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The pivotal position of the Irish border in the UK's withdrawal from the European Union

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Why the Northern Ireland/Ireland border is pivotal to the process of the UK's withdrawal from the European Union

Abstract

This paper shows why the Northern Ireland/Ireland border moved from a marginal to a core concern in the UK's withdrawal from the EU ('Brexit'). Drawing on longitudinal research on the impact of the EU on the Irish border, and contemporaneous research on the Phase 1 of negotiations of the UK's withdrawal from the EU, it explains this case study through three broad themes. First, the impact of EU membership on the transformation of the border and, secondly, the challenges posed by Brexit to the border in practical and symbolic terms. Finally, it analyses how these have been addressed in the call for 'specific solutions' to meet the UK's ambition of 'avoiding a hard border' after withdrawal. In so doing, it explores the ways in which the multi-layered complexities of a small, peripheral geographical region came to influence the course of the UK's most important set of international negotiations for half a century.

Key words: Brexit; European Union; Irish border; Northern Ireland; Peace process;

Introduction: The Irish border as a Brexit conundrum

The United Kingdom remains committed to protecting North-South cooperation and to its guarantee of avoiding a hard border. Any future arrangements must be compatible with these overarching requirements. (HMG, 2017c: para. 48)

It was all the more significant because many had come to believe it would not happen at all. Early morning on Friday 8th December 2017, Prime Minister Theresa May stood alongside the European Commission President Jean-Claude Juncker to announce that an agreed text had been reached between their two sides. The text had originally been expected to be published on Monday of that week, only to be taken off the table at the last moment following a phonecall from the Prime Minister to the leader of the Democratic Unionist Party in Northern Ireland. The conclusion of the first Phase of the Brexit negotiations – and thus progress into Phase 2, the much-anticipated talks on the ‘future relationship’ – was being blocked by a regional assembly politician from County Fermanagh, whose party held but ten seats in Westminster.

The reason for May’s phonecall to Arlene Foster on Monday was not just courtesy – the confidence-and-supply arrangement between the Conservative Party and DUP meant that if its ten MPs were unhappy with the deal in Brussels, the stability of the UK government itself could be perceived to have been at risk. ~~And-Just~~ why was the DUP willing to make the ~~whole EU~~ UK government wait for its approval ~~and~~ (perhaps more curiously) why were the EU negotiators willing to wait for May to succeed in gaining it)? The sticking point in the text of the Joint Report centred on Northern Ireland and the Irish border. ~~Most particularly, P-~~ preliminary reports of the text suggested that the priority of ‘avoiding a hard border’ on the island of Ireland ~~could-might~~ come at the price of harder barriers within the United Kingdom, i.e. between Great Britain and Northern Ireland. The prospect of this – especially if seen to come at the behest of the Irish government – could be viewed as undermining the integrity of the UK itself, which would be anathema to the very logic of unionism. Under pressure of time, ~~the~~ experienced wordsmiths of civil servants from London, Brussels and Dublin set to work in finding an agreed text before the Friday. They sought to secure domestic UK

cohesion at the same time as averting the risk of the Irish border returning to the centre of symbolic (and violent) conflict.

The acute difficulty facing the negotiators was that it was common UK and Irish EU membership that had created the very conditions through which the border has~~ed~~ been transformed— from a sharp dividing line between states into a meeting point between ‘friendly neighbours and partners in the European Union’.ⁱ The peace process embodied in the 1998 Good Friday (Belfast) Agreement was facilitated by EU membership. In its most simple terms, European integration enabled national sovereignties and identities to be viewed as complementary rather than oppositional (Coakley, 2002; Hayward, 2009; Laffan, 2017; MacLaughlin, 2001; O’Duffy, 2007; Williams & Jesse, 2001). Such partnership is built into the cross-border institutions established by the 1998 Agreement that function specifically to ensure direct input from the Irish government into matters of common concern (Coakley, Laffan, & Todd, 2005). The North/South Ministerial Council, its Joint Secretariat and ‘implementation bodies’ working on an all-island of Ireland basis, demonstrate the integral role played by cross-border cooperation in the governance of Northern Ireland. And at a wider level, the British-Irish Council facilitates closer cooperation between regions and nations across Ireland, the United Kingdom and the Crown Dependencies (Birrell & Gormley-Heenan, 2015; Clifford & Morphet, 2015; Tannam, 2011).

The innovation of the 1998 Agreement centred on a careful compromise: to accept the validity of *both* Irish nationalism and British unionism, each of which have competing views about the legitimacy of the Irish border, but to weaken the violent potential of these competing ideologies by reducing the actual significance of the Irish border in day-to-day terms. If it is less significant-important as an economic, social and cultural barrier, it is less powerful as a tool for political and ideological mobilisation. As a consequence, any significant shift in the status of the border has consequences not just for Northern Ireland but for the peace process more broadly. Although the Supreme Court ruling in January 2017 dismissed claims that the terms of the 1998 Agreement (in the 1998 Northern Ireland Act) constituted a block on the roll-out of Brexit (McCrudden & Halberstam, 2017), the reality of the complexity of the situation in Northern Ireland/Ireland border region has meant that it has nevertheless come to shape the withdrawal process ~~regardless~~. The Irish border was forced to the centre of Phase 1 of

the Brexit process by virtue of both its ~~highly~~ symbolic and ~~its practical~~ real-world significance.

This paper examines the import of the Irish border for the Brexit process itself, seeing it in part as a bell-weather for potential consensus and contention in the course of the UK's withdrawal. It considers the importance of the EU context for the changes to the manifestation of the Irish border that enabled symbolic and practical change that proved so vital for the peace process. The paper outlines the main challenges posed by Brexit to this change, before considering the options for squaring the circle of 'avoiding a hard border' along the UK's only land frontier with an EU neighbour in a process that was explicitly intended to 'take back control' of the UK's borders. It begins by considering the context in which state borders and border control are increasingly viewed as totems for national power in the face of acute global challenges.

Borders and Brexitan logic

The European Union was founded on the functionalist premise that cooperation across national borders can provide the optimal response to shared problems (Haas, 1968; Hodges, 1972). Contemporary European societies, however, are increasingly drawn towards policy positions that advocate stronger, higher, 'thicker' state borders as a reaction to global challenges – challenges that, by their nature, neither begin nor end at any national frontier (Agnew, 2003; Popescu, 2012; Scott & van Houtum, 2009; Vaughan-Williams, 2012). Official, public and media discourses reflect stark assumptions that the purpose of borders is to constrain 'mobility' and filter risks – and that failure to do so poses a threat to national cohesion and security (Lamour & Varga, 2017). Migration, terrorism, and even the process of globalization itself are thus commonly presented as threats which require state border-centred responses. In this way, the root causes and systemic problems behind some of the most complex social and economic challenges in the contemporary world are simplified as 'border issues'.

