

COLLABORATIVE WORKING MODELS

GOVERNANCE INFRASTRUCTURE
FOR COLLABORATING ACROSS
EXTERNAL BORDERS

POSITION PAPER

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SECTION 1: INTRODUCTION

Brexit is, undoubtedly, going to be – and is already – a catalyst for significant change both on the island of Ireland and across wider East-West, UK.-European relations. The referendum result marks the first time that a Member state has chosen to leave the EU since the establishment of the European Economic Community under the 1957 Treaty of Rome (Gilmartin *et al*, 2018). The form and function which the final agreement will take is still very unclear – with the resulting murkiness giving rise to uncertainty, tensions and anxiety. This series, taking on board insights from a diverse range of stakeholders who are active in the area of cross-border cooperation, aims to provide a constructive engagement on the consequences of Brexit for the Irish border region, and indeed the island of Ireland as a whole. It considers how the after-effects of Brexit, based on insights currently available, can be addressed based on experiences elsewhere.

From EU Integration to.....we don't know yet!

Border regions cover over 40% of the European Union's territory (Beck, 2008), so it is unsurprising that the European landscape is strongly shaped and influenced by the opportunities and challenges arising from their existence. Borders can create discontinuities "*hindering the free flow of people, services and goods*" (Comuniello, 2017). They can create divergences between governmental/ administrative systems which, in turn can impact on service delivery. It has been estimated that there are currently over 200 land borders between nation-states in Europe (Prakash & Lerougetel, 2008¹; Newman, 2006). This includes the Irish border region between Northern Ireland and the Republic of Ireland. The presence of physical borders tends, in turn, to give rise to a number of other borders – cultural borders, linguistic borders, and political borders for example.

The EU has, over the years, played a key role in removing these obstacles – whether legal, administrative, institutional, or economic. The Single Market, for example, which was introduced on 1 January 1993 refers to the EU as one territory without any internal borders or other regulatory obstacles to the free movement of goods and services. Its purpose was to stimulate competition and trade, and improve efficiency (https://ec.europa.eu/growth/single-market_en). This, together with the Customs Union and the long-standing Common Travel Area (CTA) arrangements between the UK. and Ireland resulted in the Irish border becoming a soft, open border characterised by fluid movement of goods and people.

But change is coming....

On the 23rd June 2016, the UK voted to leave the EU. Since taking up post as Prime Minister, Theresa May has been quite categorical that 'Brexit means Brexit' – even though the referendum was non-binding. With a negotiation process entering Phase 2 – for many the most critical phase - it remains unclear how the withdrawal of the UK from the EU will not only affect UK-EU relations but UK-Ireland relationships.

¹ Quoting a BBC report, Prakash & Lerougetel (2008) note the "EU has 1,792 designated external border crossing points with controls, 665 air border crossing points, 871 sea borders and 246 land borders, 300 million crossings per year at these points".

The Irish Government's Negotiating Priorities

Since the withdrawal vote, and the subsequent triggering of Article 50 in March 2017 by the UK Government, the Irish Government has been very vocal on its' four negotiating priorities:

- (1) Minimising impact on **Trade and the Economy**;
- (2) Protecting the **Northern Ireland Peace Process**;
- (3) Maintaining the **Common Travel Area**;
- (4) Influencing the **future of the European Union**.

1. *Trade and the Economy*

Ireland will be the only EU country to share a land border with the UK post-withdrawal. InterTradeIreland estimate that, every month, 177,000 lorries, 205,000 vans and more than 1.8million cars cross the border between Ireland and Northern Ireland; and that over 30,000 people make the cross-border commute to work (Gough, 2017). It is now widely accepted that Brexit presents critical risks for key sectors such as food/agri-food, fisheries, retail, tourism and energy – sectors that tend to operate on an all-island basis. While it has been over two years since the UK voted to leave the EU, and eighteen months since the triggering of Article 50 by the UK², much uncertainty remains around the focus of the Withdrawal Agreement, if there will be a transition period, and even if there will be an agreement. Given the close relations between Ireland and the UK – spatially, culturally, and economically – the implications of this uncertainty are particularly acute for Ireland.

The UK remains one of Ireland's most significant trading partners. Between Northern Ireland and Ireland, trade in goods and services is valued at €6billion per annum (Gough, 2017). This trade is disproportionately important for small businesses and is heavily dependent on the open land borders that have been in place since the adoption of the Single Market in 1992 and the subsequent removal of the Customs Border, and the removal of security checkpoints and military installations post-1998. Unsurprisingly, from an economics perspective – but also in the context of maintaining a stable peace process – the Irish Government has called for no hard or visible border to be returned to the Irish border region. As noted by the Irish Government, "*The disappearance of physical border crossings and checkpoints is both a symbol of and a dividend from the success of the peace process*" (2017: 6). In addition, the Irish Government is calling for:

- The maintenance of close trade between the UK and EU/Ireland;
- The minimisation of regulatory burdens for goods transiting the UK;
- Improved business environments – more competitive, diversified markets and better infrastructure; and
- The pursuance of trade and investment opportunities from Brexit (Irish Government, 2016).

² Article 50 of the Treaty on European Union was triggered on 29 March 2017, thus formally commencing the UK's withdrawal from the EU.

2. Protecting the Northern Ireland Peace Process

The Irish Government has strongly signalled its commitment to ensuring that the 1998 Good Friday/Belfast Agreement, and associated gains of the peace process, are fully respected and protected in the withdrawal process (Irish Government, 2017). Borders, across Europe, are increasingly recognised for the potential cooperation they signify rather than the obstacles and barriers they can create. Since the Good Friday/Belfast Agreement, cooperation across the Ireland/Northern Ireland border has increased significantly – with much of this collaboration being targeted at the pragmatic resolution of shared problems, often through rationalisation of resources, and nurturing synergies. The EU has strongly supported and underpinned the Peace Process in a number of ways: from providing a valuable context in which Ireland and Northern Ireland/the UK could work together in partnership to facilitating an open border and common trading/regulatory standards to direct financial supports under the PEACE Programme (Irish Government, 2017). As co-guarantor of this international agreement, the Irish Government’s approach to protecting the Peace Process includes avoidance of any hard border, supporting continued EU engagement in Northern Ireland through EU-funded cross-border cooperation programmes and protection of the unique status of Irish citizens in Northern Ireland. Brexit, however, raises uncertain implications for many of the key issues addressed by the Good Friday/Belfast Agreement, “including those of identity, equality, parity of esteem and the health of the cross-border and bilateral relationships” (Gilmore, 2017). To mitigate these risks, the Irish Government is committed to:

- The protection of all provisions of the Good Friday/Belfast Agreement;
- The maintenance of EU support for the Peace Process;
- Avoiding a hard border on the island; and
- Supporting continued North-South cooperation (Irish Government, 2016).

3. Common Travel Area

As noted in the preceding *Issues Paper* to this report, given the continued land-border between Ireland and Northern Ireland, and the ethno-political tensions with which it can be associated, it is unsurprising that the Irish Government has been actively seeking solutions to maintaining an open border and the Common Travel Area (CTA), and protecting the Good Friday/Belfast Agreement (Creamer & O’Keeffe, 2017: 11). The Common Travel Area predates Irish and UK membership of the EU. It is a bilateral agreement with its origins lying in Ireland’s independence in 1922. Having been formalised in 1952 under a new administrative agreement, and reiterated under Protocol 20 of the Treaty of Amsterdam in 1997, the CTA lays down a number of reciprocal measures for the citizens of both countries³ – allowing for free movement, employment, health care, some voting rights and social security (de Mars *et al*, 2018). The CTA, as such, extends beyond free and open travel⁴; rather, it protects the rights and status of Irish citizens in the UK, and UK citizens in Ireland.

³ The CTA also applies to the Channel Islands and the Isle of Man.

⁴ With both the UK and Ireland opting out of Schengen – of which most EU Member States are part – the CTA has made an open border policy possible (Gilmartin *et al*, 2018).

There is a strong history of collaboration between both countries – both at national and local level. Close cultural ties have both strengthened and given rise to further movement of peoples between both countries – a movement aided and protected by the CTA.

Recognising that Brexit may inhibit the CTA, the Irish Government's priorities in this areas are to:

- Commit jointly with the UK to maintaining the CTA;
- Confirm rights and benefits under the CTA;
- Build awareness and understanding of the CTA amongst EU partners; and
- Uphold free movement of EU citizens within the EU (Irish Government, 2016).

4. Future of the European Union

Following the decision of the UK to leave the EU, the Irish government has been very vocal in its on-going commitment to the EU, and the value-added stemming from its membership of the European Union. As part of the Brexit negotiations, Ireland will be a member of the EU27 team – and as already highlighted by Michel Barnier, the EU's Chief Negotiator, a key member of the negotiating team because of border management issues and the vital need to protect the Peace Process. Undoubtedly, the UK referendum decision has raised questions within the EU as to just how strong its political influence is, and the broader understanding of its 'shared' goals and objectives. In the context of the UK, Morphet notes that

“Despite being a member for over 40 years, there is very little public knowledge and familiarity of how the EU works, the meetings that are held and the decisions that are made....For most of the period of the UK's membership of the EU, decisions and legislation have been clothed in a UK wrapper” (2017: 14).

A Red C Survey carried out in March 2018 for the European Movement⁵ showed that 92% of those surveyed believed Ireland should remain in the EU; with this figure rising to 97% amongst 18-24 year olds. With the sense that Brexit could further weaken the EU and/or negatively impact on Irish influence in it, the Irish Government's priorities for mitigating these risks are:

- Strengthen existing alliances in EU and build new ones;
- Influence future direction of European Union;
- Promote better awareness of EU role, values and achievements; and
- Maintain strong UK-Ireland and UK-EU relations (Irish Government, 2016).

These four priorities, and how they are transposed in the final Withdrawal Agreement, will have both direct and indirect implications for local government working on a cross-border basis – whether, for example, through impacts on freedom of movement and cross-border mobility, the future growth and focus of the economic development arm of local government or continued access to EU funding.

⁵ This survey was carried out as part of the European Movement's annual survey on Irish attitudes to the EU.

Together, these will have a strong bearing on the future spatial geographies of the Irish border region – economically, socially and environmentally.

Collaborative Working Models: Emerging Issues

This Briefing Paper series, funded by the Department of Foreign Affairs and Trade through the ‘Reconciliation Fund’, considers the implications of the UK’s withdrawal from the EU for spatial planning policy and practice on the island of Ireland and the border region in particular. In October 2017, the ICLRD produced a series of Issues Papers as part of this series – one of which focused on local government collaborative working models (Creamer & O’Keeffe, 2017). This paper considered the emerging challenges for local government “*in the delivery of services and other economic development priorities*” (Grant Thornton, 2016: 1) as a result of the uncertainty created by Brexit. Given that the future form, structure and function of future cross-border partnerships will be determined by the outcomes of the negotiations – which are still ongoing – the ICLRD, through its analysis, identified five key emerging and ‘known’ challenges/risks to future collaborative arrangements between local governments, North and South, over the short- to medium-term:

- (1) ***Governance and Legal Framework:*** Inter-jurisdictional collaboration in the Irish border region pre-dates the Good Friday/Belfast Agreement. The Agreement, and subsequent normalisation of political relations have provided further impetus for collaboration. Local authorities have been to the fore in giving effect to cross-border cooperation. Following Brexit, will the current model and mechanisms supporting cross-border collaboration still work? How should/can local authorities formally engage with each other across an external EU border?
- (2) ***Financial Arrangements:*** EU funding has been integral to the roll-out of cross-border initiatives that have promoted, for example, local economic development, inter-community relations, and cross-border projects – both hard and soft in nature. Post-Brexit, what funding will be available to Northern Ireland as a ‘Third Country’? How does the operation of EU-funding mechanisms in external cross-border contexts compare and contrast with existing mechanisms? And in the absence of EU funding, who provides local government with the requisite funding to build on existing collaborative relationships?
- (3) ***The Specific Role(s) of Local Authorities:*** Local Government across both jurisdictions are both enablers of development and delivers of essential local services. Compared to other OECD countries, however, they are challenged by a relative lack of influence over many policy areas. In a post-Brexit landscape, how do local authorities envision the future of cross-border cooperation? Will they have the budgets, capacity and orientation to allow them continue to build on the successes of recent years?
- (4) ***Citizen and Civil Society Engagement:*** Civil society organisations have been key actors to date in enabling cross-border collaboration; often playing a leadership role in the initiation, fostering and expansion of collaborative relationships. Brexit raises questions around the future role of civil society in collaborative relationships with a Third Country where there may no longer be freedom of movement, and the funding environment is uncertain;
- (5) ***EU Role:*** As well as a funder of cross-border collaboration, the EU is a proven enabler of collaborative governance. Brexit raises questions around regulatory alignment and standards

for cross-border activities, and networking and collaborative arrangements for ‘third countries’

In its conclusions, the *Issues Paper* noted that the deep economic, social and cultural links between Ireland and Northern Ireland leaves both jurisdictions particularly exposed to the disruption of Brexit (Creamer & O’Keeffe, 2017). As negotiations continue, the lack of knowledge and/or understanding within Westminster – across both the Conservative and Labour parties - of the nature and depth of cross-border relations on the one hand, and the failure to recognise the fragility of the peace process and the sensitivities to the reappearance of border infrastructure (NIAC, 2018: 7) have led to local government actors, businesses and communities on both sides of the border questioning the scope for, and nature of, future relationships.

As things stand, the planning systems of both Ireland and Northern Ireland (and the UK more broadly) are closely intertwined with European and international frameworks. Both jurisdictions have successfully benefited from EU funding and supports for this largely disadvantaged region, with strategic investments having been made in both hard and soft infrastructure (Creamer & O’Keeffe, 2017). Local authorities have been to the forefront of leveraging these monies, and driving cross-border collaboration – recognising the benefits this brings to both people and place.

