

Exiting the EU - Insights on the UK Government's White Paper

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CONFLICTING GOALS? THE UK, IRELAND AND BREXIT

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Key points:

- ❑ The UK's preferred position as outlined in the White Paper involves maintaining what I label the 'five planks' of UK-Irish relations: 1) Open trade across the Irish border and between Ireland and the UK generally; 2) A common travel area without a 'hard' land border; 3) Reciprocal enhanced citizens' rights; 4) Strong co-operation on policing and justice; 5) A shared commitment to the Northern Irish peace process.
- ❑ However, many of these goals are in conflict with the overarching proposals to exert strong control over immigration and to leave the EU's Single Market and Customs Union.
- ❑ A tailored bilateral deal seems the best solution. However, scope for flexibility on both sides is limited - the UK government now relies on the support of the Democratic Unionist Party (DUP), while the Irish government remains firmly wedded to a pro-EU negotiating strategy.

THE TIES THAT BIND: THE 5 KEY PLANKS OF UK-IRISH RELATIONS

Brexit poses unique challenges for the island of Ireland. Ireland contains both a part of the UK distinctly affected by Brexit (Northern Ireland) and the remaining EU member state most exposed to its consequences (the Republic of Ireland). Ireland will also be home to the only land border between the EU and the UK post-Brexit apart from the shorter stretch between Spain and Gibraltar. While the Irish dimension of Brexit was shamefully under-explored in British public discourse during the referendum campaign, it does receive substantial attention in the [White Paper](#) - in the form of both a chapter (4) and an Annex (B) dedicated to negotiating priorities and positions regarding the UK's future relationship with Ireland.

The White Paper strongly advocates for ‘maintaining’ positive and mutually beneficial UK-Irish relationship post-Brexit resting on the following five planks:

1. extensive free trade both across the Irish border and between Ireland and the UK generally;
2. a Common Travel Area (CTA) with an open land border;
3. enhanced reciprocal citizens’ rights;
4. strong co-operation on policing and justice and;
5. a shared commitment to the Northern Ireland (NI) peace process enshrined in the 1998 Good Friday Agreement.

As a House of Lords [report](#) notes, however, one of the foundations of the contemporary UK-Ireland relationship is common membership of the EU. Indeed, it is difficult to imagine an institutional arrangement more suited to maintaining these aspects of UK-Irish relations than common EU membership. It therefore appears highly likely that some, if not all, of these ‘planks’ will be negatively affected by Brexit. Reflecting this thinking, Irish Senator Neale Richmond opened a recent Seanad (Irish Upper House) [report on the implications of Brexit](#) by stating: ‘Put simply, for Ireland, the decision of the people of the United Kingdom to vote to withdraw from the European Union is a bad thing.’

Free trade between UK and Ireland

The UK and Ireland share substantial economic ties - as evidenced in the White Paper’s assessment that ‘annual trade between the UK and Ireland stands at over £43 billion’, with cross-border mobility a key driver of these close trade connections. These assertions are backed up on the Irish side by [estimates](#) from the Irish Department of Finance, which assess that exports to the UK comprised fully 17% of Irish exports in 2014 (although this proportion has fallen dramatically from over 50% in the early 1970s when Irish entry into the EEC without Britain was not seen as a serious possibility). A House of Lords [report](#) estimated that Ireland represents the UK’s fifth largest market for goods and the largest market for NI’s exports. Thus, a large volume of trade and significant interdependency is clear - and NI is particularly exposed to any downturn in cross-border trade.

Certainly, then, it is in both Britain and Ireland’s economic interest to advocate for the position outlined in the White Paper on maintaining ‘free and frictionless trade’. What remains to be seen is the extent to which this can possibly be achieved in the light of the White Paper’s positions on seeking to exert control over immigration, exiting the Single Market and the leaving the Customs Union. A recent Irish Seanad [report](#) estimated that a decline of 20% in UK-Irish trade was foreseeable if this ‘hard’ Brexit stance is pursued.

CTA and the land border

Similar tensions arise regarding the UK’s goals of maintaining the second plank of UK-Irish relations: the CTA and the absence of a ‘hard’ land border on the island of Ireland. This sits awkwardly with the priorities of ‘controlling immigration’ seeking ‘a new customs arrangement’ with the EU. While nobody wants to see a return to militarised borders between the Republic of Ireland and Northern Ireland, achieving control over immigration and the flow of goods typically implies some form of border.

The White Paper provides nothing in the way of detail on how a solution may look like. International models that have been mooted as offering workable solutions either represent

unpalatable compromises on certain dimensions of border policy or relate to territorial entities that are too small to serve as useful comparators. Room for technical innovation is limited by staunch Unionist opposition to approaches that would compromise the UK's territorial integrity.

