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## **EXPERT COMMENT: Q+A: What's going on with Brexit and the Irish border?**

**Dr Connal Parr writes about Brexit and the Irish border for The Conversation.**

As Brexit negotiations reach a critical juncture, the question of what to do about the border between Ireland and Northern Ireland – the only point where the UK will continue to meet the EU – has become critical. Here's what you need to know.

### **What is happening in Northern Ireland that is causing so much fuss?**

When the EU adopted guidelines for Brexit negotiations at the end of April 2017 it identified three issues on which “sufficient progress” would be required in phase 1 of the talks, before agreement would be reached to move to phase 2 regarding the transition period and trade agreement. These three issues, which were accepted by the UK government, are: the financial settlement, citizens' rights and the border between the Republic of Ireland and Northern Ireland.

While significant progress has been made in relation to the first two, the Irish border issue remained unresolved. The roughly 300-mile frontier runs from Carlingford Lough in the north-east of Ireland to Lough Foyle in the north. It is estimated that more than 30,000 people cross the border every day – and Northern Ireland is particularly exposed to any raising of tariffs and imposition of structural barriers to its trade with the South because 25% of all its goods exports go south of the border.

### **Why can't they just go without a border?**

If the UK left the European Union but remained in the single market or the customs union, it would be possible for the border to remain unchanged. However, the current UK government has taken the position that Brexit

means leaving the customs union and single market as well as the EU. The status quo is therefore untenable. Northern Ireland will have different trade regulations to Ireland and the UK's desire to control migration would require a border.

The UK also has to honour its obligations to implement World Trade Organisation rules – that means putting in place a customs border if the UK leaves the EU Customs Union.

### **Why can't they just put up a border?**

The creation of a hard border would, in the minds of many people in both parts of Ireland, conjure up memories of the Troubles and severely damage and depress trade. Basic travel would be disrupted with thousands of civilians being checked when travelling between jurisdictions on a daily basis. There is also concern that the erection of manned, visible security posts along the border would be targeted by dissident Republicans. Policing a border is expensive, requiring cooperation from both sides. Dublin is reluctant to invest in border infrastructure for what it regards as a political disaster not of its making.

### **Why is this such a big issue now?**

At the upcoming EU Summit in mid-December, EU leaders will decide whether sufficient progress has been made in the Brexit negotiations in order to move discussions onto the next phase. Michel Barnier, the EU chief negotiator, will soon give his assessment whether sufficient progress has been achieved on all three issues. If he rules that sufficient progress has not been made, it will probably be impossible to begin trade talks until March 2018.

This would again shorten the increasingly tight window within which the future EU-UK relationship can be negotiated in order to prevent a disorderly hard Brexit. Ireland essentially has the final say on whether this process moves forward.

### **What is the UK government proposing?**

The UK government wants a “seamless and frictionless” border. Its proposals on how to make that work were dismissed by both the EU and the Irish government. The UK wants to avoid a hard border but lacks concrete ways by which to do so.

A deal may be close. It has been reported that the UK has agreed to maintain “regulatory alignment” in trade practices and customs regulations between the north and south of Ireland. Ironically, one of the main demands of Brexit supporters was to “take back control” of borders. Yet if there is no hard border, foreigners entering the Republic of Ireland can travel north and enter the UK through Northern Ireland.

### **What does the DUP want?**

While the DUP wishes to avoid a hard border, the party has also stated that it wants to leave the customs union along with the rest of the United Kingdom. Numerous commentators and political figures have pointed out the contradictory nature of its position, but the DUP believes a “soft border” can be maintained with technology, including drones and land-based cameras used to track vehicles.

The DUP is quite split on Brexit – some leading members of the party, such as Westminster MP Nigel Dodds, are much more bullish about the prospects for the UK as a result of Brexit. Others, particularly at the local level in Northern Ireland, are more concerned about the potential for political and economic fall-out.

### **What is the DUP opposed to?**

The DUP is opposed to anything which is seen to give Northern Ireland “special status”, such as by allowing it to continue to enjoy some of the privileges that come with being a member of the EU. It won’t support any arrangement that suggests a border between Northern Ireland and the rest of the UK.

Not only would “special status” separate Northern Ireland from the trajectory of the rest of the UK, some Unionists feel the option is associated with the Irish government and the DUP’s chief opponents in Northern Ireland: Sinn Féin.

### **What does Ireland want and what is it opposed to?**

Ireland wants to avoid a hard border. While the UK government has agreed to this in principle, Ireland is seeking concrete details on how this can be achieved. Ireland’s first preference is for the UK to remain in the single market and customs union – but as the UK government has ruled out this option, Ireland is seeking clarity on alternative proposals. It is concerned about the impact that a potential border would have on the Northern Ireland peace process, cross-border cooperation, daily border crossings and trade.

Ireland was always the EU member state most economically exposed to the impact of Brexit. Tariffs could devastate the Irish food industry and bring all kinds of additional costs and bureaucracy – as well as concerns about illegal activity over the border.

At this stage the EU's position is closely aligned with Ireland's.

**Could a failure to reach an agreement on this issue lead to an election in the UK?**

Only the DUP pulling out of the “confidence-and-supply” arrangement with the Conservative Party will conceivably trigger an election in the near future. DUP figures have already voiced their disapproval of a potential deal favourable to the Irish government and the EU, but bringing down the government could be seriously counterproductive for the DUP if a general election led to a narrow Labour win.

Not only would the DUP concede its position as kingmakers, it might lose the £1 billion it secured for Northern Ireland in its agreement with the Conservatives.

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