In a post-Brexit landscape, it is acknowledged that the *“changed relationship between the UK and Ireland/the EU is likely to bring about legal and administrative changes that may well affect the ways in which local authorities apply standards and regulations”* and *“may also have implications for the ways in which local authorities engage with one another”* (Creamer & O’Keeffe, 2017: 19). And while negotiations are ongoing, and still very fluid, there is a strong case for local authorities to inform themselves of other models of collaborative working – as they apply to external border areas – and forward plan for future collaborative working that supports the socio-economic development and environmental protection of the Irish border region.

SECTION 2: THE IRISH BORDER AND LOCAL GOVERNMENT COLLABORATION

Following the Brexit referendum, Senator George Mitchell, a key negotiator of the Good Friday/Belfast Agreement stated that “*any reintroduction of a land border between Northern Ireland and Ireland would be a very retrogressive step*” (Morphet, 2017: 26).

The Irish Border

Physically, the Irish border is 310 miles/ 500 km in length. A now largely invisible and open border, it is characterised by over 200 formal crossing points – from motorways to regional and local routes – and probably the same number again of informal crossing points (NIAC, 2018). It has been estimated that over 30,000 people traverse this border daily for the purposes of work alone (NIAC, 2018) - with over 100,000 making daily crossings (Magennis, 2018). In the North West, figures gathered by the Department for Regional Development (DRD) in 2015 record a total of 326,577 journeys per week across three major crossings, namely Derry/Bridgend, Muff Village to Derry and Strabane/Lifford (UUEPC, 2017a). This averages 40,600 journeys per week across these three main access routes – with secondary access points not yet counted. In some border communities – Muff, Killea (County Donegal) – it is estimated that almost 50% of the population are commuting to Derry (Gallagher, 2017). Undoubtedly, the Brexit deal, and its implications for the future form the Irish border takes – hard border, soft border, open border – will impact significantly on these communities.

The Irish border is also a comparatively frictionless border as a result of the Common Travel Area (CTA), the EU Customs Union and Single Market, and the 1998 Good Friday/Belfast Agreement (Hayward & Phinnemore, 2017); in a short number of years, “*the border went from being intensely fortified to all but completely open*” (de Mars *et al*, 2018: 17). As well as collectively ensuring the free movement of people/labour, goods, services and capital, these policy frameworks shared by the UK and Ireland have also reduced regulatory divergence through the adoption of EU laws and regulations (Hayward & Phinnemore, 2017).

As noted by de Mars *et al* (2018), borders also operate at a much deeper level – politically and culturally. Up until the 1990s, areas adjacent to the border between Ireland and Northern Ireland were synonymous with socio-political conflict, tension and socio-economic stagnation and decline; all largely associated with Partition and The Troubles (Creamer *et al*, 2008; de Mars *et al*, 2018). The border region was for many decades “a contested border” (Coakley & O’Dowd, 2004) – not politically for the most part (as a result of the Good Friday/Belfast Agreement 1998 and the St. Andrew’s Agreement in 2006); but rather physically and mentally as many citizens perceive the border as being inconsistent with local economic, community and social linkages and patterns (Creamer *et al*, 2008). From the 1920s to the 1990s, the dominant trend had been for people on both sides of the Border to live ‘back-to-back’ (Busteed, 1992).

According to Gilmartin *et al* (2018) the dominant narrative around borders has been their removal in an increasingly globalised world. In reality, however, borders are “*of key importance to the functioning of global society*” (2018: 11). The relatively open border between Ireland and Northern Ireland is the exception moreso than the rule. But, following the emphasis placed by ‘Brexiters’ on the need to manage border and control immigration, this largely invisible border is now under threat (Gilmartin *et al*, 2018: 15).

Across spatial scales, and border territories in particular, the issue of identity is important – yet complex. In the context of Northern Ireland, collective identities attached to particular communities have emerged and held fast since the late '60s/early '70s; with these identities being based on personal and private characteristics – such as religion or politics – and a space or place in which to play them out. Place, therefore, becomes both a *“site of meaning”* as well as *“a tool used by powerful groups to manipulate present and future action”* (Masuda & Garvin, 2008: 112).

In developing policies, or in the case of the Brexit referendum, negotiating new frontier arrangements, it is essential that any adopted policy recognises that it is 'serving' different publics with diverse identities, that society is not homogeneous (Murphy, 2010). This requires different mechanisms to facilitate the implementation of policy at the local level. According to Williams, this *“demands an appreciation of connections and inter-relationships which are manifested in different ways at different stages”* (2002:118).

This 'appreciation' of the fraught history of Northern Ireland, and the role of the Good Friday/Belfast Agreement and wider North-South cooperation in *“achieving reconciliation and the normalisation of relationships on the island of Ireland”* (Phinnemore, 2018a) has been sorely lacking in the negotiations to date. While it is recognised that *“distinct arrangements are appropriate for Northern Ireland”*(European Commission, 2017a), the Democratic Unionist Party (DUP) – currently in a confidence and supply arrangement with the Conservative Government – strongly objects to any East-West regulatory divergence which, in turn, means that there can be no certainty that any distinct arrangements deemed to fracture the Union *“would be pursued irrespective of its economic, political, social or environmental merits especially as regards avoiding a hard border”* (Phinnemore, 2018a). But, as argued by Gaw (2016), *“To install physical checkpoints along the border would instantly undermine a hard-won peace”*.

1. Spatial Planning and the Irish Border

Following the UK's withdrawal from the EU, Northern Ireland will be the only⁶ UK region with a land border with another EU state. It could, therefore, be argued that the most significant impact of Brexit will be on the communities of Northern Ireland – in terms of trade and broader economic development, cross-council collaboration and the wider peace process. Retail Ireland Director Thomas Burke stated in August 2016, that

“Ireland is uniquely exposed to Brexit's chill winds. Consumer confidence has fallen back...and [there has been] increased pressure on many retailers due to sterling's rapid decline”.

Maintaining good bi-lateral relations between the UK and Irish governments is clearly important, whether concerning trade, politics, security or Northern Ireland affairs. A key challenge for all stakeholders to the negotiations will be balancing peace with the management of a post-Brexit landscape that will involve an external EU-border territory and (very possibly) a return to a hard border.

⁶ Gibraltar is an overseas territory, rather than a region of the UK. Although Gibraltarians voted to remain in the EU, the territory is due to leave the EU in March 2019, thereby creating an external EU land border with Spain.

There is a long history of cross-border collaboration on the island of Ireland, especially at local government level. One such area where there is a strong history of critical collaboration across the Irish border region is spatial planning policy and practice. The *Framework for Co-operation: Spatial Strategies of Northern Ireland and the Republic of Ireland*, jointly published by the Department of Environment, Community and Local Government (IE) and the Department for Regional Development (NI), was a significant milestone in cross-border working for central, regional and local government agencies on the island of Ireland. It examined “*the key planning challenges faced by both jurisdictions on the island*” and discussed “*the potential for co-operation*”, especially in the cross-cutting field of spatial planning (2013: 5).

Planning, as a core function of local government, is an “*integrative and participatory decision-making process that addresses competing interests and is linked to a shared vision*” while also being “*a core component of the renewed urban governance paradigm, which promotes local democracy, participation and inclusion, transparency and accountability*” (UN Habitat, 2015: 8). A central tenet of spatial planning is the understanding that spatial dynamics across environmental, social and economic sectors transcend administrative boundaries created by national, regional and local government. Indeed, as noted by Cowell (2017: 156), a perennial issue in the quest for more environmentally effective planning is “*the pursuit of ‘joined up’ or ‘integrated’ approaches*”. The EU has been an important promoter of such integration - through the generation of ideas and encouragement of collaboration, assisted by targeted funding.

The *European Spatial Development Perspective* (ESDP), for example, has played a key role in progressing the EU’s interest in spatial policy. It has, for example, influenced the direction of national spatial policy in both Ireland and Northern Ireland through the *National Spatial Strategy* (NSS) and *Regional Development Strategy* (RDS) respectively – both produced in the early 2000s. The ESDP was concerned with promoting ‘balanced and sustainable development’ across the EU, in part by redressing spatially uneven and unsustainable development patterns. Of particular relevance was its promotion of ‘spatial planning’, which entailed the integration and coordination of all sectoral activities with spatial consequences; with such joined-up thinking and working lying at the heart of key policy documents across the island of Ireland over the past decade: the aforementioned NSS (2002) and RDS (2001), the *Border Regional Planning Guidelines* (2006 & 2010), and the above mentioned *Framework for Co-operation: Spatial Strategies of Northern Ireland and the Republic of Ireland* (2013).

Spatial planning practice - in terms of environmental management, marine management, special areas of conservation (SACs), greenhouse gas emissions, climate change and adaptation, and the functional workings of space (functional territories) for example – does not adhere to borders. The development and delivery of policies in these areas requires transboundary consultations and shared visions and objectives. When the cross-border territories are both part of the EU, collaboration between each is greatly assisted by the transposition of EU Directives and legislation into national laws. This not only paves the way for close co-operation between the countries as “friendly neighbours” but also as member states of the EU (Douglas-Scott, 2015).

Across the island of Ireland, spatial planning is also widely recognised as playing a key role in both nurturing and sustaining peace and reconciliation, as evidenced by inclusion of this approach to planning in the Good Friday/Belfast Agreement (1998) and, more recently, the emphasis placed by the *Framework for Co-operation* on the role of cross-border collaboration in addressing the key planning challenges faced by both jurisdictions (DoECLG & DRD, 2013). The vote in favour of Brexit on 23rd June

2016 has cast a dark shadow on, and degree of uncertainty over, the future of such collaborative efforts across all spatial scales – national, regional and local.

2. The Irish Border and Cross-Border Working

As noted by Morphet (2017), “*One of the major strengths of the EU is the emphasis it places on cross-border and cross-national working between sub-state local and regional bodies*” (p.45). The regional policy of the EU, through a process of territorial integration, aims at harmonisation and cohesion in the development of European regions. For border regions, collaboration in the area of spatial planning is key to achieving this core objective of the EU (Durand, 2014). And while there are many structures and mechanisms to support such collaboration for border regions within EU member states, it is less clear how such cooperation works when external border areas come into play. Over a period of almost thirty years, EU funding programmes have not only supported physical infrastructure improvements but also committed to social and cultural projects that have improved relationships.

Predictably, continued access to EU funding is a key demand radiating from border communities and local government. A related cross-cutting priority, increasingly evident through the All-Island Civic Dialogues and Sectoral Dialogues hosted by the Irish Government since November 2016, is the need for ‘localised’ solutions to mitigate the potential negative impacts of Brexit on the island of Ireland as a whole, but particularly within the Irish border region.

Local government has a key role to play not only in identifying solutions but also in being a driver and enabler of new frameworks required to sustain existing collaborations while also nurturing new relationships.

The Irish Border and Local Government Collaboration

Cross-border cooperation across the island of Ireland occurs in a wide range of sectors: energy, social inclusion, connectivity, economic development, health, education, agriculture and plant and animal health policy and research, environmental protection, waste management, etc. All have placed a strong emphasis on reconciliation and peace-building. Much of this activity has grown out of grass-roots activity, representing a coming together of multi-stakeholder partnerships centred on local government networks, community partnerships and civil society, and the private sector; and is increasingly linked (strategically) to national and/or regional policies. The *Framework for Co-operation*, building on both the *National Spatial Strategy (NSS)* for Ireland and the *Regional Development Strategy (RDS)* for Northern Ireland emphasises the importance of neighbouring cities and towns working together to the mutual benefit of the functional regions they serve, highlighting in particular the cross-border corridors of Dublin-Belfast, Dundalk-Newry, and Letterkenny-Derry/Londonderry.

Local government across the island of Ireland has undoubtedly benefitted from EU integration – whether from EU legislation and policy, access to EU structural and investment funds, shared learning and exchange of information, etc. As noted by Murphy (2018), “*The EU context was particularly important for the peace process, but it was also economically significant for the way in which the SEM (Single European Market) and the commitment of structural funding supported growth in Northern Ireland*” (p.85-86) and, indeed, the Southern Irish border counties. A core principle of the EU is achieving social, economic and territorial cohesion through reducing disparities across regions and promoting social justice. This entails tackling the impacts of peripherality, low skills, low income, and youth unemployment (Morphet, 2017). The EU places a strong focus on raising standards across its member states – environmental, animal health, food processing, etc.; environmental standards and

outcomes being, for example, a core policy of the Single Market (Morphet, 2017). There are concerns that Brexit will lead to a diminution of standards and citizen rights (Fabbrini, 2017; Greer *et al*, 2018; Schiek, 2018).

In the Irish border region, the three local government cross-border networks – the North West Region Cross Border Group (NWRCBG), East Border Region Ltd., and the Irish Central Border Area Network Ltd. (ICBAN) – together with the Centre for Cross Border Studies (CCBS), Cooperation and Working Together (CAWT), and the Cross Border Emergency Management Working Group (CBEMWG), to name but a few, have been instrumental in making significant contributions to the socio-economic development and socio-political reconciliation of the region. Working from their respective strategic priorities, these networks have enabled the development of joint cross-border programmes – usually supported through EU-funded programmes. The North West Region Cross-Border Group, more recently replaced by the North West Region Development Group centred on Donegal County Council and Derry City and Strabane District Council, demonstrates how council officials and elected members can jointly engage in activities around strategic regional priorities focused on economic growth and investment, physical and environmental development and social cohesion and well-being.

Morphet argues that *“One of the major strengths of the EU is the emphasis that it places on cross border and cross national working between sub-state local and regional bodies”* (2017: 45). Post-2020, it is not clear what funds the UK will have access to, and what the implications of this will be for North-South initiatives. This raises concerns around how the future infrastructures required – both hard and soft – to sustain and further grow cross-border relations will be supported. According to Murphy (2018), cross-border interactions as well as the levels of internal economic activity are likely to be adversely affected by Northern Ireland’s loss of EU structural funds. Citing a 2016 House of Lords report, Murphy notes that *“the loss of support that Brexit entails could have a devastating impact”* (2018: 83). She observes that such an impact would be *“economic and political, threatening the continuation of large infrastructural investment, cross-border cooperation and Mechanisms for supporting peace and reconciliation”* (ibid.).

