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Brexit and its Border Implications

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**North Atlantic
Ocean**





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No return to a 'hard' border









The 1998 Agreement

Cross-border cooperation is a central element of the Belfast/Good Friday Agreement.

Strand Two: North/South Bodies

- **to formalise cooperation between the government of the Republic of Ireland and the Northern Ireland Executive, as well as between civil servants in certain key areas**

Strand Three: regular meetings between the two governments

- **and between representatives from the governments and Executives of the Isle of Man and the Channel Islands**





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Northern Ireland Act 1998

- Acts of the Northern Ireland Assembly
 - Must be compatible with Convention rights
 - Must be compatible with Community law
 - Shall not modify the European Communities Act 1972 or the Human Rights Act 1998

- Article 12: “Reconsideration where reference made to EJC”

“(3)In this section “reference for a preliminary ruling” means a **reference of a question to the European Court of Justice ...**”



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Problems of the Irish Border

- Many **core problems of the Irish border region** – whether directly attributable or exacerbated by the conflict, or simply those that are related to geography or economic underdevelopment, **do not respect jurisdictional boundaries**
- Many problems associated with the border or issues of a cross-border nature cannot be effectively addressed within one or both jurisdictions separately



Cross-border cooperation and peacebuilding

- The border has been a core issue in the conflict and has a central role in any sustainable peace process
- Cross-border cooperation adds value to peacebuilding and reconciliation
- Cross-border cooperation addresses a number of core conflict issues



EU Territorial Cooperation Programmes

- INTERREG
- **“To address problems that arise from the existence of borders”**

- PEACE
- **“to reinforce a peaceful and stable society”**
 - Unique to Northern Ireland and the Border Counties of Ireland



EU Territorial Cooperation Programmes

EU cross-border programmes (**PEACE** and **INTERREG**) mirror the objectives of the NSMC in the 1998 Agreement:

- “to develop consultation, co-operation and action within the island of Ireland – including on an all-island and cross-border basis – on matters of mutual interest”.
- funded projects contribute to the further embedding of Strand II



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Community-based Peacebuilding

- PEACE Programmes were designed to catalyse middle and grass root activities in order to reinforce the climate for top-level negotiations, compensate for the costs of the conflict, and speed up the pace of overall development
- activate ordinary citizens in a diverse range of projects, all of which obliged them to think about peacebuilding.



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ETCs 1994-2020: €2.759bn

EU Community Funding: PEACE and INTERREG Programmes Ireland/Northern Ireland 1994-2020

PEACE PROGRAMME		INTERREG A	
		INTERREG IA	76 m ECU
Peace I (1994-99)	500m ECU	INTERREG IIA	165m ECU
Peace II (2000-2006)	€995m	INTERREG IIIA	€137m
Peace III (2007-2013)	€225m	INTERREG IVA	€192m
Peace IV (2014-2020)	€229m	INTERREG V	€240m



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The Common Travel Area (CTA)

- Established 1920s, the Common Travel Area ensures free movement for ***Irish and UK citizens*** between the UK, Channel Islands, the Isle of Man and Ireland
- Internal borders are subject to minimal or non-existent border controls --
- The CTA was **annexed** to the EU Treaties when Ireland and the UK joined the EU
- ***Not legally binding*** – does not create or confer any right, privilege or benefit on any person or party, private or public