'Borders', in such rhetoric, are lines of defence and distinction between what 'belongs' and what is 'foreign' – this can easily spread to encompass goods as well as people. The landscape envisaged by pro-Brexit politicians and commentators (outside the Single

Market and EU's Customs Union) illustrates how quickly anti-immigration sentiment can ~~leak-feed~~ into a desire for restrictions on other types of movement (Goodwin & Heath, 2016; Hobolt, 2016). Such a position demonstrates how the negative association of open borders with risk has much greater political purchase than positive evidence of the benefits brought by cross-border mobility. It also explains why it was that the implications of Brexit for the land border on the island of Ireland went unacknowledged and unaddressed for so long by the UK government.

There are two main reasons as to why the UK government was so slow to bring the Irish border to the fore in the Brexit process, preferring instead to rely on rhetorical assurance of a 'frictionless and seamless border' (HMG, 2017a: 8.49; HMG, 2017b: *passim*). First is the lack of appreciation for the realities of the four 'freedoms of movement' across the borders of the UK, including that of the Northern Ireland/Republic of Ireland border. The ~~myopic~~ association of cross-border movement with 'immigration' meant that the implications of restrictions ~~on~~ the other three freedoms of movement in the EU's internal market – capital, goods and services – were inadequately addressed. ~~This was not only the case~~ in the Brexit referendum debate ~~and~~ ~~but long~~ into the process of formal withdrawal under Article 50 of the Treaty ~~on the Functioning of the~~ ~~on European Union~~ ~~EU~~. As a consequence, the UK Government's Brexit White Paper and its Position Paper on Northern Ireland/Ireland failed to offer anything substantive (such as EEA membership or staying in a customs union with the EU) to support its ~~strong~~ statement of intent to avoid a hard border. ~~Instead, it relied on emphasising the long existence of, beyond a focus on~~ the Common Travel Area ~~(enabling free movement for British and Irish citizens across the UK and Ireland)~~ ~~and together with~~ vague references ~~to~~ 'technical solutions' and a future 'customs partnership' (HMG, 2017a; HMG, 2017b).

Secondly, the lack of understanding of the contested nature of the Irish border and its connection to the peace process remains prevalent in Great Britain. If Brexitian logic is an expression of nostalgic nationalism – in which the boundaries of state, national culture and territory converge unproblematically – it is unsurprising that the Irish border poses a major stumbling block in ~~the~~ process of UK withdrawal from the EU. The ~~whole point of the~~ 1998 Agreement ~~was to~~ ~~acknowledged~~ that, ~~as well as being contentious within Northern Ireland,~~ these boundaries are ~~messy~~ 'fuzzy' and ~~complex~~

interrelated across these islands. The reliance of the Common Travel Area on a set of 'administrative agreements' rather than on a formal treaty or codified law, indeed, is a good example of this at work (Maher, 2018; Ryan, 2001). More broadly, this is why there is, and that they are contentious within Northern Ireland—hence such a—the need for good British-Irish intergovernmental relations: close British-Irish cooperation can-to help defuse the significance of the state divide, emphasising emphasise and build upon commonality and mutual interest not difference (Hayward, 2009; Meehan, 2000; Williams & Jesse, 2001).

~~For~~To understand the power of borders, it is vital to understand their multifaceted and multilayered nature (Herrschel, 2011; Laine, 2016). Borders are products of bordering processes, i.e. everyday institutional and discursive practices that construct and reproduce categories of socio-spatial and cultural difference (Scott, 2015). In border studies, a border is conceived now less as a physical and often static geographic outcome of socio-spatial dynamics, to being understand as a dynamic functional process (Scott & van Houtum, 2009; Vukov & Sheller, 2013). Borders can be exploited to both transform *and* fix territory, security, identities, emotions and memories (Paasi, 2012). The process of Brexit ~~is~~can be understood as an attempt to fix and secure the UK's borders. It is important to recognised that this not unique to the UK; indeed, the response of many European countries to what became known as the 'migration crisis' of 2015 was to secure their borders in a very literal way (Hayward, 2018; Vaughan-Williams, 2015). In fact, under pressure from member-states, the EU itself has allowed for the temporary reintroduction of internal border checks within the Schengen Zone alongside a long-term strategy for enhancing external border controls, such as the development of a European Border and Coast Guard (Niemann & Zaun, 2018).

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This means that the UK is seeking to 'take back control' of its borders just as the EU is going to new lengths to secure its external frontiers. The Irish border is thus set to become an UK/EU boundary line at a time when the 'hardening' of borders is not anathema to either party. But this is no typical state border. Although -in a way that jars with much of the transformative logic of the peace process on the island of Ireland. To frame this in border studies terms: the functional-territorial interpretation of the UK/Ireland border is paramount in real terms, the peace process in Northern Ireland has depended on a more fluid conception of this border. Within Northern Ireland, -but it

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~~remains so politically contentious in Northern Ireland that the much more complex sociological-cultural dimensions of British/Irish borders~~ British and Irish, nationalist and unionist identities have been presented as equal whilst ~~have been allowed to flourish, recognising the reality of cross-border networks, services, kinship ties, identities and movements~~ development across the Irish border- these islands have been facilitated and even institutionalised. The 1998 Agreement upheld the contradictions of the border—: ~~it is as~~ both a deep ideological divide and ~~as a unique meeting point~~ point of integration between Ireland and the UK—~~are embedded in its history and~~. This contradiction risks being exposed by the process of the UK's withdrawal from the EU. As discussed below, the situation of the Irish border has been repeatedly framed in the process of Brexit as being 'unique'; this is primarily because of the central importance of the border not just for the movement of goods or people but for a peace process in which two states are closely tied (McCall, 2014).