SECTION 3: BREXIT – THE PROCESS OF NEGOTIATION

On the 23rd June 2016, eleven of the eighteen parliamentary constituencies of Northern Ireland voted to remain in the European Union – representing a 56% majority of voters who turned out to cast their ballot. The outcome of the referendum in Northern Ireland must be considered in the context of:

- Northern Ireland is the only part of the UK., that shares a physical land border with another EU member state;
- The wider Irish border region is intertwined economically, socially and environmentally. The UK is Ireland’s largest direct trading partner (McCann & Ortega-Argilés, 2018), as demonstrated by some highlight statistics:
 - ❖ **TRADE:** Cross-border trade between Northern Ireland and Ireland has grown steadily over the past two decades (Durrant & Stojanovic, 2018). According to Copenhagen Economics, in research conducted for the Irish Department for Business, Enterprise and Innovation (DBEI), approximately 15 per cent of Irish goods and services exports are destined to the UK; while in some sectors – such as agri-food – this figure can be as high as 40%. In addition, two-thirds of Irish exporters make use of the UK landbridge to access continental markets (Copenhagen Economics, 2018). The potential loss of the UK landbridge for exports could reduce cross-border trade by 9% (Keyes, 2017).
 - ❖ **ACCESS TO LABOUR:** Individuals and businesses on both sides of the border benefit from access to a labour market spanning both jurisdictions (NIAC, 2018). Derry City and Strabane District Council estimates, for example, that over one-third of its workforce lives in Donegal;⁷
 - ❖ **AGRICULTURE:** Agri-food accounts for almost 40% of Northern Ireland’s exports to Ireland (Durrant & Stojanovic, 2018); It is estimated that 500,000 lambs travel from Northern Ireland to Ireland for processing; traditionally, 75% of the pigs produced on this island have been slaughtered in Northern Ireland; and over 75% of the milk processing capacity in Northern Ireland is owned by Southern-based co-ops;
 - ❖ **FISHERIES:** The UK owns 33% of the EU waters – and Ireland’s fishing industry is 60% dependent on access to this resource;
 - ❖ **TOURISM:** over 70% of international tourists to Northern Ireland come via Ireland;
 - ❖ **ENERGY:** There are significant concerns on the risks to the All Island Single Energy market and it is widely acknowledged that there is a need to better communicate its importance to consumers (Dept. An Taoiseach, 2017);
- The Irish border is currently an open and soft border that is vital to business and business supply chains, tourism, agriculture and the overall development of this cross-border micro-region;
- Northern Ireland has benefitted significantly from EU funds (see Appendix 1); it was allocated €3.53 billion in EU structural supports for the period 2014-2020, an increase on its allocation during the previous programme period of 2007-2013. Indeed, over the past two decades, EU funds have contributed to between two and three percent of Northern Ireland’s GDP; and
- Northern Ireland is the only part of the UK. fostering a (still) tentative peace process.

⁷ Cross border mobility and labour markets is the focus of a further working paper in this series – see Boyle (2018).

Taken together, it is clear that there is a lot at stake in the negotiation of the UK's exit from the EU. In January 2017, six months after the Brexit vote, Prime Minister Theresa May, in her Lancaster speech, announced that the UK would be leaving the Single Market, favouring the negotiation of a free trade agreement, while, at the same time, stating that *"maintaining that Common Travel Area with the Republic of Ireland will be an important priority for the UK in the talks ahead"*. As noted by Durrant & Stojanovic, having an open border is important not only for trade reasons but because

"The open border is a potent symbol of the success of the peace process in Northern Ireland, which was formalised in the Good Friday/Belfast Agreement of 1998. The Agreement established formal and informal mechanisms for cross-community co-operation on a whole host of issues" (2018: 4).

In this context, it is unsurprising that the negotiation process has been anything but straight-forward to date, with the Irish border dominating both Phase 1 and Phase 2 discussions so far.

Phase 1: June – December 2017

With the triggering of Article 50 in March 2017, the process of the UK's withdrawal from the EU formally commenced. Phase 1 of these negotiations, running from June to December 2017, focused on three key issues, as determined by the EU's Negotiating Directive (Hayward, 2018a; Phinnemore, 2017), namely:

- Protecting the rights of Union citizens' in the UK, and UK citizens' in the Union;
- The framework for addressing the unique circumstances in Northern Ireland; and
- The financial settlement.

The Joint Report of 8th December 2017 covered all three issues; with the European Council agreeing on 15th December that "sufficient progress" had been made to allow negotiations move into the second phase – focusing on the transition of the UK out of the EU. The third phase, focusing on the future UK-EU relationship, can only take place after the UK has left the EU in March 2019 (Barnard, 2018).

The section on Northern Ireland/Ireland within the Joint Report has been most closely scrutinised (paras. 42-56) – and most strongly carried forward into the Phase 2 discussions. That there would be a strong focus on the peace process and Irish border was well flagged at the outset of the negotiations by the EU. During a visit to Dublin in May 2017, the EU's Chief Negotiator, Michel Barnier, assured the Houses of the Oireachtas that Ireland and Northern Ireland would be one of his key priorities in the negotiations, that *"Ireland's interest will be the Union's interest"* (de Mars *et al*, 2018: 20). This commitment to Ireland's interests is a reflection of the challenges that Brexit poses (Phinnemore, 2017) and why it has been so difficult to separate future economic plans from political sensitivities (Hayward, 2018b). The emphasis being placed on the Good Friday/Belfast Agreement, the peace process and the open border is out of *"respect for the process of post-conflict 'normalisation' in which cross-border cooperation is unburdened by political significance and through which economies of scale can flourish"* (Hayward, 2018b: 16).

The Joint Report, according to Hayward (2018a), *"makes it clear that the preferred outcome on both sides is for a UK-wide solution that avoids a hard border on the island of Ireland"* while also acknowledging that the UK will not remain in the Single Market and (most likely) the Customs Union.

This, by its very nature, requires an increase in border controls and immediately raises concerns as to whether the commitments and principles contained within the Joint Report can be implemented.

Of key interest to the future form and function of collaborative cross-border relationships is the commitment placed on:

- (1) The avoidance of a hard border, including any physical infrastructure or related checks and controls;
- (2) The maintenance and development of North-South and East-West cooperation across a full range of political, economic, security, societal and agricultural contexts;
- (3) The maintenance of the Common Travel Area (CTA);
- (4) The protection, in all its parts, of the Good Friday/Belfast Agreement; and
- (5) The commitment to examine favourably the maintenance of the PEACE and INTERREG funding programmes.

But, as Hayward (2018a) notes, while the Joint Report has set out “*vital common ground between the two sides*”, Brexit will “*inevitable change relations across the Irish border and between these islands*”. Indeed, as reported by Phinnemore (2018a), shortly after the adoption of the Joint Report, the then UK Minister for Exiting the EU, David Davis⁸ contended that what had been agreed in December 2017 was “*much more a statement of intent than it was a legally enforceable thing*”. The UK, in its anxiety to move onto trade talks “*conceded too much on the Northern Ireland issue*” in the December Joint Report (Gudgin, 2018: 17).

Phase 2: January – July 2018 (...and ongoing)

Phase 2 discussions, currently under way, are concentrating on the transition process, and outlining the arrangements required for (ideally) a smooth exit. This Phase continues to focus on Northern Ireland/Ireland both in terms of how the commitments made in the Joint Report will be translated into firm action, and how in turn these affirmations will influence the future UK-EU relationship.

On the 19th March 2018, a colour-coded *Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community* was published by the European Commission⁹. This was in effect the translation of the December 2017 Joint Report into a draft legal document. It was noted at the time of publishing that approximately 80% of the Agreement had been agreed – relating to, for example, citizens’ rights, separation provisions and transitioning relationships, and financial provisions. The challenge since is that little progress has been made on the remaining 20%. This is particularly true of the Protocol on Ireland/Northern Ireland.

⁸ Minister Davis resigned on 8th July 2018 in response to the Prime Minister’s ‘Chequers Plan’, arguing that the UK are “giving away too much and too easily” to the EU in the negotiations (see <https://www.bbc.com/news/uk-politics-44761056>)

⁹ The report was divided into three parts, namely (1) text in green representing text agreed by all sides subject to technical legal revision;(2) text in yellow representing text agreed on policy objectives but still requiring further drafting/clarifications; and (3) text in white representing text proposed by the EU on which discussions were ongoing but no agreement yet reached.

While the Joint Report, agreed in December, outlined three options for avoiding a hard border¹⁰, the draft *Withdrawal Agreement* focuses quite heavily on the default position agreed (Option C) – better known as the ‘backstop’ – and thus “*makes the default option the rule*” (Barnard, 2018); keeping Northern Ireland in the Customs Union and Single Market for goods. This will require a hard border down the Irish Sea – which is unacceptable to the DUP, and the Joint Report’s stipulation of “*no new regulatory barriers*” being developed (Paragraph 50).

Barnard (2018) argues that Options A and B cannot be considered in the Withdrawal Agreement as these options relate more closely to Phase 3 of negotiations – the future UK-EU relationship – which can only commence once the UK leaves the EU. As this protracted process is demonstrating, the process of withdrawal is not so black and white, and cannot be neatly compartmentalised into self-contained phases, with Hayward & Phinnemore (2018a) concluding that “*the two sides have had fundamentally different expectations about what this two-year negotiation period was for*”.

Chequers & The White Paper

On the 6th July, the UK Government met at Chequers “*to discuss and collectively agree the UK’s vision*” for the future UK-EU relationship, putting forward their proposals on a future economic partnership that would see the UK and the EU meet their commitments to Northern Ireland and Ireland by “*preserving the constitutional and economic integrity of the UK, honouring the letter and the spirit of the Belfast Agreement; and ensuring that the operational legal text the UK will nonetheless agree on a ‘backstop’ solution as part of the Withdrawal Agreement would not need to be brought into effect*” (HM Government, 2018). The Chequers Plan, as an alternative negotiating position to the EU’s *Draft Withdrawal Agreement*, claims to protect supply chains, avoid a hard border between Ireland and Northern Ireland, and, most importantly for hard-line Brexiteers, end free movement of people, allow the UK to have an independent trade policy and end the UK’s contributions to the EU budget (Irish Examiner, 7 July 2018).

The Chequers Plan was supported by a White Paper published on 12th July 2018. The White Paper outlines the “*association agreement*” being sought with the EU in the areas of trade, security, foreign policy, etc. and proposes a “*free trade area*” with the EU, part of which entails the UK continuing to follow EU rules, regulations¹¹ and standards (Taylor, 2018). In addition to setting out a “*common rulebook*” for all goods, the White Paper also commits to a “*facilitated Customs arrangement*” for goods coming from outside the EU and UK, and maintaining high environmental, social, and employment standards, to name but some areas of collaboration. In effect, this is the UK’s version of a ‘backstop’ for Northern Ireland via “*effective membership of the single market for goods*” (Hayward & Phinnemore, 2018b) and, as such, there is no need for a backstop (Hayward & Phinnemore, 2018a).

As noted by Hayward & Phinnemore (2018a), the White Paper aims to negate the need for checks and controls at the border through “*an ambitious trade deal*” which ensures “*that the operational legal text*

¹⁰ The three options were (Paragraph 49 of the Joint Report):

- A: a negotiated EU-UK relationship which addresses the Northern Ireland border issue;
- B: the UK to pose specific solutions to address the unique circumstances of the island of Ireland;
- C: in the absence of agreed solutions, the United Kingdom will maintain full alignment with those rules of the internal market and the customs union which, now and in the future, support North-South cooperation, the all-island economy and the protection of the 1998 Agreement (Barnard, 2018).

¹¹ While agreeing to follow existing EU rules and regulations, the UK White Paper does note that Parliament wants the power to decide if they will adopt future rules and regulations, while also noting their intention to set their own regulations for services and the digital economy (Taylor, 2018).

the UK will agree with the EU on the 'backstop' solution as part of the Withdrawal Agreement will not have to be used" (Brexit White Paper, quoted in Hayward & Phinnemore, 2018a). But, as Hayward and Phinnemore point out, *"the Irish border is about much more than trade"* (2018b), with its current open and 'frictionless' status resulting from both Ireland and the UK being members of the EU and *"the layers of contact and cooperation"* resulting from this, and the peace process stemming from the Good Friday/Belfast Agreement (Hayward & Phinnemore, 2018a).

On a more positive note, all sides agree that the 'backstop' will only come into effect if the future UK-EU relationship fails to deliver on the commitments of the Joint Report in the agreed transition period. Nevertheless, its inclusion in any final Withdrawal Agreement remains a key *"pressure point"* (Hayward & Phinnemore, 2018a) that is still at risk of boiling over.

SECTION 4: BREXIT – LOCAL INSIGHTS AND REFLECTIONS ON CROSS-BORDER COLLABORATION

As noted in Section 1, the *Issues Paper* on collaborative working models highlighted five emerging challenges/risks facing local government on the future form and function of collaborative working relationships post-2019. These were:

- (1) Governance and legal frameworks;
- (2) Financial arrangements;
- (3) The specific role(s) of local authorities;
- (4) Citizen and civil society engagement; and
- (5) EU Role.

Following the publication of the *Issues Paper* in October 2017, a questionnaire was developed which explored these issues in more detail. The questionnaire addressed themes raised in two issues papers stemming from the work of the Collaborative Working Models research team and the Regional Development/Functional Spaces research team. Out of 45 questionnaires issued via email and Survey Monkey, 24 responses were received (see Appendix 2 for breakdown of respondents) – representing a 53% response rate.

The following is an overview of the key questionnaire findings as they relate to the challenges/risks identified in the *Issues Paper: Collaborative Working Models – Governance Infrastructure for Collaborating across External Borders*.

