Introduction to Special Issue: Creating Spaces for Cooperation: Crossing Borders and Boundaries before and after Brexit

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Creating Spaces for Cooperation: Crossing Borders and Boundaries before and after Brexit

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Introduction

Brexit is undoubtedly a geographical question and one with profound implications for the UK, Ireland, Europe and, perhaps most critically, North-South relations on the island of Ireland. The prospect of a hard border places at risk the goodwill and ease of access that have provided the basis for cross-border cooperation over the last two decades (Hayward, 2017). In the period since the 1998 Good Friday Agreement (GFA), the island of Ireland has slowly emerged as a coherent functional space with extensive effort gone into the development of shared cross-border spaces for cooperation at community, local authority, regional and inter-jurisdictional levels (Coakley and O'Dowd, 2007; Walsh, 2015; Rafferty and Blair, this issue). Prevalent zero-sum mentalities of competing territorial claims and mutually exclusive socio-spatial imaginaries have slowly given way to new spatial logics, focussed on the island of Ireland and/or cross-border region as a functional space (O'Dowd and McCall, 2008, 86; McCall, 2011). Processes of strategic spatial planning have played an instrumental role in fostering spaces for cooperation in spatial planning, and local and regional development within the border region and beyond (Blair *et al.,* 2007; ICLRD, 2006, 2010; ICBAN, 2013). Both, the shared border region, and the idea of the island of Ireland as a functional space, may be understood in terms of soft, non-territorial spaces (Walsh, 2015). They are informal non-statutory spaces, found outside the regulatory sphere of nation-state territoriality, but very much located in the shadow of territory and dependent on formal territorial relations, including in this case the GFA (see also Allmendinger and Haughton, 2009; Allmendinger *et al.,* 2014). It is likely that in the post-Brexit context such soft spaces will acquire increased significance at all

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scales, from that of the island of Ireland, to the border region, to the local scale of inter-municipal and community level cooperation. From this perspective, it is significant that the respective ministries, North and South, made a formal commitment to cooperation in the field of spatial planning in 2011 (Department of Regional Development (Northern Ireland) and Department of Environment, Community and Local Government (Republic of Ireland), 2011). This 'Framework for Cooperation' was itself the outcome of a gradual process of recognising and generating awareness of the mutual benefits of a shared 'island of Ireland' approach to strategic spatial planning, involving a small number of senior figures within both departments and facilitated by the International Centre for Local and Regional Development (see Peel and Lloyd, 2015; Walsh, 2015). Although this document is not well-known and has a technical rather than normative agenda-setting character, its publication was postponed on a number of occasions due to anticipated political sensitivities. In the years since its publication, it has provided an enabling framework for cross-border cooperation around issues of spatial planning and regional development, and provided a degree of continuity in the period prior to the publication of the National Planning Framework for the Republic of Ireland.

This special issue brings together five papers, exploring the current and future geographies of cross-border cooperation and interaction on the island of Ireland. They critically assess the extent to which non-territorial, functional geographies have become embedded within the policy landscape North and South and highlight both their institutional vulnerability and potential durability within the context of Brexit. This introduction summarises the current state of play regarding the Brexit negotiations, places Brexit within its wider European context, and positions this special issue within the context of other contributions to the debate on Brexit geographies. Finally, the specific contribution and focus of each of the papers within the special issue will be discussed in relation to this existing literature.

The Brexit Negotiations and the Irish Border

At the time of writing (January 2020), Brexit negotiations are once again reaching a critical point. The Withdrawal Agreement negotiated by the UK government under Prime Minister Boris Johnson and the EU, represented by the taskforce of Michel Barnier in October 2019 (European Commission, 2019) is expected to be ratified by the UK parliament by 31 January. An extension to Article 50 of the Lisbon Treaty, granted by the EU on 28 October 2019, prolonged UK membership of the EU until 31 January 2020, pushing forward any immediate risk of a disorganised 'no deal' departure. Concern remains, however, that the foreseen transition period could come to an end in December 2020 without a substantial agreement on future relations, bringing with it further uncertainty. Devolved governance in Northern Ireland was restored following an extended period of suspension on 11 January 2020 (Harvey, 2020). The Northern Ireland Assembly voted overwhelmingly not to give its consent to the UK Government European Union (Withdrawal Agreement) Bill, indicating the extent of dissatisfaction with current government proposals on Brexit

(McClements, 2020). In the following paragraphs, we briefly discuss selected key aspects in the Brexit negotiations with particular import for Northern Ireland the Irish border question.