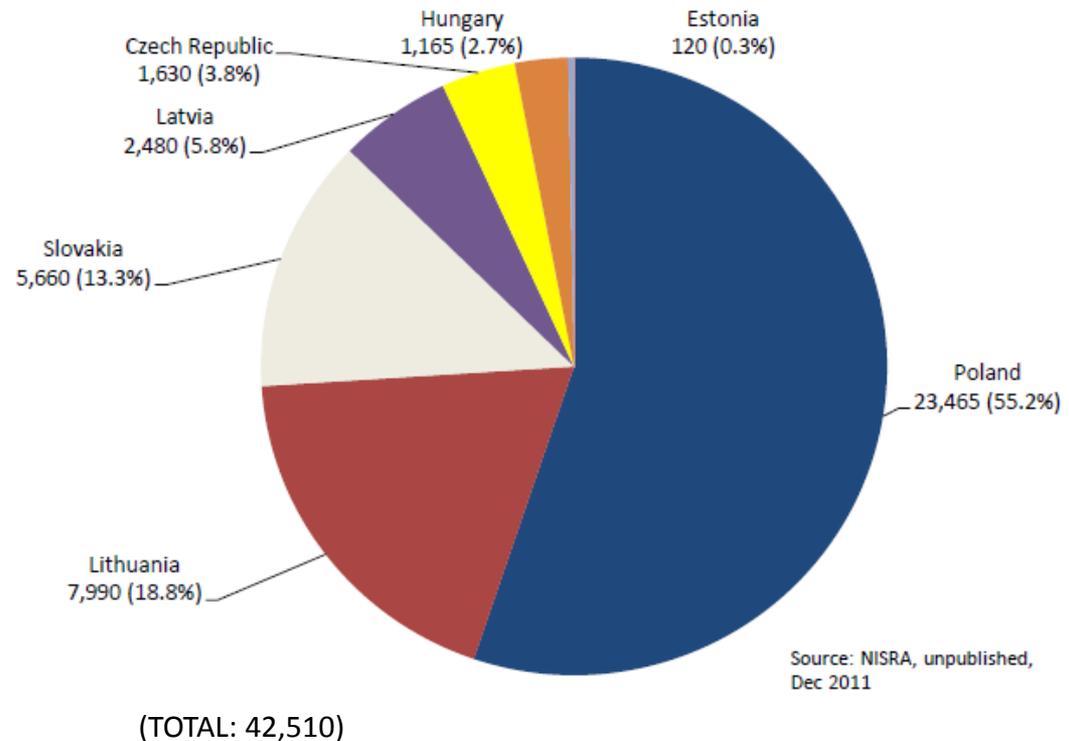


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EU citizens in the North

- **39,000 EU/EEA passport holders resident in NI in 2011**
- international migration mainly, but not exclusively, from central and eastern Europe.
- migration from Bulgaria & Romania “relatively modest”.
- Northern Ireland had 25 per cent more ‘A8’ citizens on a per capita basis, than the UK as a whole.

*Northern Ireland Worker Registration Scheme
Registrations by Nationality (May 2004 – March 2011)*



EU citizens in the South

171,452 (non-UK)
EU citizens resident
in Ireland in 2011.

Table 1 Population with a non-Irish nationality, usually resident and present in the State on census night, classified by nationality with actual and percentage change, 2006 and 2011

Nationality	2006	2011		Actual change 2006 - 2011	Percentage change 2006 - 2011	
	Persons	Persons	Males			Females
EU	284,440	386,764	193,408	193,356	102,324	36.0
Belgium	910	1,071	545	526	161	17.7
Bulgaria	969	1,759	887	872	790	81.5
Czech Republic	5,159	5,451	2,876	2,575	292	5.7
Estonia	2,272	2,560	1,043	1,517	288	12.7
France	9,046	9,749	4,824	4,925	703	7.8
Germany	10,289	11,305	5,011	6,294	1,016	9.9
Hungary	3,440	8,034	4,211	3,823	4,594	133.5
Italy	6,190	7,656	4,309	3,347	1,466	23.7
Latvia	13,319	20,593	9,112	11,481	7,274	54.6
Lithuania	24,628	36,683	17,470	19,213	12,055	48.9
Netherlands	3,990	4,313	2,322	1,991	323	8.1
Poland	63,276	122,585	63,382	59,203	59,309	93.7
Portugal	1,798	2,739	1,589	1,150	941	52.3
Romania	7,696	17,304	8,812	8,492	9,608	124.8
Slovakia	8,111	10,801	5,663	5,138	2,690	33.2
Spain	6,052	6,794	2,727	4,067	742	12.3
Sweden	1,742	1,713	690	1,023	-29	-1.7
UK	112,548	112,259	56,374	55,885	-289	-0.3
Other	3,005	3,395	1,561	1,834	390	13.0



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Brexit: Impacts

- 'Brexit' has potential to affect nearly all aspects of North-South and East-West relations
- ultimate impact depends on the shape and detail of any new relationship negotiated between the UK and the EU
- **the rationale for cross-border co-operation does not change**



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Impacts on free movement?