Reflecting on Cross-Border Collaboration

Following the Good Friday/Belfast Agreement 1998, cross-border relations have become defined by maturing diplomatic relations (for the most part), increased collaborative working at central and local government level, stronger economic and business ties, the generation of a single electricity market, pooled energy resources, stronger shared research agendas across higher education, inter-dependence across the agri-sector, and joint marketing of the island in tourism terms. This change has increasingly been made possible by the recognition of the functional territories that exist on the island of Ireland – that the way in which people live, work, take leisure, etc. does not adhere to administrative borders. In border areas, such functional areas are in reality natural hinterlands. During the Troubles, these functional areas were severely disrupted – fracturing relationships between people and places. Following the Peace Process, and with the EU seen as an honest-broker in the resulting process of ‘building bridges’ and a guarantor that civil rights would be respected and enforced (O’Ceallaigh *et al*, 2017), the past two decades have seen the renewal of functional territories, a broadening of cross-border relations both in terms of the range of stakeholders involved and the projects being progressed and an increasingly seamless movement of people and goods across an open border.

Brexit is likely to bring a certain degree of disruption to this new ‘norm’. Despite being only 7 months away from the UK’s formal exit from the EU (29 March 2019), the extent of this disruption is still

unclear, and this is already creating uncertainty for businesses and individuals in their decision-making processes.

1. Main Implications of Brexit

There is widespread agreement across the various sectors questioned that the implications of Brexit will be far-reaching. It has the potential, for example, *“to detrimentally impact on issues that extend beyond customs and revenue controls, and exert a significant impact on the day-to-day interactions of the cross-border region”* (Public Admin Rol, #2). Brexit is seen to be *“heightening tensions, particularly concerning the border and future constitutional arrangements”* (Academic Sector Rol, #1); thus negatively impacting on the confidence of the Irish border region which, in turn, is impacting on investment decisions, forward planning assessments and job creation (Public Admin Rol, #6).

Key implications of Brexit were recorded as:

- A slow-down in economic growth through, for example, disruption of cross-border supply chains (Public Admin Rol, #4), and regulatory divergence (Public Admin NI, #1; Public Admin NI, #2; Private Sector Rol, #2; Public Admin Rol, #4) – all of which will impact on cross-border trade and consumer spend, and lead to economic uncertainty now, and future dislocations as the new administrative landscape becomes established (Academic Sector NI, #1; Public Sector Rol, #6);
- Increased costs of doing business – and more ‘red tape’ (Private Sector Rol, #1);
- Future border management and limitations on the free movement of goods and people (Private Sector Rol, #1; Public Admin NI, #3; Academic Sector NI, #2; Academic Sector Rol, #1);
- Peripherality of cross-border regions such as the North-West (Academic Sector NI, #2; Private Sector NI, #1);
- The potential to hinder collaboration through the loss of networks and a disruption to established functional links, and a loss of trust (Public Admin NI, #1; Civil Society Rol, #1; Private Sector NI, #1);
- Reduced European funding focusing on hard infrastructure, R&D, higher education, knowledge transfer (Academic Sector NI, #2; Academic Sector Rol, #1);
- Social disorder and the re-emergence of paramilitary activities (Public Admin Rol, #4; Civil Society Rol, #2).

The key economic factors underlining the all-island economy are economies of scale and proximity. Under Brexit, the investments made in *“developing and operating cross-border and/or all-island operational models of production and service supply – irrespective of size – will be seriously undermined by regulatory divergence and additional costs, customs controls creating time delays and delivery uncertainties, reduced access to competitive services or supplies, and disruption to job creation”* (Private Sector Rol, #3).

The peace process for many is still seen as being in its infancy – and fragile. It requires further time and commitment to embed – a scenario that requires both economic and social stability. Brexit is currently seen as offering neither.

Key sectors that will be most negatively impacted by Brexit were noted as the agri-sector, health, tourism, higher education, emergency services, and engineering (Public Admin Rol, #1; Civil Society Rol, #2; Public Admin Rol, #5; Private Sector Rol, #4). The extent to which these sectors – and others – are impacted is, to a large extent, dependent on the degree of divergence from EU legislation, regulations and standards to be pursued by the UK. The degree of divergence also has implications for the capacity – of both the UK and Ireland – “*to continue effective collaboration, and explore opportunities from a shared physical and social landscape*” (Public Admin Rol, #2). Concerns exist too around the retention, and attraction, of staff, particularly to the health and higher education sectors (Academic Sector NI, #1; Academic Sector Rol, #1).

For local government, key challenges/risks identified include:

- A reduction of funding from PEACE and INTERREG programmes (with the argument that these are needed for a least another decade to redress the legacy of peripherality and ‘back-to-back’ planning in the Irish border region);
- Loss of relationships built up slowly over many years;
- Slowing-down of investment in hard infrastructure;
- Reduced revenues and rates due to declining local economies resulting from business closures and relocations;
- Reduced opportunities for elected members to engage in cross-border dialogues;
- Loss of momentum around collaboration in spatial planning – particularly pertinent with the recent publication of *Ireland 2040* (Public Sector Rol, #6; Private Sector Rol, #4; Public Admin NI, #1; Private Sector Rol, #3).

2. Key Challenges and Opportunities for Future Collaborative Arrangements

With no conclusions yet reached on the future of the Irish border, there is a sense that the challenges emanating from Brexit far outweigh the opportunities; these challenges including:

- A reduced capacity amongst stakeholders – including local government – to plan strategically for the border area;
- Pressures on public finances – especially in Northern Ireland; this could be further challenged by not having access to future EU funding programmes such as INTERREG, Horizon 2020, etc.;
- The (re)introduction of border controls where the movements of people, goods, services and capital have been unrestricted for over 20 years; such limitations on mobility could impact negatively on the ability of, or desirability for, councils to collaborate on a cross-border basis;
- The avoidance of regulatory divergence – especially in terms of environmental management and conservation, trading standards, skills qualifications, etc.;
- A misalignment in spatial planning policy and practice across both jurisdictions which could open the door to a return to ‘back-to-back’ planning.

As the Brexit negotiations continue, there is a recognised need for flexibility with any resulting structures being enablers of both social and economic development, particularly in the Irish border region (Public Admin NI, #1). Noting that a number of the local authorities have already entered into Memorandums of Understanding (MOU’s) with each other on shared priorities, it is proposed that

these should be revised in light of Brexit (Academic Sector NI, #1; Academic Sector NI, #2; Public Admin Rol, #6). Brexit could, for example, “*help refocus and enhance bi-lateral relations between Ireland/UK, including facilitating closer cross-border cooperation among local authorities through creating the kind of policy instrument used elsewhere in Europe (e.g. between France and Switzerland)*” (Academic Sector Rol, #1). Across all sectors, maintenance of free movement of people and, to the extent possible, goods, services and capital is considered key.

Recognising the strength and degree of local authority collaboration that is taking place at present, there is a sense that Brexit can enhance the opportunities for local government bodies to collaborate on projects that will ‘future-proof’ the region; these include infrastructure developments, investment in further and higher education, and skills development (Public Admin NI, #1; Public Admin Rol, #1). Brexit has the potential “*to increase the resolve of communities that an integrated approach is taken to economic, social and environmental collaborative activity at a national, regional and local level*” and that it may be “*appropriate to consider what platforms need to be retained or developed to ensure suitable transitional arrangements are in place*” (Public Admin Rol, #4). To this end, the new working partnerships serving the North West City-Region are highlighted as models to be considered.

There is also a viewpoint that collaborative arrangements will no longer be largely funding driven (Private Sector Rol, #3). Brexit will result in a conceptual shift away from symbolic collaborative efforts made for the purposes of drawing down EU funds, to collaborative arrangements which are much more intrinsic to the normal and core business of public administrations and service providers (Private Sector NI, #1). Economic cooperation, for example, will need to be more targeted and linked to spatial planning priorities such as those outlined in *Ireland 2040* and the *National Planning Framework (NPF)*. This is especially so in the likely scenario of less funding being available.

Cross-Border Local Authority Collaboration Post-Brexit

Brexit, according to Ferry & Eckersley (2018), will “*have a monumental impact on public services, including English local government*” (p.163) – ranging from a slow-down in economic growth to rates collected, from reduced inward migration to staffing levels, from regulatory changes to the administrative burden of dealing with Brexit, etc. Such impacts will equally apply to public service delivery in Northern Ireland and Ireland. Brexit will affect each area differently. Local government has a clear role to play in ensuring that the impacts of Brexit on communities, towns and council areas is kept to a minimum. Agencies such as the Local Government Association (England) and the Northern Ireland Local Government Association (NILGA) have been meeting regularly with the Department for Exiting the EU to ensure that the voice of local government is heard in the negotiations. Their core message has been that the final EU/UK deal must “*reflect local difference if the agreement is to be sustainable*” (LGA, 2018).

1. Governance and Legal Frameworks

In reviewing the responses to the questionnaire issued in December 2017, there is no real consensus on what Brexit will mean for local governance and collaborative frameworks; with responses ranging from no major changes being envisaged (Public Admin Rol, #1; Private Sector NI, #1) to already complex governance arrangements becoming more onerous (Public Admin Rol, #2; Public Admin NI, #3) to whole new structures being required (Public Admin NI, #2). There are concerns that there will

be fewer opportunities to work on common interests and needs or mutually beneficial outcomes (Public Admin Rol, #6). Another perspective is that *“priorities may shift towards those areas where regulatory/policy divergence is likely to become most stark, for example environmental protection”* with concerns expressed around what exactly the role of local government would be in these areas (Academic Sector NI, #1).

For the majority of respondents, there is no clear sense yet as to whether Brexit will require a review of their respective legal instruments. Some scenarios tabled included the imposition of additional legal and administrative processes to fears of a reversion to silo working and isolationist approaches as a way to negate the need to make any such changes (Private Sector Rol, #4; Public Sector Rol, #1). With so much of UK law flowing from EU Directives and Regulations, it was somewhat surprising that only one respondent commented on the extent of revisions that would most likely be required in the event of a hard Brexit as *“most of what we do and how it is performed has its origins in EU law”* (Public Admin NI, #3).

2. Financial Arrangements

As to where funding from local government-led cross-border initiatives will come from in the future, there are three main trains of thought:

- That while there is still not enough clarity on this, funding will likely have to come from central government;
- That funding will come from a combination of (higher) local rates and block grants;
- That the capacity of local government to borrow funds will be raised.

It is acknowledged that consideration will need to be given to other types of funding models, including non-EU sources. Outside of external funding, local government on both sides of the border are cash-strapped and would not be able to support cross-border collaborative initiatives from existing budgets (Public Admin Rol, #6). Donegal County Council has experience of operating EEIGs (European Economic Interest Groupings) and it was suggested that this, and other such mechanisms be explored (Civil Society Rol, #2). There is a desire to see the future funding of local government for cross-border programmes be prioritised before negotiations conclude as *“Local government collaboration is an integral component of reaching and implementing solutions of national concern...and contributing to the wider economic sustainability of their jurisdiction in general”* (Private Sector NI, #1)

In terms of EU funding, it is expected that this will be negatively impacted upon by Brexit – whether through funds no longer being made available to Northern Ireland to additional bureaucracy being introduced to their administration to new instruments and/or protocols having to be devised (Academic Sector Rol, #1; Public Admin NI, #3; Public Admin Rol, #1; Academic Sector NI, #1; Public Admin Rol, #4)

3. Citizen and Civil Society Engagement

Unsurprisingly, in the context of recent debates and the outstanding challenges facing the negotiators’ in finalising the Withdrawal Agreement, this question animated respondents the most. There is a broad consensus that a hard border – of some shape – will be (re)introduced to the island of Ireland, and that this will be a land-border. The decision of the UK to withdraw from the Single Market and the Customs Union means that there *“will be an unavoidable increase in border controls”* (Hayward,

2018a). What is not clear is the form they will take – and where they will be positioned. Any such controls, however, will limit the free movement of people commuting to work, and travelling to education (at all levels) and for the purposes of sporting, cultural and other recreational activities (Public Admin Rol, #1; Private Sector Rol, #2). For some, the very introduction of a physical border goes against the ideals of the EU (Public Admin NI, #2). Cross-border mobility will be hampered, and citizens' rights diminished. As noted by one respondent *“challenges may arise from the provocation of old animosities by the rhetoric being employed on Brexit by a range of stakeholders ...leading to a lack of trust and a loss of motivation to connect with the other”* (Private Sector NI, #1). In particular, there are concerns that the *“reaching out to damaged communities who suffered during the Troubles”* will no longer happen and this will lead to *“long-term anger”* (Private Sector Rol, #4).

These perspectives reflect strongly those presented to the Northern Ireland Affairs Committee (NIAC) in both written and oral submissions in 2016 and 2017. The NIAC Second Report of Session 2017-19 notes that *“Given the history of the border, there are sensitivities about its visual appearance and the prospect of new border infrastructure being introduced”* (NIAC, 2018: 7); that terms such as ‘border control’ recall for people *“deeply negative experiences and community tensions”* (2018: 7) and that *“if checkpoints were re-established it is likely they would be a target for dissident republican groups...that physical infrastructure at the border would attract paramilitary activity and “heighten political tensions and social unrest””* (2018: 7-8).

Respondents also noted their concerns that funding for shared facilities on a cross-border basis would no longer continue – thus further polarising civil society in border communities (Public Admin Rol, #6; Public Admin Rol, #2).

A final issues raised relates specifically to cross-border migration of non-nationals and the implications of this for cross-border collaboration programmes. There are fears that any border controls which heighten time delays and/or prevent cross-border travel for particular cohorts of the population will result in the successes of programmes to date, focusing on migrant communities, falling-away (Public Admin Rol, #4; Private Sector NI, #1).