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For this reason, the Irish border has a different status in the process of Brexit from that of the two other contested 'national' borders that are under renewed scrutiny in light of Brexit. There are parallels between Scotland and Northern Ireland, given that internal political divisions have been exacerbated by Brexit, and that both returned solid Remain votes in the 2016 referendum (65% from Scotland, 58% from Northern Ireland) (Hughes & Hayward, 2018). However, there are major differences between the two, specifically that the status of the Scottish border is not connected to a peace process involving an external state and in the unionist/nationalist debate in Scotland is not connected to the citizenship and constitution of an external state. The frontier between Gibraltar and Spain is another contested border but it is not disputed by the vast majority of residents in Gibraltar. The Irish border, in contrast, has been a subject of contestation – and violent conflict – within Northern Ireland since it was first drawn.-

The Irish border: customs barrier, security frontier

The meandering Irish land border runs for just under 500 km across the northern part of the island of Ireland, dividing the Republic of Ireland from the six counties of Northern Ireland, a region of the United Kingdom. At 1.81m, the population of Northern Ireland constitutes 28% of the population on the island but just 3% of the United Kingdom. It

was the Government of Ireland Act (1920) that first divided the island into two separate jurisdictions, each with its own government and parliament. This act of partition was envisaged as an internal United Kingdom matter and as a temporary answer to the thorny question of contested sovereignty across the island. It was a solution that made sense in light of two overarching precepts of contemporary democracy: nation-statehood and majoritarianism. The border was intended to carve off the largest portion of territory of the island over which unionist politicians could remain in control, via a majority Protestant population. The island's complex history as a site of contest for power and control – some of which battles had wide European resonances – was thus dramatically over-simplified and reduced into the division of the Irish border (Anderson & Bort, 1999).

In 1922, after a year of civil war in the south, the unionist-dominated government of Northern Ireland exercised its right not to be included in the Irish Free State, and the border officially became an international frontier. Over time, it steadily took a more concrete form as a customs barrier and security frontier as well as a political and symbolic divide (Patterson, 2013). By 1949, when the Free State was reconstituted as the Republic of Ireland and left the British Commonwealth, differences between the two jurisdictions had been deeply ~~exacerbated~~ entrenched. Relations between the two parts of Ireland in the twentieth century were characterized by 'back to back' development, with each legislature acting in almost wilful ignorance of the effects of its policies and laws on the other. The symbolic significance of the border for both unionism and nationalism alike was not translated into any sustained effort to ameliorate its negative effects, even in the border region itself (Leary, 2016). For the largely rural and impoverished borderlands, there were particularly dire consequences from severing the close social, economic and kinship ties that ran across what had previously been merely county boundary lines.

Border enforcement policies ran the gamut from 'soft' to 'hard' to 'extreme'. Early on, the border checkpoints were only for customs and initially for a limited range of goods, including some manufactured goods. Whilst inconvenient for residents and disruptive to many local retailers, the sharp edge of the customs border did not become fully apparent until a decade later, when duties on agricultural produce began to be required, in response to the economic war between the British and Irish governments. This trade war

– which escalated to include steel and coal – demonstrated the willingness of both governments to enact policies with highly damaging consequences for cross-border relations and economic fortunes (Kennedy, 2000; Walker, 2012).

The problems of smuggling and black marketeering around the border were worsened by the outbreak of the Second World War. Ireland's neutrality meant that the effects of the war were much more acutely felt on the northern side of the border. Northern Ireland's peripheral position at this time was further exacerbated by the temporary suspension of the Common Travel Area. The creation of the Common Travel Area in 1923 allowed Irish and British citizens to travel freely across and between these islands (Britain, Ireland, Crown Dependencies) with no passport requirement. The most formal acknowledgement of the Common Travel Area came with the UK's Ireland Act of 1949, which stated that Ireland was 'not a foreign country' for legal purposes. The war-time imposition (until 1952) of passport checks between the island of Ireland and Great Britain was a symbolically significant act – that the British Government could best manage a 'security threat' from Ireland by putting in checks at sea/air ports rather than along the land border. Within the decade, unionist anxieties were raised further by the 'border campaign' of the paramilitary Irish Republican Army, which included high profile attacks on military and police targets in Northern Ireland.

However, it wasn't until the outbreak of the Troubles a decade later that the manifestation of the border as a securitized barrier became apparent. The most severe forms of border management included the outright destruction of cross-border civil infrastructure by UK military forces in response to a perceived terrorist threat from the south (Mulroe, 2017). The heavy fortification of security and police force bases along the border, combined with the blocking of cross-border roads, was part of a wider cycle of British-Irish, North/South suspicion and tension, even at local level. It had a deep impact in the border region, many parts of which was already suffering multiple disadvantages posed by peripherality, rurality, under-investment and emigration (Roper, 2007). The dismantling of the last British military watchtowers along the border in 2006 marked a significant step forward for the peace process and good relations on the island more broadly. At present, the clearest material indication of having crossed the border from one state into another lies in the subtle change of road markings, signs and speed limits, plus the notifications of roaming received on mobile phones.

The impact of European integration on the Irish border

Although joint accession to the EEC/EU was necessitated by the drag of post-colonial dependence, it constituted a step-change in the relationship between the UK and Ireland. Common EU membership saw British-Irish relations develop towards a shared acceptance of a consensual approach to matters of common concern. By 1985, the Anglo-Irish Agreement (1985) noted the ‘determination of both governments to develop close cooperation as partners in the European Community’. The status of Ireland as an – in principle – equal partner with the UK in the European Union has been crucial in securing the legitimacy and respect for an input from the Irish state into the peace process. The Good Friday (Belfast) Agreement between the two states in 1998 that accompanied the successful outcome of multi-party talks in Northern Ireland embodied these changed dynamics and, as noted above, set out unique institutions to facilitate closer collaboration across UK/Ireland borders in areas of common interest. The EU itself was a model for such cooperation, demonstrating the benefits of transnational policymaking and practice (Diez & Hayward, 2008; Hayward, 2006; Laffan, 2017). Ultimately, it appears that it is not so much the actors or structures of the European Union but the actual *process* of European integration itself that has served to facilitate cooperation across ideological, political and territorial borders.

