

Conservative Brexiteers are offering unserious answers to serious questions in Northern Ireland: the consequences for the Union are significant

Proposals from backbench Brexiteer MPs as to how to resolve the border question in Northern Ireland fail to address the problem of maintaining a common set of standards with Ireland post-Brexit. Sean Swan argues that, given public opinion in England, a customs border in the Irish Sea, with divergence between Great Britain and Northern Ireland, is a likely outcome.



A Sinn Féin protest against a customs border, Stormont. Picture: [Sinn Féin](#), via a [\(CC BY 2.0\)](#) licence

The European Research Group, the Brexiteer group of Conservative MPs currently led by Jacob Rees-Mogg, last week published a paper, '[The Border between Northern Ireland and the Republic of Ireland post-Brexit](#)', which was intended to cut the Gordian knot of Brexit and the Irish border. It was something less than brilliant. The *Irish Times*' London Editor, Denis Staunton, quickly [dismissed](#) it as offering 'little more than the same administrative and technological fixes that have been doing the rounds for two years and have been rejected by the EU and Ireland as both unrealistic and inadequate'.

Nevertheless, it deserves consideration. The ERG agree that there will be no need for sanitary or phytosanitary checks on cross-border trade post-Brexit 'Since UK and EU standards are identical and will remain identical **at the point of departure**, determining equivalence after Brexit should be straightforward. [our emphasis]'. Leaving entirely aside the question of whether or not the mechanisms suggested are feasible, this is not good enough. There is nothing in its proposals to prevent a future post-Brexit UK government from diverging from EU standards. In fact, if the dream of a trade deal with the US is to be fulfilled, it will surely come at the cost of the UK accepting US chlorinated chicken and GMO foods. Michael Gove conceded exactly – if inadvertently – this point when he declared that '[here's one critical thing: a future prime minister could always choose to alter the relationship between Britain and the European Union](#)'. For Ireland what is required is not simply that there be no hard border at 'the point of departure' but in future too. This will not work if the UK departs from EU standards. On the other hand, if the UK does not plan to depart from EU standards, *what, exactly, is Brexit for?*

The ERG is correct to flag up the significance of the [Common Travel Area](#) (CTA) between the Republic of Ireland and Northern Ireland, but over-state its significance. Yes, 'Irish and UK border officials already co-operate to control the entry into the Common Travel Area from Schengen countries as well as non-EU countries', but the CTA is not a customs union. Prior to the creation of the Single Market, there were customs posts on the Irish border despite the existence of the CTA. Post-Brexit, when the Republic and Northern Ireland find themselves in two different customs regimes, how will it be possible to avoid customs checks on ordinary commuters crossing the border? And how will this be achieved without a hard border? At best, what the ERG are suggesting is a hard border but with an indeterminate stay of execution.

An alternate reading of the ERG document is possible. It notes the existence of the 'island of Ireland as a Common Biosecurity Zone'. This entails checks between Great Britain and the island of Ireland (NI and the Republic) in the area of plants and animals. It also states that, owing to the Common Travel Area, what is at issue is the movement of goods, not people. However, it acknowledges that many airlines and ferries already 'require passports for travel between Great Britain and Ireland'. It should be borne in mind that when it comes to trade beyond the island of Ireland, 'Northern Ireland has only five commercial ports' plus the two Belfast airports which handle only 'a small volume of freight'. It is useful to compare this with what Boris Johnson [wrote](#) about the Irish border and the difficulty of controlling it given that it has 'more crossing points than the whole of eastern Europe'. All of this would seem to argue that any future customs border should run down the Irish Sea rather than along the 300-odd meandering miles of Irish border. This the logic of the situation that Brexit has created.

Yet, paradoxically, the ERG document is big on upholding the 'constitutional integrity' of the United Kingdom. This is ironic coming from hardline Brexiteers. Nothing has done more this century to upset the territorial constitutional settlement than Brexit. It is also wrong because it represents the resurgence of the idea that Northern Ireland is, in Mrs Thatcher's words from the dark days of the Troubles, '[as British as Finchley](#)'. It is not. Northern Ireland occupies a unique position. Its people are legally entitled to identify and be recognised as British citizens, Irish citizens or both. This does not apply to the good people of Finchley – nor of North East Somerset. The Good Friday Agreement was designed to manage the unique British/Irish nature of Northern Ireland and it does so by attempting to blur divisions such as the border. Brexit reopens and exacerbates them.

At times the ERG document lapses into self-parody:

'The Withdrawal Agreement proposals are a clear breach of the Principle of Consent enshrined in the Belfast Agreement, designed to respect the border and leave the choice about its future solely, democratically and peacefully in the hands of the people of Northern Ireland.'

The people of Northern Ireland did not 'consent' to leave the EU. They voted Remain.

The extension of existing checks on goods crossing the Irish Sea does not amount to any constitutional change. Northern Ireland would still be part of the UK and would still return MPs to Westminster. The DUP would not welcome such a move but it would be a consequence of the very Brexit they are supporting. In any case, nobody is going to get everything they want. Sinn Féin, for example, want a united Ireland. The reality that keeping Northern Ireland in a customs union with the EU is the only solution, is gradually starting to dawn on Tory grandees. *The Spectator* in a leading article, '[Why can't the warring Tories see that a Brexit deal is within grasp?](#)', wrote:

'Nor is the Irish border issue as insoluble as has been made out. Downing Street's refusal to countenance the idea of allowing EU customs officials to carry out some work in British ports to keep checks away from the border is small-minded. They must think again. This would be a sensible arrangement between Britain and the EU, which even after Brexit should – and must – remain as one of our closest economic and political partners.'

The point needs to be repeatedly made that Brexit is an English nationalist thing: Northern Ireland and Scotland both voted Remain. The cracks Brexit has opened up in the UK state are perhaps best illustrated by opinion polls such as the one showing that 59.9% of voters in Great Britain consider Brexit '[more important than the break-up of the union \(ie Scotland gaining independence\)](#)', or that '[More voters in Great Britain rate leaving the EU as a priority ahead of maintaining the Union with Northern Ireland](#)'. ORB International, who conducted the former poll, kindly provided us with the tables. Discounting Scottish respondents and 'don't knows', 71.8% either 'agreed' or 'agreed strongly' with the statement 'Brexit is more important than the potential break-up of the Union. This can be taken as the English view on Brexit and the Union.'

If English Brexiteers are adamant on having their Brexit and value that above the integrity of the UK state, they cannot logically balk at a customs line in the Irish Sea.

This article represents the views of the author and not those of Democratic Audit.

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