, in every instance when different legislation, policies and their associated practices (e.g. with respect to citizens' rights, immigration, or trade) are applied;
  - **Borders regulate not just the flows** (of people or of goods and services) **that cross them but every aspect of social and commercial life** associated with them **by means of border regimes**, i.e. systems of legal and policy rules, and their associated practices;
  - **The openness of borders is a relative term** because the rules of border-crossing vary for different groups of people, countries and goods, and their effects depend on implementation practices. Changes in the rules/practices for one type of movement (e.g. of people) will also affect a border's openness to other types of movement (e.g. of goods);
  - **There is a complex relationship between the visibility and openness of borders**. Each affects the other in ways that vary for different groups of people, and depend on practices of border enforcement. **No visible physical infrastructure at the post-Brexit border would not in itself mean it retains its previous degree of openness.**
- **The UK-Ireland border is historically constituted through** the crisscrossing of at least **four different border regimes**: the Common Travel Area (CTA), EU membership, the Belfast/Good Friday Agreement, and UK devolution arrangements.
- Each of the remaining four briefing papers will focus on the changing aspects of these border regimes in the near future:
  - **'Briefing Paper 2: Citizens' rights'** focuses on the role of rights for the future of the border, including provisions for continued reciprocity of UK, Irish and EU citizens' rights.
  - **'Briefing Paper 3: Changing trade relations and regulations'** addresses the effects on trade of the UK's withdrawal from the EU's single market and customs union. The withdrawal challenges the stated desire to 'avoid any physical border infrastructure in either the United Kingdom or Ireland.'<sup>1</sup> We query the proposals to address this challenge and investigate the potential spillover effects of changing trade regulations on the movement of people.

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<sup>1</sup> UK Government (2017) *Position Paper on Northern Ireland and Ireland*, p. 15

- **'Briefing Paper 4: The Belfast/Good Friday Agreement and the entirety of relationships within and between these islands'** develops a fuller understanding of: the effects of Brexit on the continued viability of the Belfast/Good Friday Agreement; the centrality of the Agreement to developing workable solutions for the future of the UK-Ireland land border; and the steps necessary to guarantee the protection of the Agreement in all of its parts.
- **'Briefing Paper 5: Devolution'** addresses the scope that may arise from new post-Brexit legislation, for accommodating flexibility within Northern Ireland's devolved arrangement vis-à-vis key questions, including replacement of EU funds, future trade relations, and continued market integration on the island of Ireland.