Subsequent to the Brexit referendum of June 2016, the UK government under the premiership of Theresa May invoked Article 50 of the Lisbon Treaty, initiating formal proceedings for the exit of the UK from the EU. As a result of a misjudged general election, the Conservative Party lost its majority in the House of Commons and became dependent on the support of the Democratic Unionist Party (DUP) of Northern Ireland under a 'confidence and supply' arrangement. The DUP thus became 'kingmakers' within the Westminster parliament with an effective veto on key legislation, and the Brexit negotiations, in particular (Hayward, 2018). At the same time, the Northern Irish Assembly at Stormont has been in a state of suspension since January 2017, following a breakdown in trust between the main nationalist and unionist parties. Taken together, these developments, in conjunction with the abstentionist policy of Sinn Fein, have ensured that the only political voice of Northern Ireland during the Brexit negotiations has been that of the DUP, a party with a hard-line, ideological stance on many of the central issues pertinent to the Brexit debate. Thus, although the majority of the Northern Irish electorate voted in June 2016 to remain within the EU, the voice of the majority has been silenced by subsequent political dynamics. The DUP's influence over the UK government's positioning in the Brexit negotiations has served to undermine relationships between unionists and nationalists in Northern Ireland, between Northern Ireland and the Republic of Ireland, and between Ireland and the UK (Murphy and Evershed, 2019).

From the beginning of the Brexit negotiations, the EU recognised the risk posed to the GFA and the potential for destabilisation of the current political settlement in Northern Ireland. Guidelines produced by the European Council in April 2017, introduced the possibility of a differentiated approach to Northern Ireland within the Brexit negotiations, by means of 'flexible and imaginative solutions':

'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, Paragraph 11).

The UK government subsequently recognised the need for a differentiated rather than uniform approach to the border in a position statement published in August of that year (in Hayward and Phinnemore, 2017). The language of flexible and imaginative solutions has been interpreted in terms of a willingness on the part of the EU to consider a differentiated approach, whereby the constituent parts of the UK could have different arrangements and potentially distinct relationships with the EU post-Brexit. This principle of territorial differentiation implies scope to move beyond traditional forms of state-centric, container space territoriality within the broad framework of the EU and European Economic Area (EEA). Cases of territorial differentiation are found across Europe, including, for example, the status of Svalbard (Norway) within the EEA, Turkish Northern Cyprus and the Faroe Islands (Denmark) (ibid.). In practice, territorial differentiation with respect to

Northern Ireland could imply continued membership of, or privileged access to, the EU Customs Union and/or Single Market (see also Centre for Cross Border Studies, 2017). O'Keeffe and Creamer (this issue) discuss current modalities for cross-border cooperation at the EU's external borders within the framework of the EU Neighbourhood policy. It was the commitment to a differentiated approach to Northern Ireland in order to safeguard the Good Friday Agreement which subsequently led to the drafting of a Northern Ireland protocol, commonly known as the Irish 'backstop' to the Withdrawal Agreement negotiated between the UK Government and the EU, and published in November 2018 (European Commission, 2018). The protocol sought to keep Northern Ireland within the remit of key aspects of the EU Single Market (specifically in relation to goods rather than services) in order to prevent the necessity for border controls between NI and RoI (a 'hard border'). It also provided for a 'common customs territory' between the EU and the UK. The protocol was intended to apply until alternative arrangements were found via a trade agreement or other means to obviate the need for a hard border (Anderson, 2018; European Commission, 2018). The backstop arrangement was opposed by the DUP and sections of the Conservative Party who feared that differentiation would pose a risk to the 'territorial integrity' of the UK (see also Wright, 2019; Walsh, this issue). The current draft Withdrawal Agreement (October 2019) replaces the Northern Ireland Protocol with a potentially more long-term arrangement whereby Northern Ireland would *de jure* remain within the customs territory of the UK but *de facto* be fully aligned with the rules of the EU Customs Union and Single Market with respect to goods. Specific provisions allow for these arrangements to be reviewed by the Northern Irish Assembly on a periodic basis in the future, but require a majority support for any change to proposed arrangements (see Murray and O'Donoghue, 2019). In practical terms, much will depend on the working out and operationalisation of the specific arrangements for Northern Ireland and on the extent of divergence emerging from the negotiated future EU-UK relationship. Below we address two key facets of the 'Northern Ireland question', the reconfiguration of territoriality and the vulnerability of the border region with respect to shifting economic and political relations on the island of Ireland post-Brexit. These facets are elaborated further in each of the individual papers of this special issue.

Brexit and the Reconfiguration of Territoriality on the Island of Ireland

Introducing a special issue of *Space and Polity* on 'Brexit Geographies' Boyle *et al.* (2018, 103) provocatively suggest that Brexit represents 'an important chapter in the history of human territorialisation'. While we would argue that the implications of the departure of one European state from the European Union in the early twenty first century, from the perspective of the long, eventful and geographically variegated history of human territorialisation are dramatically overstated here, it may be argued that Brexit constitutes an important moment in the (recent) history of European space and the project of European integration more broadly. Indeed, it is possible to argue that the

concept of 'European space' is at stake in the Brexit negotiations. The UK government has mounted a deliberate and concerted challenge to the four freedoms at the heart of the European project, demanding concessions which would undermine the future of the EU as a functioning transnational economic and political space. Brexit, however, is not the only threat to the European project and must be set in a wider context. Leruth *et al.* (2019) suggest that Brexit triggers the need for a new understanding of contemporary processes of differentiated integration and disintegration within the EU. Scholars such as Zielonka (2014), Guerot (2016), and Faludi (2018) have more extensively and, at times, speculatively discussed the potential for a post-national Europe where nation-states are no longer the key arbiters of territoriality.