The process of European integration has made a critical difference in two ways. First, it has enabled a conception of national sovereignty that is able to accept substantial cross-border integration and transnational harmonisation. This is important in relation to the Irish border because it helped to detoxify the very notion of cross-border cooperation. Being able to frame such contact and collaboration in pragmatic rather than political terms was essential to enabling both the British government and unionist politicians to accept it. From this platform the notion of an ‘all-island economy’ and ‘mutual benefit’ developed, to such a degree that unionist politicians could use these terms in relation to cross-border movement without being accused of compromising their unionist principles. This is so important because it meant that it was possible for British unionism and Irish nationalism to be seen to retain ideological integrity – which centred on opposing ideals of what should happen with the Irish border (unionists shoring it up,

nationalists removing it) – even as they enjoyed closer cooperation. The importance of a firm ideological stance for unionism and nationalism is underpinned by the promise of a ‘border poll’. If a future referendum showed a majority in both Northern Ireland and Ireland in favour of unification, the British and Irish governments are committed to honouring this. An incentive to secure a majority propels both unionists and nationalist politicians in Northern Ireland, keeping the border ‘live’ as an ideological concern. But this can be seen as quite separate from the issue of cross-border cooperation. This paradox has been crucial to the peace process and has only been conceivable in the context of European integration (Hayward, 2009).

Secondly,

Common EU membership meant that, albeit with different priorities and interests, Ireland and the UK have been heading in broadly the same direction: that of closer integration. Any future arrangements for maintaining a comparatively ‘frictionless’ Irish border after Brexit will have to account for the influence of four broad legal and policy frameworks shared by the UK and Ireland: the Common Travel Area (CTA), the EU Customs Union, the EU Single Market, and the 1998 Belfast ‘Good Friday’ Agreement. The 1998 Agreement not only has constitutional and institutional significance; its practical implementation relies on establishing and maintaining a regulatory context for cross-border movement and cooperation (Phinnemore & Hayward, 2017). Even private sector cross-border cooperation has relied heavily upon funding streams from the EU, notably Interreg (through the European Regional Development Fund) and Peace programmes (since 1995, through the Structural Funds). These programmes have been worth over €2.75bn since 1994, funding over 500 cross-border economic development projects and operated by over 160 private, community and public organisations (Magennis & Hayward, 2014).

This direct investment complements a wider environment supporting cross-border movement, for people, services and goods.

The Common Travel Area (CTA) allows for British and Irish people to have a privileged position in the immigration regimes of, respectively, the Irish and UK states. That said, it provides a context for movement of labour and for rights that is far less

advanced than that provided for by EU membership at the moment. The CTA does not relate to trade, to customs, to regulations on the movement of goods, services or capital, or to the 1998 Agreement. It will need formal codification and embedding in UK and Irish law to see Irish citizens in Britain enjoy protected status above (or, for British citizens in Ireland, equivalent to) that of other EU citizens after Brexit.

The Single Market enables free movement of people (labour), capital and services as well as goods. It is incomplete (see current work on tax harmonisation in Europe). It is aimed at making borders as frictionless as possible for economic growth and citizens' mobility, thus it necessarily includes detailed legislation (e.g. on minimum product standards) and accompanying legal enforcement through (ultimately) the European Court of Justice. The Customs Union complements the tariff and quota-free movement of goods between states with a common external tariff on the import/export of goods from/to third countries. Trade between members of a customs union and those outside it requires customs controls. Those controls include applying tariffs and quotas to goods, and ensuring that the goods are permitted to enter. In addition, joint EU membership has meant commonality between the UK and Ireland in many other policy areas, including environment and security, many of which helped foster North-South cooperation and the all-island economy.

Key challenges posed to the border by Brexit

Leaving the Single Market and Customs Union requires that the UK and EU effectively impose customs controls for goods crossing the Irish border, to enforce rules of origin and ensure payment of VAT. It also means the reimposition of non-tariff barriers to trade (e.g. diverging standards in food or environmental protections). In passing through an external EU border the approximately 35% of Northern Irish exports (55% of manufactured exports) currently destined for southern markets would be exposed to a significant competitive disadvantage relative to EU-produced goods (KPMG, 2016).

Northern Ireland sales to Ireland are worth 14% of its external sales in goods and 39% of its external sales in services – Ireland is by far the most important trading partner for Northern Ireland (InterTrade). That said, Northern Ireland is far less important as a destination market for Ireland (1.6% of total goods exported) compared to Great Britain

(12.3%) (Central Statistics Office, 2016). What makes the Irish border such a complicated matter for trade is the level of integration of supply chains across the border, together with the fact that ¾ of cross-border trade is conducted by small and medium-sized businesses (InterTradeIreland, 2018). InterTradeIreland (2013) found that cross-border trade represents the first market outside of their domestic market for the vast majority (73%) of NI businesses that commenced exporting within the last 10 years, and that for these exporters the cross-border market is viewed as a ‘natural extension’ of the domestic market. Respondents also reported that they viewed Northern Ireland/Ireland as being far closer in preference and behaviour than the market in Great Britain (InterTradeIreland, 2013). The cross-border market is worth £5.15 billion per year to the all-island economy, of which Northern Ireland is the net beneficiary (£3.4bn) (NISRA, 2017).

More generally, the price distortions created by a northern exit of the single European market present both a financial and security challenge to policy-makers on both sides of the border. Returning to a disintegrated market would entail increased costs and risks for both jurisdictions – in particular as it would revive the same incentive for black market trade that fuelled smuggling operations across the border prior to EEC accession. Together this would undermine the consumption tax and import revenues collected by both states. Northern Ireland’s structural financial vulnerability and public-sector reliance on the British exchequer means that there is little that any devolved legislature could do to allow it to escape this painful reality. In essence, a ‘hard’ Brexit (including exit from the customs union) would threaten the economic sustainability of the borderland region, risks market disintegration in Ireland, and presents a heavy barrier to further socio-economic development across the border.

Yet sometimes the intangible effects of a policy or process are the most important. Perhaps the most successful dimension of Irish cross-border integration through joint EU membership – which has only been fully manifest since the peace process – is its normalization; this is precisely the dimension most directly threatened by an exit from the EU. Within the context of European integration, cross-border cooperation – everything from Irish government funding for dual carriageways in Northern Ireland through to the common use of specialized health and education services – was broadly depoliticized and rationalized. Outside this context, such cooperation is not only more

difficult in practical terms, it becomes symbolically and politically more sensitive. Indeed, because cross-border cooperation will then require political will and action at several levels on both sides of the border, it can both be (a) less likely to happen and (b) subject to misinterpretation, or over-egging, by political opponents and political friends. This carries particular risks in a divided society such as Northern Ireland, where political capital still rests on emphasizing adherence to a particular standpoint on the Irish border. For the last decade or so, drawing attention to the border – and making it subject to politicking in this way – is something that generally only critics of the peace process have been keen to do.

