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Brexit and the Irish Border: Historical Context

A Royal Irish Academy –
British Academy Brexit Policy Discussion Paper

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About this Series

The Royal Irish Academy-British Academy Brexit Briefings is a series of policy discussion papers aimed at highlighting and considering key issues related to the UK's withdrawal from the EU within the context of UK-Ireland relations. This series is intended to raise awareness of the topics and questions that need consideration and/or responses as the UK negotiates its exit from EU.

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This paper highlights some key aspects of the history of the Irish border over the past century to inform current discussions in relation to the United Kingdom's (UK) planned departure from the European Union (EU) in March 2019. The emphasis is on the Border between Ireland and Northern Ireland as opposed to the wider relationship between Northern Ireland and Ireland. Political developments and security issues are not discussed, and culture, sport and civil society are mentioned briefly.

The Border emerged as part of Britain's settlement of the Irish Question through the Government of Ireland Act 1920, with the island divided into two self-governing entities: six north-eastern counties with a Unionist/Protestant majority, which remained part of the United Kingdom but with a devolved administration, and a parliament of Southern Ireland, which secured Dominion Status, including fiscal autonomy under the 1921 Anglo-Irish Treaty. The 1920 Act provided for a Council of Ireland with representatives drawn from north and south, to deal with matters of common interest, and there were proposals for agriculture, fisheries and animal health to be controlled by the Council of Ireland. The failure post-1921 to establish the Council of Ireland meant that no common forum existed for negotiating issues relating to the island of Ireland, or cross-border regions.

For many decades relations between the two Irelands were not friendly; the 1937 Irish Constitution defined the national territory as the island of Ireland, and security concerns restricted cross-border travel. The Border itself was determined by county boundaries. In practice, it divided parishes, dioceses, transport and market networks and the poor law unions that provided medical and welfare services. Ten Irish counties (almost one-third of the total) touched the Border. There were 180 cross-border roads; 35-40 of these roads defined the border, but there were only

16 approved crossing points. In many border areas it was impossible to travel between neighbouring towns and villages within either state without crossing the Border; the limited number of approved crossings could mean detours of up to twenty miles in place of a mile or two on an unapproved road. Several towns were cut off from their economic hinterland. Donegal, the most northerly county in the Republic of Ireland, only shares a border of 9 kilometres (6 miles) with the rest of that state.

Trade

The first customs posts were erected in 1923, but barriers to trade remained limited until the early 1930s, when Britain introduced a protectionist regime for UK agriculture and a change of government in Dublin resulted in a programme of economic self-sufficiency.

Between 1932 and 1936 exports from the North to the South declined by two-thirds. Farmers and food processing plants in border regions were required to pay import duties on agricultural produce; goods could only be transferred across the border at 16 customs posts. Creameries and pig processors lost many traditional suppliers with consequent impact on farm incomes, though smuggling emerged as an alternative source of income for the less scrupulous. Travellers were searched to ensure that they were not carrying illicit goods, or wearing multiple layers of clothing.

Tariffs and quotas continued to impact on cross-border trade, including personal shopping, until the late 1960s. The Control of Manufactures Acts introduced by the Irish government in 1932 and 1934 required all firms to have a majority Irish shareholding, and despite political rhetoric in favour of a united Ireland, these regulations prevented Northern Ireland firms from setting up factories

in Ireland. In 1938 the UK government pressed the Irish government to remove or reduce trade barriers on goods from Northern Ireland, but they declined, fearing that this would wipe out newly-established protected industries. The 1965 Anglo-Irish Free Trade Area Agreement, and British and Irish Membership of the European Economic Community (EEC) in 1973 brought a return to free trade in manufactured goods.

EEC membership did not bring free trade in agricultural produce. The Common Agricultural Policy (CAP) created major incentives for smuggling agricultural produce between the two Irelands. In 1977 an estimated 5,000 pigs a week crossed the border illegally; some appear to have made several journeys. Illicit movement of livestock disrupted beef slaughtering; factories were often left with insufficient supplies. The introduction of the Single Market in 1993 ended these distortions. Customs posts were removed. While differentials in excise duties, VAT or currency continue to provide opportunities for cross-border smuggling, these are much more limited than in the past.

Trade between Britain and Ireland has always been much more important than cross-border trade, and this is true for both parts of Ireland. Recorded exports from Ireland to Northern Ireland have fallen steadily from a peak of 18.4% of Irish exports in 1943-47 to 12.5% in the late 1960s and 1.6% in 2015. In 2015 Northern Ireland supplied 1.6% of Irish imports. By contrast Ireland ranks first in Northern Ireland as a destination for exports to and imports from Northern Ireland, accounting for two-thirds of exports to the EU. Statistics do not show that the Troubles had a significant impact on trade, and there appears to have been no significant trade specific 'peace-dividend' after the 1998 Good Friday Agreement.

These aggregate statistics fail to capture the importance of cross-border trade to the agricultural

and food processing sectors and the border economy. The Single Market and the 1998 Good Friday Agreement enabled farmers and businesses in border regions to re-establish all-island trade and transport networks. Dairy and food processing businesses have consolidated their operations on an all-island basis, which may involve products moving between north and south on several occasions during production and distribution. Logistics and distribution for supermarkets and multi-stores also operate on the presumption of a single all-island market.