4. EU Role

All respondents who addressed this question agreed that regulatory and standards alignment post-Brexit between the UK and the EU was a desirable and necessary outcome of the negotiations process. There were many reasons put forward for this, and in a spatial planning context these included:

- Cross-border alignment of spatial planning policy and practice;
- Cross-border alignment of standards as they relate to the agri-food sector, environmental management, climate change; and thus reducing the need for inspections;
- Continuance of trans-boundary assessments;
- Data-sharing.

Such alignment, it is argued, is necessary given the way cross-border supply chains operate, particularly around the agri-food sector where products can criss-cross the border several times before they reach market (Public Admin NI, #3; Private Sector Rol, #2; Public Admin NI, #5). To give an idea of the complexity of supply chains in the Irish border region, an example noted was *“Milk collected in Co.*

Armagh may be pasteurised in Co. Monaghan and sent to Co. Tyrone to be dried and then supplied to companies in Co. Cavan who export it worldwide” (Public Admin RoI, #5). In environmental terms, the water supply in Dundalk *“traverses the border from Co. Monaghan through South Armagh and into Louth”* and the municipal sewerage treatment plant for Aughnacloy (Co. Tyrone) *“discharges to the River Blackwater that forms the boundary with Co. Monaghan”* (Public Admin RoI, #5). The ecosystems are complex along the Irish border region and shared standards are, therefore, seen as being *“essential for ensuring a level competitive playing field....of the economy and the environment”* (Public Admin RoI, #3).

On the flip-side, divergence, it is maintained, will *“cost more, place more burdens on those involved in such activities, and increase the complexity of collaborating or trading cross-border”* (Private Sector NI, #1). For others, alignment is seen as a substitute for there being no independent environmental agency for the Irish border region, taking a cross-border outlook (Civil Society RoI, #1).

Potential Scenarios

Continued cross-border collaborative working across local authorities is seen as essential in any post-Brexit landscape. Leadership is seen as key to making this happen, with a call for Local Government Chief Executives to establish their own Forum on Future Collaborations (rather than Brexit per se) (Public Admin RoI, #2). This could, for example, be delivered through the Society of Local Authority Chief Executives (SOLACE) and the County and City Management Association (CCMA). In acknowledging that the border councils have come together to consider the implications of Brexit – to the extent that they can, given some key issues remain unresolved, especially around the Irish border and its future management (UUEPC, 2017a; 2017b), it is proposed that the Forum on Future Collaboration would be, to all intents and purposes, a high-level strategic think-tank on the future development of the Irish border region, supported by thematic working groups led by Directors of Service and Senior Planners – potential areas including:

- Open spatial data;
- Environmental Management; and
- Infrastructure & Connectivity – Broadband, Roads, Rail, Sea and Air.

There is also a case to be made for strengthening the role of the three existing cross-border local authority networks – Irish Central Border Area Network (ICBAN), East Border Region (EBR) and North West Regional Development Group (NWRDG) (Civil Society RoI, #2; Public Admin RoI, #5). These bodies have been critical to the success of collaborative working to date and, given the range of skills and institutional knowledge they have amalgamated over the decades, they undoubtedly have a core role to play in the post-Brexit landscape in ensuring the roll-out of an inclusive agenda as part of future UK-Ireland-EU relations; a role that needs to be decided in close cooperation with their affiliated local authorities.

There is a broad awareness that a number of cross-border local authorities have entered into MOUs or Partnership Agreements with each other around shared priority themes and agreed areas of action. It is also noted that these are not all working as effectively as they might (Public Sector NI, #2; Academic Sector NI, #1). In addition to the aforementioned EEIGs, it is recommended that consideration also be given to new bilateral agreements between national governments that both formalise and facilitate future cross-border cooperation on the island of Ireland, *“akin to the EGTC model – European Grouping*

*of Territorial Cooperation*¹² – but much simpler in its operation” (Academic Sector Rol, #1). This would also support local government in shifting away from informal MOUs in favour of a hybrid EGTC arrangement (Academic Sector Rol, #1).

The importance of ‘Working with our neighbours’ was amplified in the Irish Government’s *National Planning Framework*, and it is hoped that this will be carried through into the Regional Spatial and Economic Strategies (RSES’s) currently being drafted by the three Regional Assemblies (Public Admin Rol, #4). In light of there being no functioning Government in Northern Ireland at present, it is proposed that the Cross-Border Development Plan Working Group¹³ become a mechanism through which the Northern and Western Regional Assembly and the Eastern and Midlands Regional Assembly engage with the Northern border councils in the drafting of these strategies.

Civil society is also recognised as being a key stakeholder in future collaborative initiatives on a North-South basis. As noted by Godfrey (2018), “*Brexit presents a multitude of challenges for civil society organisations (CSOs), from advocacy to funding*”. There is a need for more inclusive working across civil society and local government, centred on clearly defined tasks – not a checklist! (Academic Sector NI, #1); with suggestions that this could best be achieved through the existing Public Partnership Networks or PPNs¹⁴ (Public Admin NI, #2). The Irish Government has actually led the way in terms of involving civil society in discussions on Brexit and imagining a new role for Ireland within the EU – through for example, the All Island Civic Dialogues on Brexit and the Future of Europe Citizens’ Dialogues (Laffan, 2018). While acknowledging that these Civic Dialogues were all-island in their perspective, there is a clear need for such civic dialogues to be held in Northern Ireland. This is becoming increasingly evident as the negotiations continue and there remains a significant divergence in viewpoints across the UK on the future management of the Irish border, the importance of protecting the peace process and the shared role of the UK as a guarantor to the Good Friday/Belfast Agreement...not least amongst the DUP.

¹² The EGTC is a European legal instrument designed to facilitate and promote cross-border, transnational and interregional cooperation. As a legal entity, it enables regional and local authorities and other public bodies from different member states, to set up cooperation groupings with a legal personality. The EGTC is unique in the sense that it enables public authorities of various Member States to team up and deliver joint services, without requiring a prior international agreement to be signed and ratified by national parliaments. Member States must, however, agree to the participation of potential members in their respective countries (see http://ec.europa.eu/regional_policy/en/policy/cooperation/european-territorial/egtc/).

¹³ The Cross-Border Development Plan Working Group is jointly convened by the Department of Housing, Planning and Local Government in Ireland and the Department for Infrastructure in Northern Ireland.

¹⁴ PPNs were established in 2014 under the *Local Government Act*. They are collectives of environmental, social inclusion, community and voluntary organisations in a County/City which facilitate the participation and representation of communities on decision making bodies, and acts as a hub around which information is distributed and received.

SECTION 5: COLLABORATING ACROSS EXTERNAL BORDERS – IT’S ALREADY HAPPENING!

The EU already has land and maritime borders with several countries on its eastern and southern flanks. Five EU member states share a land border with Russia; four share a land border with The Ukraine; four share a border with Switzerland; four others share a border with Serbia; three border Belarus; two share land borders with Norway; two with The Republic of Macedonia; and two¹⁵ share a land border with Turkey. In addition, there are several bilateral external EU land borders such as those shared by Greece and Albania and Croatia and Bosnia & Herzegovina¹⁶. In the interest of promoting cordial relations with its eastern and southern neighbours – including those in The Caucuses¹⁷, The Middle East¹⁸ and North Africa – the EU operates a ‘neighbourhood policy’. This has been in force since 2004 and was updated in 2011, and according to the European Commission, the objective of the policy is avoiding “*the emergence of new dividing lines between the enlarged EU and its neighbours and instead strengthening the prosperity, stability and security of all. It is based on the values of democracy, rule of law and respect of human rights*”¹⁹. The European Neighbourhood Policy (ENP) is funded to the tune of €15.4 billion for the period 2014-2020, and it promotes activities in respect of bilateral cooperation; regional, neighbourhood-wide and cross-border cooperation; and supports to civil society. The ENP frequently provides a notable and influential backdrop and framework for cross-border collaborations involving national and local governments, the productive sector and civil society at various spatial scales across the EU’s eastern and southern borders.

While it is not expected that the ENP will apply directly to the EU-UK border, the experiences gained over the past decade in the areas in which it pertains may well become relevant to the border on the island of Ireland. This section looks at two of the EU’s external borders, namely Spain-Morocco and Romania-Republic of Moldova. It considers the experiences and mechanisms of cross-border collaboration that pertain in both contexts, and it identifies achievements and challenges. While these geographical contexts are distant from, and politically different to Northern Ireland, they offer some useful insights and reflections.

Cross-Border Collaboration: The case of Spain-Morocco

The external EU border between The Kingdom of Spain and The Kingdom of Morocco is mainly a maritime border, but it also includes land interfaces. The border is also somewhat contested, with Morocco claiming some territories currently governed by Spain. Much of present-day Morocco formed part of the imperial Spanish territory known as Spanish Sahara. To this day, Spain retains two enclaves in North Africa, namely Ceuta and Melilla, both of which are autonomous Spanish provinces. Spain also occupies a number of islands and outcrops off the Moroccan coast, and the surrounding waters

¹⁵ Bulgaria and Greece share land borders with Turkey, while the border on the island of Cyprus is a de-facto external EU border with Turkey.

¹⁶ The EU has several other de-facto external borders: Italy and Austria also share borders with other territories, namely San Marino and Liechtenstein. France borders Monaco, while both France and Spain share borders with Andorra. These smaller jurisdictions are much more closely aligned with the EU – economically (e.g., most use the Euro), legally and socially than are the countries to the EU’s east and south.

¹⁷ Armenia, Azerbaijan, Georgia

¹⁸ Jordan, Lebanon, Palestine

¹⁹ European Commission website: https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/overview_en

have been contested by both countries²⁰. Thus, cross-border relations are framed by a difficult historical and geopolitical context (González García, 2013).

The Spanish-Moroccan Border is also an inter-continental border – a border between Europe and the geographical entity known as the Middle-East and North Africa (MENA). During the decade up to 2010, routes from Morocco to Spain, either via Ceuta or Melilla or by sea – across the Straits of Gibraltar – were among those most frequented by persons migrating, both as economic migrants and as asylum seekers, from Africa and the Middle East to Europe. Indeed, this corridor recorded the highest number of migrant fatalities of any of the ‘routes to Europe’ up to the advent of recent conflicts in Syria and Iraq and the orchestrated disintegration of the Libyan Arab Republic. Thus, the management of the cross-border milieu has an extensive international and geopolitical dynamic that goes far beyond both Spain and Morocco (Naranjo Giraldo, 2014).

Photo 1: The border between Morocco and the Spanish enclave of Ceuta has physical infrastructure on land – and extending into the neighbouring waters of the Mediterranean.



(Source: © ICLRD)

²⁰ The disputed territories include, in addition to the cities of Ceuta and Melilla, the waters of the Bay of Algeciras; the Isles of Chafarinas and Perejil (Parsley); the outcrops of los Peñones de Vélez de la Gomera and Alhucemas; and the island of de Alborán.

Photo 2: Queues and tailbacks are common on the Moroccan side of the border, particularly on market day in Ceuta.



(Source: © ICLRD)

Photo 3: Warehouses straddle the border, while masts and security posts occupy the higher ground on both sides of the border.



(Source: © ICLRD)

1. Governance and Legal Framework

The advent of democracy in Spain in the 1970s, Spain's subsequent military withdrawal from Spanish Sahara and the country's accession to the European Union in 1986 have all contributed significantly to a normalisation of relations between Spain and Morocco, and have provided the macro-level conducive political context that has enabled and strengthened inter-state and cross-border collaboration. Collaboration is evident at all governance levels, and while the initial steps towards common approaches were spearheaded by the national governments, often with EU support, (Spanish) sub-national actors actively collaborate with Moroccan institutions on several fronts. While Morocco is relatively centralised, Spain is one of the most decentralised states in Europe, and its regional and local authorities enjoy high levels of autonomy, including the ability to engage with external actors – subject to national frameworks. Thus, local authority actors, including municipalities, local police and emergency services are to the fore in many of the collaborations with Morocco.

Among the national-level frameworks that is operationalised and given effect by local authorities is the 'Convention on Mutual Technical Cooperation and Assistance,' formally agreed by the governments of Spain and Morocco in January 1987. The Convention was updated by means of protocol in 1997. It provides for the establishment of a 'Mixed Commission for Civil Protection,' comprising representatives of both countries, and includes local government actors. In practice, this allows for joint responses and joint provision of emergency services in the territorial waters between Spain and Morocco. It also allows for the emergency (fire and rescue) services from both countries to assist one another, both at land and on sea. This includes entering one another's territories (land and waters).

The successes associated with joint delivery of emergency services led, in 2010, to the signing of an 'Administrative Agreement' between Spain and Morocco that provides for collaboration in respect of the training of agency personnel. This has resulted in personnel from both countries attending academies and training programmes in the other country. The Agreement also covers cross-border exchange visits among staff. As a result, Morocco introduced Spanish-language instruction for all staff involved in the emergency and civil protection services. In practice, collaboration extends beyond the realm of public bodies, and also includes the Red Cross and Red Crescent, both of which are actively involved in humanitarian service provision in both jurisdictions, and operate in conjunction with public bodies in many instances.

These local level, operational, institutional, functional, and public service collaborations have been made possible and have gained momentum because of, and against the backdrop of, parallel moves by the respective national governments to promote cordial relations and underpin collaboration. The most significant move in this respect was the signing, (in Rabat) in 1991 of the 'Treaty of Friendship, Good Neighbourliness and Cooperation.' This was reinforced, in 2012, by the signing of the 'Strategic Association Convention.' These inter-governmental agreements have enabled the creation of institutional infrastructure that includes representatives of both countries, namely the Moroccan-Spanish Mixed Commission. This operates under the aegis of both foreign affairs ministries. The Commission supports and oversees the delivery of a series of multi-annual work programmes, with activities focusing primarily on the development of human and social capital in Morocco, in line with the Paris Declaration on Development. The regional governments of Andalusia and The Canary Islands

are members of the Commission. Civil society and local government actors are very much at the frontline in the delivery of projects supported by the Commission, although they are not represented on it.