The complexity of this challenge is greatly exacerbated by the lack of common ground among the political parties in Northern Ireland. The results of the snap election on 2 March 2017 saw two major changes to the makeup of the Northern Ireland Assembly: unionist parties no longer in the majority in Stormont and MLAs from Remain parties outnumber those from pro-Leave parties with a margin that better reflects the 56% Remain outcome in the Brexit referendum. Such uncertainty spurred increasing demands for – and commentary on – the possibility of such a ‘border poll’, which caused further tremors to the stability of the peace process itself. Any Executive formed against this background is likely to reflect the polarisation that exists in Northern Ireland on the topic (around 85% of Catholic/Irish/Nationalist voters supported Remain compared to c.38% of Protestant/British/Unionist voters) (Garry, 2016). The very prospect of Brexit has spurred the re-politicisation of cross-border relations and, with it, political sensitivities regarding the British-Irish relationship and North/South cooperation.

This is evident even at ‘ground level’. A study for the Irish Central Border Area Network a year after the referendum revealed that residents on both sides of the border draw direct links between the future nature and status of the border and relationships across the three ‘strands’: Unionist/Nationalist, north/south, and British/Irish. As one Unionist respondent from Fermanagh region commented:

I believe any form of a hard border will have an adverse effect on relations here between Unionists and Nationalists, particular in the border regions. As someone who lives in a border area I have witnessed how contentious simply erecting KM/H [kilometres per hour road speed signs, used in Republic of

Ireland] and “Welcome to Northern Ireland” signage has been in particular rural areas. These are always quickly defaced or removed. I cannot for the life of me imagine what erecting physical signs of a border ... by establishing border infrastructure or border forces would have on community cohesion. (cited in Hayward, 2017: 54).

Initial peripherality of NI/IRL in UK Brexit strategy

~~Regardless of the evident fragility of the~~The peace process in Northern Ireland is in a more fragile state than one would expect to see twenty years after the 1998 Agreement: criminals still exert control over vulnerable communities under the guise of paramilitary groupings (NIO, 2015), the operation of power-sharing between the DUP and Sinn Féin was unsteady long before the Executive collapsed in January 2017, and the legacy of the past remains an issue of live contention. Yet the referendum campaign in the UK paid little heed to the potential consequences of Brexit for Northern Ireland, even in relation to the symbolic and practical implications for the Irish border~~complexities of the issue in Northern Ireland, and even less to the significance of the Irish border as a potential EU external frontier~~. A report from the Northern Ireland Affairs Committee inquiry into the potential effects of the EU referendum stood out for identifying major concerns regarding the potential impact of Brexit on Northern Ireland (especially in relation to the border), and arguing that it warranted special attention (Northern Ireland Affairs Committee, 2016). Yet, these issues quickly became lost in the intensity of the political divisions exacerbated by the Brexit debate across the UK, and especially in Northern Ireland. The fact that the DUP, as the largest unionist party, came out in favour of Leave, alongside, as it happened, the then Secretary of State for Northern Ireland, Theresa Villiers – whilst all other main parties supported Remain – gave the referendum debate a polarising effect in Northern Ireland (although this was inevitable anyway given the majoritarian model of this binary referendum). After the result of the referendum, the Ulster Unionist Party shifted alongside the DUP in coming out strongly in favour of Brexit (as per its supporter base), whilst the nationalist SDLP and Sinn Féin stood their ground as anti-Brexit.

This makes it all the more significant, therefore, that although there was a notable silence from the departments in Stormont and Northern Ireland Office, the Office of the First Minister and deputy First Minister managed to send a letter to Prime Minister May in August 2016 signed by both Arlene Foster and the late Martin McGuinness of Sinn Féin. The letter set out in some ‘initial thoughts’ several areas of priority for Northern Ireland that highlighted its distinctive needs and ~~unique~~ challenges compared to the rest of the United Kingdom. This included the single energy market on the island, the agri-food industry, the importance of EU workers (including unskilled) and the peace process. Nonetheless, as British government policy moved rapidly towards a ‘hard Brexit’ (outside the Single Market and customs union), and as ~~some prominent~~ Unionist politicians sought to align themselves ~~more closely to~~ with this position, the space for making the case for some form of special treatment for Northern Ireland became increasingly subject to polarised politicking. At its heart, the notion of ‘special status’ implies a difference between Great Britain and Northern Ireland – a gap that Unionists are wary of highlighting, particularly in a context of wider uncertainty and local instability, made worse by the results of the 8 June 2017 snap election.

The defeat (in the House of Commons) of amendments to ensure protection of the 1998 Good Friday Agreement in the UK Government’s Brexit White paper ~~were was~~ proof that Northern Ireland’s needs were secondary to those of the ‘unity’ of the UK in Brexit. Indeed, the Brexit White Paper itself makes little mention of the particularities of Northern Ireland’s position (even in relation to the peace process). The most substantive reference reads as follows:

An explicit objective of the UK Government’s work on EU exit is to ensure that full account is taken for the particular circumstances of Northern Ireland. We will seek to safeguard business interests in the exit negotiations. We will maintain close operational collaboration between UK and Irish law enforcement and security agencies and their judicial counterparts. (HMG, 2017a: 4.10)

The priority areas for the British government regarding Northern Ireland’s particular needs lay in business and security. The wider consequences of Brexit for education, public services, energy provision, research, investment, health provision, agriculture, fisheries and the environment – all of which have a cross-border dimension in Northern Ireland – went unaddressed.

It was only the insistence of the EU, standing squarely beside the Irish government (Connelly, 2017), that Northern Ireland/Ireland be addressed as one of three priorities in Phase 1 of the negotiations that ensured recognition of the pivotal position of the Irish border to the whole process. The EU was explicit in stating the need for a ‘flexible and imaginative’ solution to try to meet the challenge of managing huge change to the functional-territorial role of the Irish border whilst upholding the cross-border, international 1998 Agreement:

The Union has consistently supported the goal of peace and reconciliation enshrined in the Good Friday Agreement in all its parts, and continuing to support and protect the achievements, benefits and commitments of the Peace Process will remain of paramount importance. In view of the unique circumstances on the island of Ireland, flexible and imaginative solutions will be required, including with the aim of avoiding a hard border, while respecting the integrity of the Union legal order. (European Council, 2017: para. 11)

The quest for flexibility and imagination placed huge pressure on both the UK and EU negotiators, centring as it does on the need to stretch the traditional interpretations of the ‘integrity’ of both the supranational EU and national UK territorial order.