The Irish diplomatic community will claim a significant achievement in having received a specific paragraph in the European Council's [Draft guidelines](#) on the Article 50 negotiations - this paragraph notes the need for 'flexible and imaginative solutions', but, again, provides no practical proposal. Furthermore, the EU's stance is balanced by the consideration that any solutions should respect 'the integrity of the Union legal order'.

Reciprocal citizens' rights

The matter of reciprocal enhanced citizens' rights across Ireland and the UK poses, on the surface, fewer problems. However, a House of Lords [report](#) notes that, post-Brexit, while Britain would achieve a considerable degree of liberty to grant various privileges to Irish citizens, 'difficulties in ensuring that reciprocal rights were maintained might lie more on the Irish side, because of its continuing obligations as an EU Member State.' Just as the UK's goal to control immigration poses difficulties for the CTA and land border, so Ireland's desire to offer reciprocal citizenship to Irish- resident UK citizens may open a 'back door' to UK nationals seeking to work and live in the EU.

Cooperation on policing and justice

The matter of enhanced co-operation on policing and justice is where the fewest immediate political tensions lie. However, in her letter triggering Article 50, Theresa May wrote: 'In security terms, a failure to reach agreement would mean our cooperation in the fight against crime and terrorism would be weakened.' Such an eventuality may throw the security aspect of UK-Irish relations into stark relief.

Commitment to the peace process

With regard to the final 'plank' of NI's peace process, a [defining symbolic image](#) of reconciliation finds the Queen shaking hands with the Deputy First Minister of Northern Ireland, former IRA commander Martin McGuinness, on a visit to Belfast in 2012. That handshake represented the culmination of an arduous process of peace and institution-building rooted in the [1998 Good Friday Agreement](#) and the [British-Irish Agreement](#) (an international treaty between the UK and Ireland).

However, the constitutional status of NI remains the [primary political cleavage](#) dividing Northern Irish parties and voters. Since 1998, extremist parties on both the Republican and Unionist side of the debate have profited electorally, in a process that [has been described](#) as 'extremist outbidding'. This has been exacerbated by Brexit, with one [European Parliament briefing paper](#) noting that 'The continuing ethno-religious divide in Northern Ireland was apparent in how the region voted in the 2016 referendum on EU membership' with a majority of Nationalists voting to remain and a majority of Unionists voting the leave. Further fuel was thrown on the fire when the Conservative government entered a 'confidence and supply' deal with the Democratic Unionist Party following the June elections - leading some to question Britain's ability to maintain the 'rigorous impartiality' promised in the Good Friday Agreement. This provides the backdrop for a currently on-going political stalemate in Stormont.

THE WAY AHEAD

All of these considerations point towards the necessity of a bespoke UK-Ireland bilateral agreement covering trade, the CTA/border, enhanced reciprocal citizens' rights, on-going security co-operation and the NI peace process. Achieving such an outcome, however, is likely to be difficult with Ireland remaining an EU member state sharing a land border with the UK.

Chapter 4 of the White Paper begins by noting that 'the UK and Ireland are inescapably intertwined through our shared history, culture and geography.' While this shared history is replete with violence and tension, Anglo-Irish relations have thawed dramatically over the past two decades. Perhaps the most notable symbolic event in this process was Queen Elizabeth's 2011 visit to the Republic of Ireland, which featured a visit to Dublin's Garden of Remembrance, complete with wreath-laying and bowed head. A similarly successful state visit to the UK by Irish President Michael D. Higgins in 2014 further solidified this warmer relationship. Both visits are explicitly acknowledged in the White Paper as indicating that 'the relationship between the two countries has never been better or more settled than today'.

Despite this positive state of affairs, there is currently very little momentum in Ireland, at the elite level at least, to exit the EU and/or Single Market and Customs Union (although see [this report](#) by a former Irish ambassador for an opposing view). As such, Ireland faces the difficult prospect of convincing its EU partners that its position is sufficiently economically and politically perilous to merit a bespoke agreement. In order to achieve this feat, Ireland is likely have to, at a minimum, demonstrate strong support for the EU's central demands in the Article 50 negotiations.

The real danger is that Ireland's attempt to maintain a balanced approach risks alienating the UK - and undermining the progress that has been made in building peace in NI and normalising relations with the UK.

CONCLUSION

- ❑ The constitutional status and governance of Northern Ireland, held in a precarious balance by the 1998 'Good Friday' Agreement and embedded within a context of shared EU membership, risks destabilization in a context of internal political instability.
- ❑ The Republic of Ireland government will need to build support with other member states to effectively lobby for a tailored outcome. This may entail adopting positions contrary to those of the UK on some issues such as the payment of a 'divorce settlement' to the EU.
- ❑ Irish-UK relations will come under significant strain for a variety of reasons as the UK negotiates the terms of Brexit.

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