The Common Travel Area

In 1922 the Irish Free State was a Dominion and its citizens were British subjects, with a right to travel, live and work in the UK. However this freedom of movement was curtailed during World War II. Travellers to Britain from neutral Ireland were required to produce an identity card and a visitor's permit or work visa issued by the British authorities. These restrictions were gradually removed between 1946 and 1952. In 1942, in response to fears in Northern Ireland that immigrants from the south might take jobs from the local population, the UK Parliament introduced an Order requiring any resident from Ireland to secure a work permit from the Northern Ireland ministry. This was superseded by the Northern Ireland Parliament's 1947 Safeguarding of Employment Act, which required all Irish residents to secure a work permit from the Northern Ireland Ministry of Labour. Permits were issued to meet labour requirements in specific industries or areas, and were often refused. The 1948 British Nationality Act granted Irish citizens the same rights as British citizens in relation to employment and freedom of entry, and this remained in force when Ireland left the Commonwealth in 1949. But restrictions on the right of Irish residents to work in

Northern Ireland only ended in the 1970s when EEC regulations providing for free movement of labour came into force.

Migration was and is much more significant between Britain and Ireland than between the two Irelands. In 2011 2% of the population of Northern Ireland was born in Ireland; 1.3% of the population of Ireland was born in Northern Ireland. The number of Northern Ireland residents living in Ireland is roughly similar to the number before partition, but the number of Irish-born residents in Northern Ireland has declined. The Border has impacted on short-distance migration between adjoining counties, with a fall in the number of cross-border migrants and probably cross-border marriages, and it appears to have increased the rate of population decline in Irish counties adjoining the border. The three counties recording a fall in population 2011-16 were all border counties.

Infrastructure

Most developments in transport, infrastructure, health and educational services over the past century have been on a two-state basis. The absence until recently of any forum for discussing co-operation on these matters proved a major handicap, though economic considerations sometimes overcame these barriers. Discussions about a north-south electricity interconnector began in the late 1930s, but an all-island electricity network did not emerge until the end of the century, and this was achieved under the EU Single Market. The railway system predated the border, so co-operation between the two governments was essential, and in 1953 the Great Northern Railway passed into their joint ownership. But there is evidence that the Border hastened the closure of railway lines serving peripheral areas.

The evolution of road and road transport were heavily circumscribed. Until the 1960s cross-border car journeys required permits, and journeys could only be made at the sixteen crossing points with customs points; motorists using unapproved cross-border roads were liable to have their vehicles seized. Many cross-border roads were spiked during the IRA's 1956-62 campaign, and roads were again blocked during the Northern Ireland Troubles. Road development took little account of all-island needs until recent years, but the availability of EU infrastructure funding since the 1990s has brought significant improvements in this respect. Road freight services operate on an all-island basis, and the Northern Ireland port of Larne is a major route for British-Irish trade.

Hospital services, north and south, developed on a two-state basis, and this seriously impacted on the services available to many border communities, though in recent years agreements have been reached for sharing specialist services. Higher education has also developed on a two-state basis; fewer than 5,000 students cross the border for higher education, which is significantly fewer than the numbers of EU or non-EU students studying in Ireland and Northern Ireland.

Conclusions

Many cultural, religious, academic and sporting organisations have continued to operate on an all-island basis or an Ireland/UK basis since 1922, and new all-island, Ireland/UK organisations have emerged over the past century. These networks have survived turbulent times, and will continue to operate irrespective of Brexit.

British and Irish membership of the EEC/EU has been a very significant force in improving cross-border infrastructure and providing a legal framework for the free movement of goods, services and people.

The Single European Market of 1993 and the removal of security checks following the Good Friday Agreement combined to make the border invisible. This has enabled the re-emergence of all-island trade and commuting within border regions, and it has facilitated major efficiencies in terms of electricity supply. The most important trade flows for Ireland are east-west, rather than north-south. Cross-border trade is more important for Northern Ireland than for Ireland.

Free movement of goods and people is extremely important for those living and working in border areas, and for the industries that have evolved in recent decades on an all-island basis. Any return to a limited number of approved crossing points, or the reintroduction of trade barriers would have a significant impact on those industries, and on freight transport throughout the island.

The impact on businesses in border areas is partly independent of Brexit; changes in the relative value of sterling and the euro, or in VAT and excise duties in either country, have a serious effect on trade in border towns. The border has provided opportunities for illicit activities such as diesel laundering, cock-fighting, poteen distillation and smuggling. It has created major difficulties for security and law-enforcement. Membership of the Single Market has reduced these activities.

There is a need to define what the Common Travel Area means in terms of rights to work, residence and welfare. In the past the rights of Irish citizens to travel and to work within Northern Ireland and Britain and the right of Northern Ireland businesses to operate in Ireland have been circumscribed by the parliaments in Westminster, Stormont and Dublin.

The absence of an all-island organisation, such as the Council of Ireland, hindered cross-border

co-operation on matters of common interest. Strand Two of the 1998 Agreement provides for north-south co-operation, but that has developed to only a limited extent, perhaps because EU membership has made this less necessary. An agreed framework for negotiating all-island issues is essential post-Brexit.

Further Reading

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