Bespoke arrangements and possibilities

The willingness on the part of the EU to find ‘flexible and imaginative’ solutions for Northern Ireland was reiterated by the Council and the Commission, at all times emphasising the unique conditions on the island of Ireland and of the peace process (European Commission, 2017). Northern Ireland is already treated in a more distinctive way than any other part of the United Kingdom; such differentiation has historical roots in the creation of Northern Ireland and is exemplified in the 1998 Agreement. The conflicting dynamics that the Agreement ~~were~~ attempted to ~~be controlled in the Agreement~~ manage are behind the need for a specific solution to the Northern Ireland/Ireland case. The rationale for a bespoke arrangement rests on: (a) concerns about the cost and practical difficulties of managing the Irish border as an external EU border, (b) recognition of the present level of cross-border integration on the island, and (c) the unique position of Northern Ireland as a region whose peace and power-sharing institutions centre on close and constructive cross-border relationships. A bespoke

arrangement would, in its simplest terms, be seen to address the headline problems caused by the exit from the EU.

Northern Ireland's geographical location alone not only necessitates but *provides an opportunity for* bespoke arrangements for its future relationship with the EU. Territorial differentiation (i.e. different arrangements for different parts of a state vis-à-vis its relationship with the EU) is a 'solution' to address the particular needs of sub-national territorial units that has been commonly applied across Europe in different ways. It is the most direct way of meeting the many challenges that a complete UK withdrawal from the EU poses for Northern Ireland. Theoretically, bespoke arrangements to accommodate a particular combination of practical and policy challenges for a region are possible (Skoutaris, 2017). That said, there are no 'off the shelf' solutions and any plans for territorial differentiation would have to be fully supported by both the UK and Irish governments along with the main parties in Northern Ireland itself. However, such an arrangement would have immediate implications for other dynamics of Northern Ireland's position, including internal unionist/nationalist tensions.

Bespoke arrangements for Northern Ireland may therefore be accepted, but the preference on both sides is for a UK-wide solution that avoids a hard border on the island of Ireland. The best outcome for ensuring 'frictionless' borders within the UK and between the UK and EU is for the UK to remain in the Single Market and in a customs union with the EU. This, however, has been ruled out by the UK government, as acknowledged in the Joint Report (HMG, 2017c). What cannot be ruled out at any stage in the UK withdrawal process is that which would be the worst possible outcome for Northern Ireland: a 'no deal' scenario. This would mean that the UK would be obliged to impose customs controls on movement of all goods according to WTO rules (assuming an agreement on terms is reached within the WTO), and, depending on its tariff policy, ensure that duties are paid and collected for goods crossing the Irish border. The EU would also have to enforce a hard customs border. Cross-border cooperation across the Irish border in terms of trade in goods and in service sectors would be seriously compromised.

Mindful of these risks, after tortuous Phase 1 negotiations, a mapping exercise of cross-border cooperation on the island, and an anxious last-minute wait for the DUP to be brought on board [\(as noted at the start of this article\)](#), the UK-EU Joint Report of 8 December 2017 (HMG, 2017c) was announced. It offered three scenarios for regulating trade between the UK and EU and in particular across the Irish border. The first workable scenario is the one that the UK has set as its overarching aim: the future UK/EU trade deal is constructed in such a way as to allow for there to be no customs controls (or 'hard' border) either down the Irish Sea or along the Irish border. The problem with this is that it is not possible to have a trade deal that manages to cover the full set of commitments that the UK has entered into in the Joint Report while leaving the Customs Union and the Single Market. There would, in particular, be a need for a customs border between the UK and the EU.

If a UK/EU trade deal cannot guarantee a frictionless border, we move into Scenario 2, in which the UK will 'propose specific solutions to address the unique circumstances of the island of Ireland'. Subsequent paragraphs in the Joint Report assume that these solutions can be found and require that they will include necessary oversight mechanisms to ensure that the integrity of the single market and customs union is preserved. Scenario 3 is one in which there are no 'agreed solutions' for Northern Ireland. In which case, the UK has committed to 'maintaining full alignment' with: 'those rules of the Internal Market and the Customs Union which, now or in the future, support North-South cooperation, the all-island economy and the protection of the 1998 Agreement'. Under scenario 3, the Joint Report allows for the Northern Ireland Executive and Assembly to put in place 'distinct arrangements' if they are necessary to uphold the 1998 Agreement. ~~All three scenarios would entail regulatory alignment in order to realise the UK government's commitment to avoiding a hard Irish border.~~ To counter unionist concerns, the Prime Minister issued a statement on Northern Ireland to accompany the announcement of the Joint Report, 'upholding Northern Ireland's place as an integral part of the United Kingdom' at the same time as 'ruling out a hard border between Northern Ireland and Ireland' (HMG, 2017d). [The question of which border \(land or sea\) around Northern Ireland can tolerate increased friction is one that inevitably propels us back to a British versus Irish, unionist versus nationalist competition. This directly undermines the careful ambiguities and productive paradoxes of the 1998 Agreement.](#)

Conclusion

Territorial and sovereign nation-statehood, with an emphasis on the majority will of the country, are central to the European Union (as seen in its muted reaction to the harsh Spanish response to the Catalan independence movement in Autumn 2017). The EU is, first and foremost, a collaboration between nation-states working for mutual (primarily economic) interest, and it relies upon the premise that interests of each state are best realised overall through cooperation. The power of the EU lies in the fact that its member-states *choose* to cooperate.

In a similar way, the 1998 Agreement is a thoroughly EU agreement; the prime importance of territorial borders for nation-statehood is in no doubt. The 1998 Agreement attempted to defuse the conflictual potential of the functional and symbolic border – efforts which were actively facilitated and normalized by the EU context. There are new multilevel institutions and structures enabling new and deeper forms of transnational cooperation, but yet there is no change to the constitutional status *unless a majority* will it to be so. What prevents the 1998 Agreement from being a truly post-nationalist Agreement is the requirement of a border poll for constitutional change to happen. The peace process thus rests on a precarious but essential paradox: Northern Ireland remains an *integral* part of the UK but *only until* such a point as a border poll indicates popular desire for a united Ireland.