- Will the free movement of people, goods and services continue?
- CTA applies to Irish and UK citizens only. Will it continue?
- What will happen to EU citizens already working in the NI?
- Will visas and work permits be required?
- Will checkpoints and customs be set up? Will mobility be monitored?
- Would limits be placed on the number of migrant / cross-border workers?
- How will skills shortages be addressed?



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Brexit: Economic Impacts

- Northern Ireland manufactured goods to the EU represented 16% of total sales worth almost £3 billion (*more than half of these to Ireland*)
- 28% of sales from the agri-food sector worth over £1 billion to EU countries (*more than half of these to Ireland*)
- Northern Ireland exporters benefit from access to the European Single Market but this would cease if the UK were to leave the EU



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Brexit: Impacts on trade

- Significant reduction in trade between Ireland and the UK.
 - Possibly 20% or more, depending on the sector
- Merchandise exports from Ireland to the UK is very concentrated in a few product types.
 - Trade barriers would have a significant impact on total trade exports to the UK
- The UK is an important supplier of consumer goods to Ireland



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Loss of EU funding programmes?

Risks of the UK withdrawal from the EU / loss of EU funds:

- cross-border cooperation will be given less priority by the governments in Belfast, Dublin and London
- policy divergence may make the conditions for cross-border cooperation more difficult, increasingly reverting to 'back-to-back' policy development
- reduction of funding for cross-border cooperation increases the likelihood of a return to piecemeal cooperation with little regional impact
- CSOs and LAs will struggle to replace EU programme funds – loss of key personnel and 'soft infrastructure'



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Impact on North-South Relations

The cross-border economic relationship has been facilitated by the shared EU membership

- liberalisation of the airline sector has brought increased tourism access to the island
- regulation of mobile roaming charges
- strengthened and simplified police and criminal justice cooperation i.e. the European Arrest Warrant

“Removing or even shaking this foundation could be very damaging.”

Paschal Donohoe, Irish Minister of State for EU Affairs



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Challenges of Brexit

- The **centrality of the border to the conflict** -- increased dangers arising from uncertainties about the nature of the border
- Increased tensions re **Migration and citizenship issues**
- **Social and economic cohesion** in the border region and other disadvantaged areas at risk
- **The commitment to cross-border cooperation embedded in the Good Friday Agreement must remain a priority before and after 'Brexit'**



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“Common membership of the EU has been a force for reconciliation and a framework for cooperation on this island. Even in the context of the positive state of North-South and East-West relations a British exit from the EU would have extremely serious consequences irrespective of mitigation strategies.”

Paschal Donohoe, Irish Minister of State for EU Affairs, June 2014



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Mitigating the impacts of Brexit

- UK (including Northern Ireland) remains in the Customs Union
 - Island of Ireland remains in the Customs Union

- Free movement within the island of Ireland
 - Differentiated immigration policy for Northern Ireland



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Mitigating the impacts of Brexit

- **the ‘soft infrastructure’ to support cross-border cooperation – must be protected and nurtured**
 - statutory cross-border bodies
 - links at Departmental and local government level
 - *civil society networks and projects*
- existing **EU directives and regulations should remain in place** until proposed changes have comprehensive territorial, equality and environmental impact assessment



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Mitigating the impacts of Brexit

- **Continued eligibility** of Northern Ireland in the European Territorial Cooperation Programmes and transnational programmes e.g. Horizon 2020, Erasmus+, Life and Europe for Citizens
 - **This will require a financial commitment from the UK Government**

- Irish and UK Governments ensure **new and sufficient resources** are available for the social and economic development of the border region, including local authority- and civic society-led projects
 - On the UK side, additional funding allocations should be derived from the UK's current contribution to the EU budget that will revert to the Treasury post-withdrawal, not from the 'block grant'

- Additional 'Peace' funding allocated to **address the challenges of inter-community conflict and cross-border relationships:**
 - during the negotiations and after Brexit