

Northern Ireland – a Crucial Test for a Workable Brexit

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During last week's tense Brexit negotiations, where concrete progress was needed to ensure the next stage of talks could commence in the New Year, the question of Northern Ireland and its border with the Republic of Ireland emerged as the potential Achilles heel.

Why would the UK leaving the European Union and most likely the single market mean there must be customs posts on the Irish border? And why would customs posts or a 'hard border' be so problematic?

EU law requires that customs need to be checked at the EU border. This is to maintain certain regulatory standards on items coming into the EU – which does, after all, have considerably tighter requirements on goods such as food, medicines, toys and clothes than many other countries and regions in the world.

As the Republic of Ireland will remain in the EU, a customs post or hard border between the Republic of Ireland and Northern Ireland is a logical consequence of no longer having a shared customs regime. If the UK is not bound by the same regulatory standards, or is acting as a transit point for goods from other countries into the EU, then rationally goods entering the Republic of Ireland and therefore the EU must be checked.

There is furthermore precedent in this area as the UK has previously been heavily fined by the European Anti-Fraud Office for allowing the entry of counterfeit goods into the rest of the EU.

The British Government currently says it does not want to be in a customs union or the single market once it exits the EU. However, when it comes to Northern Ireland, the specificity of the situation must be understood and acknowledged.

There are practical and historic reasons why having a hard border between Northern Ireland and the Republic of Ireland is such an issue of concern.

During the decades-long violence between those who wished to remain part of the United Kingdom and those who aspired to become part of the Republic of Ireland, over 3,600 people were killed and some 50,000 more injured. Despite much financial investment and support from the Irish and British Governments and – crucially – the EU, the violence of 'the Troubles' continues to impact upon communities. The peace that currently exists is not to be taken for granted.

Before the peace process in Northern Ireland, there were only 20 crossing points between the two states. There are now thought to be as many as 250, since the peace settlement brought the reopening of huge numbers of roads. There are an estimated 110 million border crossings between Northern Ireland and the Republic annually.

A recent request from the European Commission on the broader impact of a hard border on citizens north and south of the border prompted a study which further underlines the crucial cross-border links that have been created since the cessation of violence.

The study lists 142 cross-border activities on the island of Ireland that would be negatively impacted by a hard Brexit. They include heart surgery in Dublin for children from Northern Ireland as well as cancer treatment in Derry for people from the Republic because patients, clinicians and ambulances are free to move across the border without checks.

Existing cross-border agreements on mobile phone roaming, which enable commuters, tourists and business travellers to enjoy charges restricted to local rates across the entire island are at risk. There are worries too about how to deal with cross-border relationship breakdowns if the legal situation becomes more complex after Brexit.

There are also joint initiatives on shared waterways, special needs education for autistic children, access to medicine and an agreement to treat the entire island as one epidemiological entity for the purpose of animal diseases helping limit the spread of foot and mouth or tuberculosis. Not to mention the loss of subtle social cohesion in sports and cultural activities which has helped communities come together.

That the Irish border is now invisible is to be celebrated. It is partly an achievement of the EU single market, which from 1993 facilitated the free flow of goods, while the Good Friday deal led to the abolition of the security apparatus.

Brexit risks bringing back fear, uncertainty and division. It is reminder to the people of Northern Ireland that their society is deeply divided. While 85% of nationalists voted to remain in the EU, 60% of unionists voted to leave.

This is why the first stage of the agreement reached last week between the UK and the EU, where it was agreed there would be no hard border by means of 'regulatory alignment', must be adhered to.

With this agreement the British Conservative and Unionist Party Government now has a very difficult choice: despite constant denials by Leave campaigners to the contrary, the reality is that to maintain the United Kingdom, which includes Northern Ireland, the UK will have to maintain a closer relationship with the EU than their interpretation of leaving the EU fits.

Furthermore, the British Government cannot flip-flop on this, deciding from one day to the next whether the plan to avoid a hard border is a certainty or up for debate. There is too much at stake for people of the region, and acting in such a manner further diminishes its reputation as a trusted partner to the EU.