The case study of the Irish border and Brexit exemplifies the *conjoined* nature of the symbolic, discursive and identity aspects of borders with their ‘hard’, functional aspects. If the UK leaves the Single Market and Customs Union, there must be hard consequences along the Irish border – consequences that fly in the face of the reality (and necessity) of cross-border movement. If it is to prove possible to square the circle of ‘avoiding a hard border’ along the EU’s new external frontier whilst upholding the ‘legal order’ of both the UK and the EU, it will require approaches to border management that will be entirely innovative and would represent new forms of twenty-first century bordering processes. This is the challenge faced in Phase 2 of the Brexit negotiations on the ‘future relationship’ and long into the post-withdrawal negotiations

setting out the 'future relationship' – and it is a challenge equally for the UK and the EU.

References

Agnew, J. (2006). Globalization has a home address: The geopolitics of globalization. In D. Conway & N. Heynen (Eds.), *Globalization's contradictions: Geographies of discipline, destruction and transformation* (pp. 127–143). London: Routledge.

Anderson, M., & Bort, E. (Eds.) (1999). *The Irish border: History, politics, culture*. Liverpool: Liverpool University Press.

Anglo-Irish Agreement (1985). *Agreement between the British and Irish governments*, Hillsborough, 15 November 1985. London: HMSO.

Birrell, D., & Gormley-Heenan, C. (2015). *Multi-level governance and Northern Ireland*. Basingstoke, Hampshire: Palgrave Macmillan.

British-Irish Agreement (1998). *Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland*. Belfast, 10 April. London: HMSO.

Central Statistics Office (2016). Brexit: Ireland and the UK in numbers. Dublin: Central Statistics Office, Government of Ireland.
<https://www.cso.ie/en/media/csoie/releasespublications/documents/statisticalpublications/Brexit.pdf>.

Clifford, B., & Morphet, J. (2015). The British-Irish Council: Political expedient or institution in waiting. *The Journal of Cross Border Studies in Ireland*, 10, 91-106. Armagh: Centre for Cross Border Studies.

Coakley, J. (Ed.) (2002). *Changing shades of orange and green: Redefining the Union and Nation in contemporary Ireland*. Dublin: UCD Press.

Coakley, J., Laffan, B. & Todd, J. (2005). *Renovation or revolution? New territorial politics in Ireland and the United Kingdom*. Dublin: UCD Press.

Connelly, T. (2017). *Brexit and Ireland: The dangers, the opportunities, and the inside story of the Irish response*. London: Penguin.

Diez, T. & Hayward, K. (2008). Reconfiguring spaces of conflict: Northern Ireland and the impact of European integration. *Space and Polity*, 12(1), 47-62.

European Commission (2017). *Guiding principles for the Dialogue on Ireland/Northern Ireland*. Brussels, 20 September. Retrieved from:
https://ec.europa.eu/commission/publications/guiding-principles-dialogue-ireland-northern-ireland_en.

European Council (2017). *Guidelines following the United Kingdom's Notification under Article 50 TEU*, EUCO XT 20004/17. Brussels, 29 April. Retrieved from:
<http://www.consilium.europa.eu/en/press/press-releases/2017/04/29/euco-brexit-guidelines/>.

Garry, J. (2016). The EU referendum vote in Northern Ireland: Implications for our understanding of citizens' political views and behaviour. Knowledge Exchange Seminar Series, Stormont, Belfast, 12 October 2016. Retrieved from:
<https://www.qub.ac.uk/brexit/Brexitfilestore/Filetoupload.728121.en.pdf>.

Goodwin, M. J., & Heath, O. (2016). The 2016 Referendum, Brexit and the left behind: An aggregate-level analysis of the result. *The Political Quarterly*, 87, 323-332.

Haas, E. B. (1968). *The uniting of Europe: Politics, social and economic forces, 1950-1957* (2nd ed.). Stanford: Stanford University Press.

Hayward, K. (2006). National territory in European space: Reconfiguring the island of Ireland. *European Journal of Political Research*, 45(6), 897-920.

Hayward, K. (2009). *Irish nationalism and European integration: The official redefinition of the island of Ireland*. Manchester: Manchester University Press.

Hayward, K. (2017). *Bordering on Brexit: Views from local communities in the Central Border Region of Ireland/Northern Ireland*. Belfast: ICBAN and QUB. Retrieved from:
<http://go.qub.ac.uk/bordering>.

Hayward, K. (2018). Last word: Brexit's border problems. *Political Insight*, 9(2), 40.

Herschel, T. (2011). *Borders in post-socialist Europe: Territory, scale, society*. London: Routledge.

HMG (2017a). *White Paper: The United Kingdom's Exit from and New Partnership with the EU*. CM9417, 2 February 2017. Retrieved from:

<https://www.gov.uk/government/publications/the-united-kingdoms-exit-from-and-new-partnership-with-the-european-union-white-paper>.

HMG (2017b). *Northern Ireland and Ireland: Position paper*, London, 16 August.

Retrieved from: <https://www.gov.uk/government/publications/northern-ireland-and-ireland-a-position-paper>.

HMG (2017c). *Joint Report from the negotiators of the European Union and UK Government on progress in Phase 1 of the negotiations of the UK's orderly withdrawal from the EU*, 8 December 2017. Presented jointly by the negotiators of the European Union and the United Kingdom of Great Britain and Northern Ireland. London: Prime Minister's Office, 10 Downing Street and Department for Exiting the European Union.

HMG (2017d) Prime Minister's commitments to Northern Ireland, 8 December 2017. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/665870/prime-ministers-commitments-to-northern-ireland.pdf.

Hobolt, S. (2016). The Brexit vote: a divided nation, a divided continent. *Journal of European Public Policy*, 23(9), 1259-1277.

Hodges, M. (1972). *European integration*. Harmondsworth: Penguin.

Hughes, K. and Hayward, K. (2018). Brexit, Scotland and Northern Ireland: Comparing political dynamics and prospects in the two 'Remain' areas. *SCER Policy Paper No. 6*. Edinburgh: Scottish Centre of European Relations. <https://www.scer.scot/database/ident-6308>

InterTradeIreland (2013). *Analysis of the key features of an exporting SME on the island of Ireland*. Newry: InterTradeIreland. <https://intertradeireland.com/insights/publications/analysis-of-the-key-features-of-an-exporting-sme-on-the-island-of-ireland/>

InterTradeIreland (2018). *Cross-border trade and supply-chain linkages report*. Newry: InterTradeIreland. <https://dbei.gov.ie/en/Publications/Publication-files/Cross-border-trade-and-supply-chain-linkages.pdf>

Kennedy, M. (2000). *Division and consensus: The politics of cross-border relations in Ireland, 1925-1969*. Dublin: Institute of Public Administration.