González-García (2013) distinguishes between the legal and governance frameworks relating to cross-border collaboration between Spain and Morocco, and Spain and Gibraltar on the one hand; and between Spain and Portugal, and Spain and France, on the other hand. The latter (Spain-Portugal and Spain-France) arrangements are governed by two friendship treaties (Treaties of Valencia and Bayonne), both of which allow for local actors to engage collaboratively with one another without necessarily referring to central government. In the case of relations with Morocco and Gibraltar however, the Spanish Central Government is more actively involved. She associates this difference in approach with geopolitics and the territorial contestations on Spain's southern flank. She observes that unlike the initiatives that have flown from Spain's treaties with France and Portugal, "*none of those with Morocco have attributed cooperation-related competencies to the local authorities in Ceuta/Tetuán and Melilla/Nador*" (2013: 545). Despite this, the regional government of Andalusia has utilised Article 246 of its Statute of Autonomy (2007) to engage directly with the Government of Morocco and with sub-national actors across the Straits of Gibraltar. Indeed, in her analysis of the operation of EU programmes involving Morocco, González-García (2013) concludes that the Government of Morocco "*was happy to maintain close relations with the regional government of Andalusia, as these were unaffected by territorial issues*" (p. 550). One of the more substantial outputs of this relationship between national government (Morocco) and regional Government (Andalusia, Spain) has been the establishment of the Intercontinental Mediterranean Biosphere Reserve – which is now a UNESCO-listed biosphere reserve²¹.

2. Financial Arrangements

Cross-border collaboration draws on multiple funding sources. These include EU funding streams, such as INTERREG and actions associated with the European Neighbourhood Policy. Indeed, up to the advent of the recent crises in the Middle East, Morocco was, since 2009, the single largest beneficiary of EU financial transfers associated with its neighbourhood policy. Projects also attract funding from the Spanish government and other EU countries, as well as from NGOs and private donors.

Cooperación Española (the national coordinating body for overseas aid) and its Andalusian equivalent (Agencia Andaluza de Cooperación Internacional) provide funding and channel the funds and efforts of NGOs and private charities, including those working in Morocco and other beneficiary countries of Spanish aid.

Joint projects in respect of emergency service provision (search and rescue) do not require direct funding as much as an orientation of actions on the parts of service providers to participate in joint missions and to respond to mutual requests for aid. INTERREG funds have supported the training of personnel and inter-agency collaborations. Arrangements are similar to those that pertain between Spain and Portugal, such that mutual assistance is standard practice.

In addition to direct funding of cross-border projects, there is also some cross-border financial transfers in the form of development aid. Spain's General Secretariat for International Cooperation on

²¹ For more information on environmental/ecological cross-border projects, see: Verdú Baeza, J. (2012).

Development (SGCID) provides specific supports to Morocco-based SMEs. The Secretariat operates multi-annual programmes with funding available to the SME sector in Morocco and Tunisia, to support investment in new business development and in firm expansion. Spain-based entities may apply to participate in projects with partners in Morocco, Tunisia and France, and funding is available for research & evaluation, technology transfer, training, support and innovation. Projects relating to training and technological transfer account for the largest proportion of the funds allocated (68%). The overall size of the fund is relatively modest at just under €2m / year, but it has supported the establishment and operation of a number of Technological Innovation Centres. The evaluation (Secretaria General de Cooperación Internacional para el Desarrollo, 2016) of the most recent programme acknowledges the fund's outputs and the benefits associated with technological transfers. However, it is somewhat critical of what it perceives as a lack of alignment with other policy objectives – mainly on the Spanish side.

3. The Specific Role(s) of Local Authorities

Regional authorities (from Spain – namely the governments of Andalusia and the Canary Islands) are members of the aforementioned Mixed Commission that oversees cross-border collaboration. Regional agents, such as the Andalusian International Cooperation Agency are also members of the Commission.

Iglesias *et al.* (2011) observe that sub-national authorities (including municipalities) in Morocco are more likely to be involved in cross-border projects that have a social rather than an economic orientation. They note the significance of the National Initiative for Human Development (*La Iniciativa Nacional de Desarrollo Humano - INDH*), which was launched by the Government of Morocco as part of a wider strategy to tackle poverty and social exclusion. As a consequence, local authorities in Morocco have, on their own initiative, partnered with local authorities and NGOs in Spain in delivering projects. Under the INDH operating rules, the Moroccan government can co-finance projects along with the local authorities and Spanish-based partners (generally in ratios of 60:20:20). Partnership arrangements range from formal co-delivery to looser arrangements, involving knowledge and technical assistance transfers from Spain. There is some evidence of civil society participation in project-related decision-making, but the extent of this is variable and has not been comprehensively evaluated.

The lack of institutional or governance alignment between Spain (decentralised) and Morocco (centralised) affects the extent to which sub-national stakeholders in Morocco can actually engage in cross-border activities. In addition, the semi-authoritarian nature of the Moroccan State implies local authorities having to seek central government guidance and permission in respect of strategies and actions to an extent that Spanish municipalities would not countenance. In observing the autonomy enjoyed by sub-national authorities in Spain, many politicians and civil society leaders in Morocco have, over recent decades, been advocating for increased decentralisation; and have had some successes. Although the pace of political reform in Morocco has been very slow, notable legislative reforms have been introduced and these have brought the Moroccan system of sub-national government closer in line with Spanish and EU norms:

- 1960: the formation of 1,547 municipalities (communes);
- 1962: the formation of 71 provinces or prefectures – equivalent to the Spanish Diputaciones;

- 1981: the appointment of Wilaya – there are central government representatives who liaise between central and sub-national authorities; and
- 1997: the establishment of 16 regions, each with its regional authority – equivalent to the Spanish Autonomous Communities.

Over the past two decades, the municipalities and regions have been gaining increased competencies and visibility. Cooperación Española (2014: 6) notes how ongoing interactions and dialogue between sub-national authorities in Northern Morocco and the regional governments of Andalusia and the Canary Islands have given the former greater confidence than sub-national authorities elsewhere in Morocco. This is most evident in respect of those authorities' willingness to enable civil society participation in local decision-making, as occurs in Spain.

4. Citizen and Civil Society Engagement

Apart from the participation of the Red Cross/Red Crescent in the provisions of emergency services, civil society is more of a participant in, rather than a driver of cross-border collaboration. Civil society operates very differently in both jurisdictions. While Spanish civil society is among the most active and progressive in Europe, particularly in respect of the social economy and cooperative enterprises, it faces challenges in rural Andalusia associated with political clientalism, dependencies (drugs, social welfare) and the human fall out associated with austerity over the past decade. Thus, civil society organisations frequently find themselves being stretched to provide social services within Spain, including promoting the social inclusion/integration of Moroccan migrants. Consequently, many lack the capacity to look externally to the extent to which they would like. The clearest influences of Spanish civil society organisations can be seen in the burgeoning of producer cooperatives in Morocco, many of which are modelled on, and mentored by Spanish partners. Civil society in Morocco is less well organised than in Spain, and in this context, Cooperación Española has traditionally targeted Moroccan civil society in its work. It has actively sought to promote partnerships between Moroccan organisations and Spanish NGOs. It has favoured projects that are oriented towards the defence of human rights, the promotion of democratic norms – including citizen participation and fight against gender-based violence (Hernando de Larramendi & Mañé Estrada, 2008; Haouari, 2014; Hernando-Criado, 2015).

5. EU Role and Supports

The EU Neighbourhood Policy provides the overarching framework that guides the Union's policy in respect of relations and interactions with Morocco and other states with which it has an external border. The European Union, and specifically INTERREG, plays a very significant role in shaping and resourcing cross-border interfaces and joint projects among local authorities and other actors along and across the Spanish–Moroccan Border. Though not a member of the EU or European Free Trade Area (unlike Norway or Switzerland), Morocco is covered by INTERREG arrangements, as well as other EU instruments (Hernando-Cirado, 2015; Carrera *et al*, 2016). The EU tends to apply soft power in ensuring that national and sub-national authorities in Morocco apply EU environmental regulations. As Rimkuté & Shyrokykh (2017: 13) note, the European Maritime Safety Authority (EMSA) assists actors in Morocco (and other countries) *“in the implementation of EU regulations and helps them to build the administrative capacity to prepare and implement these regulations... through trainings, workshops, operational support, pilot projects [and] targeted bilateral assistance.”*

The Operational Programme for Cross-Border Cooperation Spain – External Borders (POCTEFEX²²) draws on, and seeks to strengthen bilateral inter-state collaboration. It operates with reference to the EU’s Neighbourhood Policy and in the context of the Mediterranean Union and European Instrument for Neighbourliness and Association. The specific geographical coverage extends over all provinces (i.e. sub-regional units) in Spain and all Moroccan regions that constitute any part of the maritime border, both in the Atlantic and in the Mediterranean. In addition, the immediately adjoining Spanish provinces and islands are eligible for certain actions too. This catchment area has a population of 17 million. The six specific objectives of INTERREG (2008–2013) dovetail considerably with the functional remit of sub-national authorities, particularly in Spain. These are:

1. Enhanced mobility and access;
2. More integrated and sustainable spending in respect of energy resources and the environment;
3. Valorisation of natural and cultural heritage, strengthening local identity and promoting new economic opportunities;
4. Inter-business, cross-border cooperation;
5. Increased social, cultural and educational exchanges; and
6. Capacity-building of local and regional authorities – contributing to common governance arrangements.

Among the many projects that were supported, and which continue to operate, is, by way of example, ROAPE (Recuperation of Artesian Trades that are in Danger of Extinction). While the main protagonist on the Moroccan side is the Secretariat for Crafts, the Spanish actors are all meso-level agents operating under the aegis of the Andalusian Regional Government. Indeed, in many cases involving INTERREG projects, there has not been a cross-border equivalence in respect of the governance tiers at which actors operate. Functional alignment, rather than institutional or geographical fit, emerges as the main determinant in the selection and coming-together of project partners.

Moroccan partners have succeeded in sourcing project funds including, in some cases, match funding from a variety of external sources including philanthropy and agencies such as The World Bank, African Development Bank, the Spanish Agency for International Cooperation and Development (AECID), the French Development Agency (AFD) and the European Investment Bank.

6. Specifics of the Spain-Morocco Border and Potential Parallels and Implications for the Border on the island of Ireland

The Spain-Morocco border is very different to the border on the island of Ireland. It is much more pronounced, and is a hard economic border. Yet, this border is much softer than are many of the EU’s external borders – particularly on its eastern flank. Thus, despite the legacies of history and the sharp cultural and economic differences between Spain and Morocco, authorities in both countries have succeeded in softening the border. The central governments of both countries are to be credited with putting in place supportive frameworks and institutional arrangements, on a bilateral basis, and sometimes with EU supports, to enable lower tier actors and agents to interface and realise joint initiatives. Much has been achieved, and stakeholders note the need for further local-level

²² El Programa Operativo de Cooperación Transfronteriza España – Fronteras exteriores

engagement, particularly with civil society. The following are features of the border, which reflect a mix of hard and soft elements:

- All persons, including Spanish (EU) citizens travelling from the Spanish territories of Ceuta and Melilla to mainland Spain are required to produce their identity card or passport. Transit points are controlled by the Guardia Civil (military police);
- Morocco has preferential customs' arrangements with the EU, but not free movement. Spain enforces the customs regime;
- Spain devotes very considerable resources to preventing the smuggling of illicit drugs across the Straits of Gibraltar, and customs' officials, the Guardia Civil and local police tend to be more vigilant and stringent in that respect rather than in policing the movement of other goods;
- Spain has relied on the importation of Moroccan labour, particularly for its labour-intensive agriculture and tourism sectors. Romania's accession to the EU has reduced Spain's need for Moroccan labour, and, as a consequence, the Spanish authorities police the border more stringently and are less likely to issue work permits to Moroccans than was the case up to 2007;
- The border is visible in that there are fences between Ceuta & Melilla and the surrounding Moroccan territory. Yet, the border is porous and clandestine activities, including smuggling, pose particular challenges, especially for the Spanish authorities and private sector. This is also the case with the border between Spain and Gibraltar;
- There are no visa requirements for movement in either direction, but the Moroccan authorities require travellers to complete entry and exit cards. Those crossing the border must also present a valid passport;
- Inter-governmental relations are influenced by the composition of the Spanish government, with interfacing generally being more frequent and productive when the PSOE (Socialist Party) leads government and less frequent when the *Partido Popular* (Neo-Liberal Party) is in government. PP-dominated governments over the decade to 2018, coupled with severe austerity have limited the capacity of Spanish institutions and authorities to engage in collaboration with Morocco-based actors, and there is a sense among local authority representatives in Andalusia that Spain has not taken full advantage of the momentum generated by the 2010 EU–Morocco Summit. Internal Spanish politics are a factor here, as the PSOE has consistently governed Andalusia, while the PP has dominated in Madrid;
- The decentralised nature of the Spanish State allows regional and local authorities to assume proactive roles in engaging in cross-border collaboration;
- There is a lack of jurisdictional alignment between the tiers of government that engage in cross-border projects and initiatives, with Spanish sub-national actors being notable protagonists on one side, while on the other side, the Moroccan central government is the dominant actor in shaping relationships. This has led to delays in the roll-out of programme and funding cycles, and on occasion, funding has been foregone;
- Spanish is the lingua franca of collaboration, although French and Arabic are the official languages of Morocco;
- Morocco is covered by Europe's Neighbourhood Policy, and is a partner in several EU programmes, such as ERASMUS;

- Morocco supports the operations of Frontex (the EU border agency). The disintegration of the Libyan State following the overthrow of the Gadhafi regime has caused people traffickers to shift their attention from the Moroccan-Spanish route to the Libyan-Italian route as the main channel from North Africa to Europe. This has reduced pressures on both the Spanish and Moroccan authorities; and
- EU support, particularly INTERREG, and the Operational Programme (POCTEFEX) has been very significant in enabling cross-border projects to materialise.