The history of the European Union (EU) is characterised by a tension between two concepts of spatiality: that of a transnational European space of relational flows and connections across borders, on the one hand, and that of the EU as a mosaic of self-contained nation-states, on the other hand (e.g., Murphy, 2008; Faludi 2010, 2018). This tension remains unresolved and indeed, the events of recent years suggest that the pendulum is currently swinging further towards a state-centric territorial spatial imaginary in the wake of nationalist and populist tendencies across Europe. The implications of a resurgent territorialist spatial imaginary are perhaps most dramatically visible in the case of the UK's exit from the EU but are no less evident in the rise of populist, exclusionary nationalisms in Hungary and Poland, for example. At the same time, the EU continues to be a site of experimentation in innovative forms of cross-border and transnational cooperation (e.g., Cesar, 2017; Jay, 2018). Within this dynamic and contingent context, European space continues to be made and unmade, negotiated and renegotiated at multiple spatial scales (Jensen and Richardson, 2004; Bialasiewicz, 2016). Within the context of Brexit, the EU's concern to protect 'European space' and the UK government's insistence on reclaiming control of territorial sovereignty reflect diverging constructions of territoriality and spatiality, as one contemporary manifestation of the broader trends outlined above (see also Walsh, this issue).

Each of the papers in this special issue engage with implications of Brexit as a critical moment in the geography of the island of Ireland. The papers move beyond macro-scale questions of sovereignty, territoriality and trade relations to address the implications of shifting spatialities 'on the ground'. Walsh (this issue) traces the emergence of a new understanding of the spatiality of the island of Ireland in the period since the GFA and examines the extent to which Brexit challenges this fragile territorial settlement. Rafferty and Blair (this issue) explore the potential of emergent local-scale cross-border functional geographies. They emphasise the role of 'lateral' soft space partnership arrangements among local and regional governance actors as a means of responding to the dynamics of cross-border socio-economic interrelations. O'Keeffe and Creamer (this issue) review practices of cross-border cooperation at the external borders of the EU, in the cases of Morocco and Moldova, drawing key insights for the island of Ireland post-Brexit. Similar to Rafferty and Blair, they emphasise the need for 'thick' institutional arrangements to support collaborative practices. Ritchie *et al.* (this issue) also focus on the governance of

transboundary functional spaces but within the context of emerging arrangements for, and practices of, marine spatial planning. They find substantial problems of fragmentation and question the capacity of marine spatial planning to provide the necessary level of cross-sectoral coordination or integration. In this context, achieving cross-border alignment appears to a be a secondary concern for the responsible authorities in both jurisdictions. Brexit introduces new uncertainties, particularly in relation to the two cross-border loughs where maritime border demarcations continue to be contested. Nevertheless, marine spatial planning does hold the potential for a shared, transboundary approach to the management of sea spaces which may become increasingly significant in future years. McClelland (this issue) assesses the application of a participatory methodology for documenting place-based perceptual values associated with cross-border landscapes. This approach has the potential to move beyond official narratives of natural and cultural heritage, moving towards a shared approach, beyond the restrictive frames set by distinct national discourses.

Between Vulnerability and Resilience: Spaces for Cooperation Post-Brexit

Boyle *et al.* (2018, 105) further identify the utility of framing Brexit as a 'political hazard' and suggest the scope for learning from the growing academic literature around institutional capacity, resilience and vulnerability. The papers in this issue recognise and assess the vulnerability of Northern Ireland and North-South cross-border relations associated with the UK's decision to leave the EU. It is clear that this vulnerability cannot be expressed in socio-economic terms only and requires sensitive policy responses that support and sustain inter-jurisdictional collaboration (Hayward, 2017; Walsh, this issue; O'Keeffe and Creamer, this issue). Current practices of cross-border cooperation are fundamentally dependent on mutual trust and ease of access across jurisdictions and are highly sensitive to the vagaries of a rapidly changing political climate and an uncertain higher-level policy context. As the question of a border poll returns to the political agenda in the Republic of Ireland, the need for soft diplomacy will arguably increase, if the idea of the island of Ireland as a shared space is not to be subsumed by the political goal of a united Ireland.

Taken together, the papers in this issue emphasise the role of specific forms of soft policy-making (whether through spatial planning, cross-border regional development, or participatory landscape assessment) in institutional capacity-building. *The Framework for Cooperation* provides a degree of legitimation for such initiatives but depends on active engagement and support from key actors within government departments North and South, to ensure these forms of cross-border working can continue post-Brexit. Intermediary organisations working at the interface between academia and policy such as the International Centre for Local and Regional Development (ICLRD) and the Centre for Cross Border Studies will continue to play important, supportive roles in informing and nurturing cross-border dialogue and capacity-building for cooperation as the fallout

of Brexit shapes the socio-spatial dynamics of the island of Ireland over the next decades. Informal modes of inter-jurisdictional policy-making, focussed on soft spaces and functional geographies, can go some way to reducing the negative effects of a potential return to hard, territorial or institutional borders and back-to-back policy-making. Such modes of working, however, require high-level political support, investment, resourcing and a governance culture conducive to inclusive cooperation and collaboration across boundaries.

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