KPMG (2016). *Brexit: A Northern Ireland perspective*. Retrieved from: <https://assets.kpmg.com/content/dam/kpmg/pdf/2016/06/ie-brexit-northern-ireland.pdf>

Formatted: Font: Italic

Laffan, B. (2017). The EU context of change in state and nation post- 1973. In N. Ó Dochartaigh, K. Hayward, & E. Meehan (Eds.), *Dynamics of Political Change in Ireland: Making and breaking a divided Ireland* (pp. 44-60). Abingdon: Routledge.

Laine, J. (2016). The multiscalar production of borders. *Geopolitics*, 21(3), 465–482.

Lamour, C., & Varga, R. (2017). The border as a resource in right-wing populist discourse: Viktor Orbán and the diasporas in a multi-scalar Europe. *Journal of Borderlands Studies*, 32(4), 1-16.

Leary, P. (2016). *Unapproved routes: Histories of the Irish border, 1922-1972*. Oxford: Oxford University Press.

McCall, C. (2014). *The European Union and peacebuilding: The cross-border dimension*. London: Palgrave Macmillan.

McCrudden, C. & Halberstam, D. (2017). Miller and Northern Ireland: A critical constitutional response. *The UK Supreme Court Yearbook*, Volume 8, December 2017; U of Michigan Public Law Research Paper No. 575. Available at SSRN: <https://ssrn.com/abstract=3062964>

Magennis, E. and Hayward, K. (2014). *The business of building peace: Private sector cooperation across the Irish border*, *Irish Political Studies*, 29(1), 154-175.

Mac Laughlin, J. (2001). *Reimagining the nation state: The contested terrains of nation building*. London: Pluto Press.

Maher, I. (2018). *Crossing the Irish Land Border after Brexit: The Common Travel Area and the Challenge of Trade*. *UCD Working Papers in Law, Criminology & Socio-Legal Studies Research Paper No. 0318*. Available at SSRN: <https://ssrn.com/abstract=3136396>

Meehan, E. (2000). Britain's Irish question: Britain's European question? British-Irish relations in the context of EU and the Belfast Agreement. *Review of International Studies*, 26(1), 83–97.

Mulroe, P. (2017). *Bombs, bullets and the border. Policing Ireland's frontier: Irish security policy, 1969-1978*. Newbridge, Co. Kildare: Irish Academic Press.

Niemann, A. and Zaun, N. (2018). EU refugee policies and politics in times of crisis: Theoretical and empirical perspectives, *Journal of Common Market Studies*, 56(1), 3-22.

Northern Ireland Affairs Committee (2016). *Northern Ireland and the EU Referendum*. First Report of Session 2016-17, HC 48, 25 May 2016.

Northern Ireland Office [NIO] (2015). *Paramilitary groups in Northern Ireland: An independent assessment*. <https://www.gov.uk/government/publications/assessment-on-paramilitary-groups-in-northern-ireland>

Northern Ireland Statistical Research Agency [NISRA] (2017). *Northern Ireland Broad Economy Sales and Exports Statistics 2016*. <https://www.economy-ni.gov.uk/news/northern-ireland-broad-economy-sales-and-exports-statistics-2016>

O'Duffy, B. (2007). *British-Irish relations and Northern Ireland: From violent politics to conflict regulation*. Dublin: Irish Academic Press.

OFMDFM (2016). Letter to the Prime Minister, The Rt Hon Theresa May MP from the First Minister and deputy First Minister, 10 August. Retrieved from: <https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/Letter%20to%20PM%20from%20FM%20%26%20dFM.pdf>

Paasi, A. (2012). Border studies reanimated: Going beyond the territorial/relational divide. *Environment and Planning A: Economy and Space*, 44(10), 2303 – 2309.

Patterson, H. (2013). *Ireland's violent frontier: The border and Anglo-Irish relations during the Troubles*. Basingstoke, Hampshire: Palgrave Macmillan.

Phinnemore, D., & Hayward, K. (2017). *UK Withdrawal (Brexit) and the Good Friday Agreement*. Brussels: Policy Department for Citizens' Rights and Constitutional Affairs. Retrieved from: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596826/IPOL_STU\(2017\)596826_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596826/IPOL_STU(2017)596826_EN.pdf)

Popescu, G. (2012). *Bordering and ordering the twenty-first century: Understanding borders*. New York: Rowman and Littlefield.

Roper, S. (2007). Crossborder and local cooperation on the island of Ireland: An economic perspective. *Political Geography*, 26(5), 554–574.

Formatted: Font: Italic

Ryan, B. (2001). The Common Travel Area between Britain and Ireland. *The Modern Law Review*, 64(6), 855-874.

Scott, J. (2015). Bordering, border politics and cross-border cooperation in Europe. In F. Celata & R. Coletti (Eds.), *Neighbourhood policy and the construction of the European external borders* (pp. 27-44). New York: Springer, GeoJournal Library.

Scott, J., & van Houtum, H. (2009). Reflections on EU territoriality and the 'bordering' of Europe. *Political Geography*, 28(5), 271–273.

Skoutaris, N. (2017). Territorial Differentiation in EU law: Can Scotland and Northern Ireland remain in the EU and/or the Single Market? *Cambridge Yearbook of European Legal Studies*, 1-24. Advance online publication. doi.org/10.1017/cel.2017.11

Tannam, E. (2011). Explaining British-Irish cooperation. *Review of International Studies*, 37(3), 1191-1214.

The Agreement (1998) *Agreement reached in the multi-party negotiations*, Belfast, 10 April 1998.

Vaughan—Williams, N. (2012) *Border politics: The limits of sovereign power* (2nd ed). Edinburgh: Edinburgh University Press.

Vaughan-Williams, N. (2015) *Europe's border crisis: Biopolitical security and beyond*. Oxford: Oxford University Press.

Vukov, T., & Sheller, M. (2013). Border work: Surveillant assemblages, virtual fences and tactical counter-media. *Social Semiotics*, 23(2), 225–241.

Walker, B. M. (2012). *A political history of the two Irelands: From partition to peace*. Basingstoke: Palgrave Macmillan.

Williams, K. P. & Jesse, N. G. (2001). Resolving nationalist conflicts: Promoting overlapping identities and pooling sovereignty—The 1998 Northern Irish peace Agreement. *Political Psychology*, 22, 571–599.

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ⁱ Phrase taken from the Preamble to the British-Irish Agreement (1998).