Cross-Border Collaboration: The case of Romania-Moldova

At various times in their histories, Romania and Moldova have, either in full or in part, constituted a single country or part of another State. The delineation of Romania's borders in 1919 and the contemporaneous formation of the Union of Soviet Socialist Republics (USSR) led to partition; three territories came together to constitute Romania, while a part of Moldova (named Bessarabia) found itself under Soviet occupation and came, along with some adjoining territories, to constitute the so-called Moldovan Soviet Socialist Republic (RSSM) – in spite of Romanian objections. In 1940, as a consequence of the Molotov–Ribbentrop Pact, Romania was compelled to cede Bessarabia and northern Bukovina to the Soviet Union, leading to the creation of the Moldavian Soviet Socialist Republic (Moldavian SSR). Partition persists, although the break-up of the Soviet Union led to the RSSM of the Republic of Moldova gaining its independence in 1992. Despite their political separation and Soviet policies of russification over several decades, Romania and the Republic of Moldova are bound together by shared characteristics, including language and religion (Marcu, 2009; King, 2013). Despite these bonds of nationhood, many Moldovans look eastwards rather than westwards, and Russia continues to exert considerable influence over the Republic of Moldova. Although they are gradually embracing processes of Europeanisation, many Moldovan institutions have operated to Russian, rather than European/Romanian norms, and discussions regarding cross-border collaboration frequently provoke sensitive debates regarding territoriality and sovereignty. Romania and Moldova are among the poorest countries in Europe. Romania has the second lowest GDP in the EU, and its border regions are generally the most backward in the country. Development issues are similar on both sides of the Romania-Moldova border, and include rural development, transport linkages and environmental protection. There have also been significant challenges associated with human trafficking, illegal immigration and smuggling, in what Şoitu and Şoitu (2010) described as a 'fractured' border region. The EU's neighbourhood policy is the single biggest external influence on, and determinant of cross-border collaboration, and EU transfers, particularly to Romania, have enabled several projects to come to fruition.

The border between Romania and the Republic of Moldova is predominantly a fluvial boundary; it follows 681 kilometres along the River Prut and 570 metres along the Danube, and dissects an overwhelmingly rural territory. There are eight official crossings – five by road, two by rail and one by both road and rail (Galaţi-Giurgiuleşti Bridge). Most are generally permanently open.

Photo 4: The River Prut marks the border between Romania and the Republic of Moldova



(Source: Sustainable Integrated Management of International River Corridors in SEE Countries (www.see-river.net))

1. Governance and Legal Frameworks

The foundations of cross-border cooperation between the EU and the Republic of Moldova were firstly regulated by the Partnership and Cooperation Agreement (PCA) EU-Moldova, which was signed in 1998. In 2005, the Republic of Moldova and the EU signed an Action Plan for the PCA implementation. The Action Plan noted the cross-border cooperation as one of the major area of interest of both parties. In 2014, the Republic of Moldova signed an Association Agreement with the European Union. This has consolidated and formalised contacts between Chisinau, Bucharest and Brussels, and, as noted in the case of Spain–Morocco, such high-level frameworks are enabling of sub-national actors who wish to engage in cross-border collaboration. A trawl of documents produced by the various actors also reveals regular references to the Protocol on Trilateral Cooperation agreed between the governments of Romania, the Republic of Moldova and Ukraine in 1997, as well as the European Framework Convention on the Transfrontier Co-operation of Local Authorities (1980 amended in 1995 and 2004) and the European Charter of Local Self-Government (1985).

Photos 5 and 6: Cross-border travel comes with challenges: Chisinau (Moldova's capital) has more frequent connections with Russia than with Romania. Romanian trains run on standard European gauge. Trains in the Republic of Moldova run on 1540mm gauge.



(Source: <http://myfreeforum.ro/>; www.wikimedia.com)

Up to the coming into force of the Association Agreement, sub-national authorities in Moldova had participated in, and indeed continue to engage in, cross-border cooperation within Euroregions, including the Lower Danube, Upper Prut and Siret-Prut-Nistru. Thus, cooperation is evident at national and sub-national levels for approximately fifteen years, but has deepened significantly since 2014, and the Euroregion structures continue to be the most significant vehicles for the promotion of cross-border collaboration. As a result of the PCA and Association Agreement, the EU has supported political reforms in the Republic of Moldova, including public finance management and policing. The EU has also invested in civil society projects involving actors on both sides of the River Nistru – the fluvial border that separates the two countries. These investments add value to the work of the Euroregions and the Joint Operational Programmes (as outlined in the following pages).

Each Euroregion has its own legal structure comprising representatives of sub-national authorities from Romania, Moldova and the Ukraine. These have similar governance and administrative structures and systems. Each has an overarching 'Forum of Presidents', which brings together the mayors from the participating local authorities, and acts as the coordinating body. In each case, the Forum holds open meetings, and is supported by an administrative secretariat. All are incorporated as legal persons in Romania, under the Law on Associations and Foundations (26/2000).

Over the past thirteen years, the Euroregions have levered funding – mainly from the EU, but also from their respective national governments, to support an extensive range of projects. Each Euroregion produces an annual report, listing the projects and the finances allocated to them. The annual reports, which are written in Romanian, Ukrainian and English, are published on-line, and document the decisions taken and activities convened by the Forum of Presidents.

2. Financial Arrangements

The various EU-funded Operational Programmes for cross-border collaboration have been the most significant financial instruments for the funding of cross-border projects. This is partly because Romania and Moldova have low levels of GDP. All Romanian regions are classified as 'convergence', making them eligible for higher levels of EU funding (relative to the 'competitiveness' regions).

3. The Specific Role(s) of Local Authorities

Among the most extensive and formalised cross-border structures is the aforementioned Siret-Prut-Nistru Euroregion Association. The Association was initiated in 2005, by local authorities in Moldova and Romania, and in 2012, it expanded to include the Vinnitsa region of the Ukraine. The affiliated members include twenty-eight of Moldova's thirty-two district councils and two county councils from Romania (Iași and Prahova). The Association's headquarters are in Iași. Its stated areas of activity include economic development, infrastructure, environment, tourism, agriculture, rural development, human resource development, social services, education, ICT and culture. Its mission statement is *"to extend and improve relations between local communities and authorities in economic, cultural, scientific and civic fields, with the aim of ensuring sustainable and territorial balanced development of the Euroregion."*

The Association's legal and decision-making structure is similar to that which pertains across the three Euroregions. Each of the affiliated local authorities contributes to the running of the Association, in proportion to its population. Local authority contributions for 2017 amounted to €198k. Strategy and overall policy are set by the Forum of Presidents or General Assembly, but more operational matters are discussed and decided by a sub-committee thereof. In the case of the Siret-Prut-Nistru Euroregion Association, this nine-member Board of Directors is elected by the mayors and meets regularly with the executive. The Board is chaired by a president, and three of the directors carry the title of 'Vice-President,' with each having responsibility for specific areas namely: international relations (linkages beyond Romania/Moldova/Ukraine); strategy and regional development; and projects. The current president is Romanian and the three vice-presidents come one each from Romania, Moldova and the Ukraine.

As a structure and as a legal entity, the Association enables local authorities to engage with one another, and it acts as an advocacy body on their behalf with national authorities and with the EU. The Association meets regularly with ministries in all three countries, and it leads and coordinates delegations from the local authorities in various meetings with government. It participates in transnational gatherings (e.g., European Congress of Local Authorities), and it engages with actors with whom local authorities would otherwise have minimal direct engagement. Examples include universities and business networks. The Association has facilitated staff exchanges and study visits involving university staff and private sector employees on a cross-border basis. Thus, it has, to some extent, pushed out the boundaries of what local authorities do. However, its main focus is on the types of activities that come more directly within the remit of local government, such as the provision of infrastructure and local services. To these ends, the Association has levered resources from the Joint Operational Programme to support investment in roads, waste water treatment, digital connectivity, flood risk management and environmental protection. The Operational Programme has enabled local authorities to finance projects that would otherwise not have been delivered, and its impacts are visible across the eligible areas in all three countries, especially in Romania, in the form of improved connectivity and enhanced infrastructure.

Each of the three Euroregion associations has also enabled local authorities to engage in and to support cultural projects, thus promoting interfacing between local government and civil society. Such projects are frequently associated with a desire on the part of Romanian actors to reach out to Moldovan partners and civil society. Examples include events dedicated to the day of independence of the Republic of Moldova and Romanian Language Day, as well as several town/village twinning partnerships. According to one legal expert, *"the opportunities of cross-border cooperation have not been used to the full extent by Moldovan border regions and the actors located there, including by business operators... One of the reasons is facing the difficulties with setting-up of cross-border*

partnerships among the private entities” (Parcalab, 2018). There is also an acknowledgement that cross-border collaboration is taking place in a challenging geopolitical context; Marcu (2009) suggests that the Romania-Moldova border represents a ‘bad border’ associated with an underlying lack of security, and with internal instability in the Republic of Moldova due to its ‘composite’ ethnic structure and genesis as a product of Soviet geopolitics.

4. EU Role

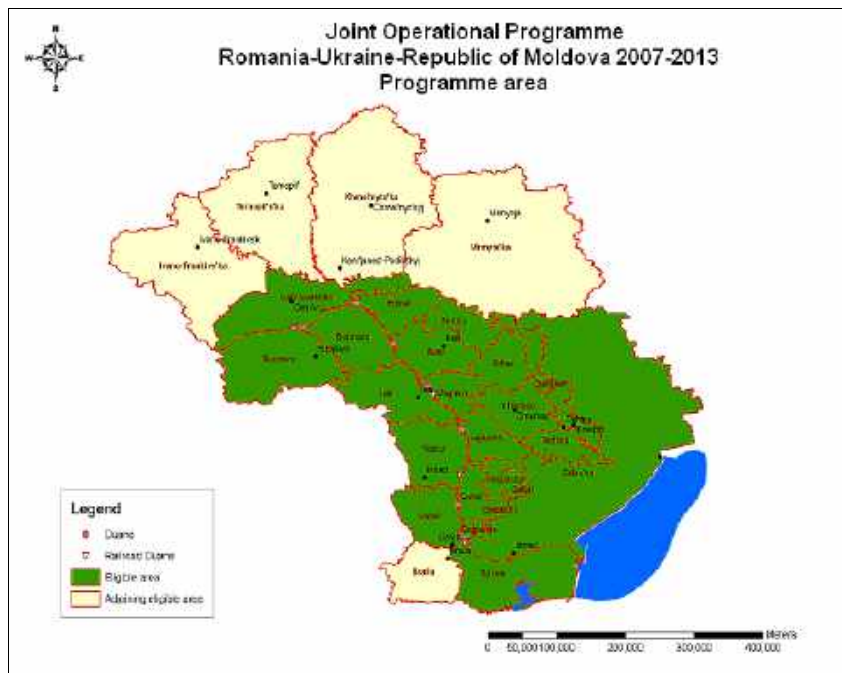
The Republic of Moldova is one of sixteen countries covered by the European Neighbourhood Policy. Under this policy, as noted earlier, the EU works with its Southern and Eastern Neighbours to foster stabilisation, security and prosperity. The EU’s *Eastern Partnership - 20 Deliverables for 2020 - Focusing on key priorities and tangible results*, which it issued in 2017, takes stock of achievements to date in respect of institution-building, the promotion of visa-free travel and the development of gas and electricity interconnectors (European Commission, 2017b). As a consequence of this policy, institutions in Moldova have benefitted financially and structurally, as they gradually adopt European norms and principles, thus contributing towards making Moldova eligible for EU membership. Şoitu and Şoitu (2010: 492) argue that the “*processes of ‘Europeanization’ have been set in motion through cross-border networks that not only deal with crucial local issues but also transmit democratic principles, new forms of political cooperation with government actors and more effective modes of project implementation.*” At the same time however, Romania’s membership of the EU (since 2007) and the country’s drive to join the Schengen Area have brought about increased security along its borders with the Republic of Moldova and the Ukraine. Indeed, Romania has had to cease the practice of issuing passports to Moldovan citizens who claimed Romanian identity. Therefore, the EU has added to the complexities of the border; it supports the capacity-building of actors and their ability to engage on a cross-border basis, while at the same time obliging Romania, as an EU member state, to treat its border with Moldova and the Ukraine as an external EU border.

The Joint Operational Programme Romania-Ukraine-Republic of Moldova (JOP RO-UA-MD) 2007-2013²³ has been a significant driver of cross-border collaboration. It aimed at creating “bridges” among the three countries involved, in order to help the border areas overcome their similar development challenges, by working together and finding common solutions. The EU contribution to the JOP RO-UA-MD was €127m, while the participant countries co-financed the programme to the tune of €12m. The geographical coverage includes all of Moldova, the Romanian counties of Suceava, Botosani, Iasi, Vaslui, Galati and Tulcea and the Ukrainian oblasts of Odessa and Chernivetska, as shown on the Figure below²⁴.

²³ The OP continued to operate up to 2017.

²⁴ The map shows core areas (in green) the ‘adjoining areas’, with the former being eligible for the full suite of supports, and the latter being eligible for a narrower range of supports. The ‘adjoining areas’ include one additional county in Romania (Bralia) and four oblasts in the Ukraine (Ivano Frankivska, Vinniytska, Khmelnytska and Ternopilyska).

Figure 1: Joint Operational Programme Romania – Ukraine – Republic of Moldova 2007 – 2013 Programme Area



The Joint Managing Authority includes the Government of Romania, as well as the Ministry of Economy and Trade, Ukraine, and the State Chancellery of the Republic of Moldova. The three programme priorities and associated measures were:

Priority	Measures
Towards a more competitive border economy	Improving the productivity and competitiveness of the region's urban and rural areas by working across borders Cross border initiatives in transport, border infrastructure and energy
Environmental challenges and emergency preparedness	Addressing strategic cross-border environmental challenges including emergency preparedness Water supply, sewerage and waste management
People-to-people cooperation	Local and regional governance, support to civil society and local communities. Educational, social and cultural exchanges

Under the competitive bidding process, through which funds were allocated to projects, higher marks were awarded to trilateral, over bilateral partnerships.

Local and national authorities in the Republic of Moldova are increasingly involved in ensuring regulatory alignment with the EU. The coming into force of the EU-Moldova Association Agreement on 1 July 2016, brings the country into a Deep and Comprehensive Free Trade Area (DCFTA) with the EU. Consequently, the European Union offers The Republic of Moldova privileged access to the EU market for goods and services. Under the Agreement, the Republic of Moldova is required to align its health and safety standards to those of the EU. According to the European Commission (2018: 2), *“food safety reform will enable Moldova to export its agricultural products, notably animal products, whose safety*

for consumers is strictly controlled in the EU". In order to comply with the terms of the Association Agreement, and as part of its drive towards eventual EU membership, the government of the Republic of Moldova approved, in April 2014, an environmental strategy (2014-2023). The strategy is binding on all central government ministries and their agents. Local authorities are expected to "*undertake the necessary measures for the implementation of the provisions of the Strategy*" (2014: i) and to create "*environmental protection units (green sections) to ensure elaboration and implementation of local environmental protection plans, as well as within other central public administration authorities*" (p. 11). Among the resultant initiatives, involving local authorities in Romania and the Republic of Moldova, is the Lower Dniester National Park and the Danube Delta Biosphere Reserve. Moldova's increasing alignment with EU environmental regulations and the general greening of its public policies come in for commendation (Zharova, 2015; Zygierewicz, 2018).

5. Specifics of the Romania–Republic of Moldova Border and Potential Parallels and Implications for the Border on the island of Ireland

The border between Romania and Moldova is the product of geopolitical considerations that pertained in the years 1918-1919 and during World War II, to a greater extent than any ethnic, linguistic, cultural or economic variables. This intensity of communism under the Ceausescu regime in Romania and Moldova's subservience to the Kremlin over several decades up to the 1990s caused both countries to turn their backs on one another in political and institutional terms, thus compounding the border effect on communities and regions on both sides of the Rivers Prut and Nistru²⁵. The fall of communism, Moldovan independence, Romania's accession to the EU and the application of the EU neighbourhood policy have contributed to a shaping of conditions and structures that enable actors, at various tiers, to engage collaboratively across the border. To date, the focus has been on the provision and modernisation of infrastructure, the formation of cultural and economic linkages and the capacity building of institutions, rather than on joint service delivery or integrated spatial planning. Local authorities, particularly in Romania have been proactive in promoting cross-border linkages and in reaching out to sub-national actors in Moldova and in the Ukraine. EU funding has been essential in enabling cross-border projects to proceed, while the authorities themselves have put in place the necessary local structures and governance mechanisms to set out their strategic objectives and to deliver and manage projects. These local authority-led initiatives are occurring in a border context that remains characterised by long-standing complexities and sensitive political considerations, particularly on the parts of national authorities. Thus, their long-term significance is likely to be seen as part of the normalisation of inter-state, as well as inter-regional relations.

The border between Romania and the Republic of Moldova has been softening over the past two decades. The latter shares political features with Northern Ireland in that some members of its population favour unification with the adjoining state – Romania and Ireland respectively, while others prefer to maintain a separate political identity. This has presented challenges for political leaders and for those who wish to promote inter-community and inter-state collaboration and cordiality. EU requirements have obliged Romania to put in place infrastructure, security and administrative systems on the basis of having an external EU border – superseding any cross-border ties of ethnicity and/or nationhood. As cross-border collaboration has evolved over the past two decades, the constitutional issue has taken something of a back seat, as protagonists focus on pursuing joint projects and on operating collaborative governance structures. The prospect of Moldovan membership of the EU is also a factor in defusing any potential political tensions, while eventual accession is likely to further enhance inter-state relations and accelerate cross-border collaboration.

²⁵ The Nistru flows along much of the border between the Ukraine and the Republic of Moldova.

SECTION 6: CONCLUSION

The literature review and the survey of stakeholders, presented in this paper, concur that Brexit is likely to have several far-reaching consequences, some of which may be unintentional. Brexit is accompanied by several unknowns and challenges. Yet, there is a strong resolve at local and regional level at least, to continue, and indeed to deepen collaboration across the border between Ireland and Northern Ireland. While stakeholders have concerns, they are keen to avoid pessimism and to explore progressive trajectories. In that context, the two case studies presented here sought to identify experiences and possible lessons for the island of Ireland.

The two case studies, namely Spain–Morocco and Romania–The Republic of Moldova have not generally featured in public discourse on Brexit. Instead, discussions have generally cited Norway–Sweden and France–Switzerland more than other external EU borders. While these are referred to as offering desirable models, on the basis that they represent soft and open borders, it is necessary to look at a broader range of examples. Therefore, this paper has sought to bring a new set of perspectives to bear on discussions occurring across the island of Ireland. The borders between Spain-Morocco and Romania-the Republic of Moldova are much more complex than those that exist between Norway and Sweden and France and Switzerland. Their geopolitical environment and economic conditions are much more challenging than those that pertain along the Irish border. Yet, they provide some potentially useful lessons and may well serve to motivate and animate parties across the island of Ireland to increase the resolve to pursue and strengthen cross-border collaboration.

The European Union is an extremely significant player in cross-border collaboration – both across internal EU borders and across external borders. Experiences in Romania-the Republic of Moldova and Spain-Morocco, among others, demonstrate that the EU is not generally active in decision-making or governance arrangements, but is significant in several other respects: as a funder; in setting down operating principles; in enabling communication and political interfacing; in normalising inter-state and inter-regional relations; in elevating the profile and status of regions as political and planning spaces; in championing participation by civil society; in strengthening institutional capacity and in promoting information exchanges and knowledge transfers. Regulatory alignment and adherence to common EU policies and frameworks also facilitate and expedite cross-border collaboration. These enable national governments and lower tier actors to, in turn, establish and give effect to collaborative frameworks. In this context, the *Framework for Co-operation* (2013) is a key tool used by local government, North and South, in the design and delivery of those collaborative initiatives that are grounded in spatial planning policy and practice. In a post-Brexit landscape, there are concerns that the benefits of recent collaborative efforts will be diluted if not lost entirely, that the competitiveness of the border region will be undermined, and that environmental quality will be reduced. The stakeholder survey results, presented in Section 4, revealed concerns that the UK's departure from the EU would remove a positive and constructive force, leading to regressive consequences. In order to overcome the challenges associated with such a vacuum scenario, it is advisable, as is the case in Morocco and the Republic of Moldova, that the EU continue to engage with institutions and with civil society in Northern Ireland, and that actors there be able to access EU supports. There are well-established precedents, as shown in the case studies (presented in Section 5), and these ought to be applied seamlessly on the island of Ireland.

The two case studies presented here relate to two non-EU states whose political systems have been characterised by notable levels of autocracy, particularly relative to their EU neighbours. Engagement with the EU and with their neighbouring states has had positive effect in terms of democratisation in Morocco and the Republic of Moldova. Notwithstanding the current absence of a functioning executive in Stormont, Northern Ireland has much stronger institutions and administrative capacity than do states along other external EU borders. Therefore, it has much greater absorption capacity and greater potential to bring constructive experiences to bear on cross-border collaboration than is the case in other comparable geographies. The examples of Morocco and the Republic of Moldova serve to demonstrate that despite their institutional weaknesses relative to their cross-border partners, they continued to forge linkages and develop structures for joint decision-making and participatory governance. As cross-border collaboration progressed, institutions in Morocco and the Republic of Moldova gradually embraced EU modes of working and EU regulations, and such trajectories had positive outcomes in enabling collaborative governance and enhancing transparency. Lessons from these contexts suggest that the maintenance of regulatory alignment, as Northern Ireland currently enjoys, is conducive to cross-border collaboration.

The stakeholder survey presented in Section 4 tallies with the other surveys cited in the literature review in noting the merits of a soft border, over a hard one. This is consistent with the experiences of Spain-Morocco and Romania-the Republic of Moldova, where, despite security concerns and migratory pressures, authorities strive to facilitate institutional collaboration and joint-working in addition to the movement of people, goods and services – subject to the requirements of the EU’s internal market. In both these contexts, the respective national governments, while not directly involved in the cross-border structures, set the tone and context that enabled sub-national actors to work together. Thus, proactive and constructive approaches by Dublin and London, as by Madrid and Rabat and Bucharest and Chisinau, are likely to facilitate and encourage sub-national actors in engaging collaboratively with one another.

As noted in Section 2, local authorities are important protagonists in cross-border collaboration on the island of Ireland. This is also the case in the two geographies presented in Section 5. In all contexts, inter-local authority collaboration has yielded dividends in respect of enhanced infrastructure, improved services and more integrated planning. On the island of Ireland, local authorities have entered into formal bilateral agreements with partners on either side of the border, and there are also well-established local authority networks that transcend the border. While these arrangements and structures provide for collaborative decision-making, they are less formalised than many of their equivalents where European Groupings of Territorial Cooperation (EGTCs) exist. EGTCs, including those that involve local government actors from outside the EU, enjoy an independent legal personality that enables them to affect decisions within their own spatial and functional remits. The effectiveness of these, along Romania’s borders and elsewhere throughout the EU, ought to encourage local authorities in Ireland and Northern Ireland to solidify collaborative structures, as noted by Spinaci & Vara-Arribas (2009: 11) EGTCs “*provide a set of ‘local solutions, tackling legal and administrative uncertainties and disparities... [and] can represent a significant development in the political landscape at local and regional level.*”

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APPENDIX 1: EUROPEAN CO-FUNDED PROGRAMMES IN NORTHERN IRELAND

2007-2013

Programme	Managing Authority	EU allocation (€m)
European Sustainable Competitiveness Programme (ERDF)	Department for Enterprise, Trade and Investment	€306.8
Northern Ireland European Social Fund Programme (ESF)	Department for Employment and Learning	€165.7
PEACE III * (ERDF)	Special EU Programmes Body (SEUPB)	€224.8
INTERREG IVA ** (ERDF)	Special EU Programmes Body (SEUPB)	€192.0
Common Agricultural Policy: Direct Payments (Pillar I) (EAGGF)	Department for Agriculture and Rural Development	€2,231.0
Common Agricultural Policy: Rural Development Programme (Pillar II) (EAGGF)	Department for Agriculture and Rural Development	€329.5
European Fisheries Fund in Northern Ireland (EFF)	Department for Agriculture and Rural Development	€18.1.
Total:		€3,449.3

2014-2020

Programme	Managing Authority	EU allocation (€)
Investment for Growth and Jobs (ERDF)	Department for the Economy	€308.0
Northern Ireland European Social Fund Programme (ESF)	Department for the Economy	€205.2
PEACE IV * (ERDF)	Special EU Programmes Body (SEUPB)	€229.1
INTERREG VA ** (ERDF)	Special EU Programmes Body (SEUPB)	€240.3
Common Agricultural Policy: Direct Payments (Pillar I) (EAFRD)	Department of Agriculture, Environment and Rural Affairs	€2,299.0
Common Agricultural Policy: Rural Development Programme (Pillar II) (EAFRD)	Department of Agriculture, Environment and Rural Affairs	€228.0
European Maritime and Fisheries Fund (EMFF)	Department of Agriculture, Environment and Rural Affairs	€23.5
Total:		€3,533.1

Notes:

- * PEACE III and PEACE IV are joint Northern Ireland/Republic of Ireland allocations.
- ** INTERREG IVA and INTERREG VA are joint Northern Ireland/Republic of Ireland/Scotland allocations.
- The figures above are for EU funding and do not include Northern Ireland match funding.
- The programmes listed above represent the EU funds allocated directly to Northern Ireland and do not take into account other sources of EU funds drawn down in Northern Ireland under EU-wide programmes which are open for competitive bidding, such as the 7th Framework Programme for Research (FP7) (2007-2013) and Horizon 2020 (2014-2020).
- The figures do not take into account the benefits, financial and otherwise, of the special European Commission Task Force for Northern Ireland set up by the then Commission President, José Manuel Barroso, in 2007 to help Northern Ireland maximise its participation in competitive programmes including FP7. The continuation of the Northern Ireland Task Force was announced in January 2016. See the [DG Regional Policy website](https://ec.europa.eu/unitedkingdom/sites/unitedkingdom/files/eu_funding_in_ni_2007-2013_and_2014-2020_1.pdf) for more information.

(Source: https://ec.europa.eu/unitedkingdom/sites/unitedkingdom/files/eu_funding_in_ni_2007-2013_and_2014-2020_1.pdf, July 2016)

APPENDIX 2: QUESTIONNAIRE RESPONDENTS

Northern Ireland

Public Admin NI #1	Local Government Representative
Public Admin NI #2	Local Government Representative
Public Admin NI #3	Local Government Representative
Public Admin NI #4	Central Government Representative
Public Admin NI #5	Local Government Representative
Public Admin NI #6	NGO
Private Sector NI #1	Border Development Consultancy
Academic Sector NI #1	Research Centre
Academic Sector NI #2	University

= 9 respondents

Republic of Ireland

Public Admin Rol #1	Local Government Representative
Public Admin Rol #2	Local Government Representative
Public Admin Rol #3	Local Government Representative
Public Admin Rol #4	Regional Government Representative
Public Admin Rol #5	Local Government Representative
Public Admin Rol #6	Local Government Representative
Private Sector Rol #1	Sectoral Representative Body
Private Sector Rol #2	Not Identified
Private Sector Rol #3	Sectoral Representative Body
Private Sector Rol #4	Consultant
Civil Society Rol #1	Community Network
Civil Society Rol #2	Social Justice Agency
Academic Sector Rol #1	Research Centre

= 13 respondents

Two anonymous responses was received – giving no indication of sector or jurisdiction represented. These responses are not referenced in Section 4.

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