

Irish Security Soundings

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BREXIT AND ITS SECURITY IMPLICATIONS ON THE REPUBLIC OF IRELAND

As we focus our attention on efforts to contain COVID 19, reopen our economy, and mitigate, where possible, the likelihood of the worst recession Ireland, and potentially the world, has ever experienced one might be mistaken for thinking Brexit should take a back foot. However, a challenge associated with a threat of this magnitude, that is COVID 19, is that they rarely occur in isolation. As a result, one of the worst things to do would be to take our eyes off Brexit, and other threats and risks for that matter at such a precarious time. An issue we will discuss in one of our next soundings. For the purpose of this one we will focus our discussion on Brexit, and its likely implications for safety and security in the Republic of Ireland (ROI). A topic often neglected with regard to specifics in the mountain of rhetoric on the implications of Brexit more generally.

Brexit – the current state of play

Before doing that, however, we will just recap on the current state of affairs. On 23rd June 2016, the United Kingdom (UK) voted in favour of a British exit from the EU, commonly referred to as Brexit, by fifty-two percent majority. Consequently, on 29th March 2017, the UK government triggered Article 50 of the Treaty of the European Union (TEU) indicating its intention to leave the Union which culminated in the UK officially exiting on 31st January 2020. At this time, they entered into a transition period that ends on 31st December 2020. Since January, negotiations have been ongoing as to what the future EU-UK relationship may look like. However, reports in June from Michel Barnier, the EU's chief Brexit negotiator, suggest that progress has been slow. Notwithstanding that, one key element that has come out of these negotiations worth discussing in the context of this piece relates to the UK's apparent U-turn in relation to customs checks in the Irish Sea.

In spite of Boris Johnson's promises that there would be no checks on goods crossing the Irish Sea, the UK government confirmed in May 2020 that there will be checks on some goods flowing between Great Britain (GB) and Northern Ireland (NI). Despite continued assertions that there will be no new physical customs infrastructure required, there is a recognition that an expansion of existing entry points will be necessary; a distinction that may not be viewed with such clarity by those living in NI. Furthermore, a letter reportedly received by the management of the Port of Larne stating that they should prepare to become a border control may further add to the confusion. Thus, fears that this new position may serve to stoke existing tensions and challenge fragile peace are mounting, further contributing to a growing sense of disillusionment in the north.

This growing tension reinforces the commonly held belief that Brexit poses the most serious threat in NI since the troubles of the 1960s. That said, one element that still remains unclear is which side may be provoked to act first. This may simply come down to the side who feels most aggrieved first. In the context of the U-turn about the custom arrangements, unionists may feel more conflicted, which will be discussed in a future sounding. In contrast, any attempted implementation of a physical border between north and south is likely

to impact republicans more. Only time will tell if either side will reach a tipping point to move them to act, and, if and when they do, what that might look like.

The threat of Brexit on Security

As a result, there is little dispute that concerns that Brexit may lead to increased violence from paramilitary groups are unwarranted. But it is worth noting that such concerns are not influenced by Brexit alone. According to the Independent Reporting Commission report of 4th November 2019, “para militarism remains a stark reality in Northern Ireland”, albeit acknowledging that this predates Brexit. Nonetheless, the report warns against complacency at this time. Applying this advice in the context of the ROI would also be prudent, especially in light of comments suggesting that Brexit poses ‘an existential threat to the security’ to Ireland. But if this is the case, why is there not more of a public discussion about the specific security implications with respect to the ROI, in the context of Brexit? Could it be that the security implications from Brexit may not be of the magnitude to warrant closer attention? Or, might it be that they are viewed as manageable given the most serious risks are associated with well-known threats that pre-date Brexit?

From the content that is available on the issue, a common narrative appears to focus on threats that predate Brexit, those associated with the border, such as illegal smuggling, cross border organised crime and the threat of renewed paramilitary activities. However, the impact of Brexit on Irish security goes further than the establishment of a physical border and associated controls, and while there is little dispute that the introduction of such a border will likely increase criminal activities, hostilities, tensions, and potential violence, a risk assessment of further security implications requires greater consideration. We should be asking whether Brexit has the potential to displace such issues further south, and/or create other opportunities that criminals may exploit, to such an extent that would pose a greater risk in the ROI than is currently the case. This is not beyond the realms of possibility, given that long standing relationships already exist between groups, be they criminal and/or paramilitaries, north and south of the border.

An example of a potential threat to the Republic, but also NI, but not commonly discussed within the context of Brexit is the threat of increased right wing activities in the ROI and in NI, and their potential attempts to infiltrate or partner with paramilitary groups. While there are indicators that this has and is already happening, for example, right wing groups tried to gain traction during the flag protest in 2012, Brexit may offer a further opportunity for such relationships to develop, especially with respect to unionists. Given that one of the sentiments that was stoked up during the Brexit debate was immigration, right wing groups may try to manipulate feelings of loyalism and attempt to co-opt them under the narrative of reclaiming Britain for the British. An interesting aspect of this risk, however, is that the risk applies to both republican and unionist groups. That said, given the sentiments associated with Brexit, the risk may be higher right now in respect to unionist groups. Nonetheless, irrespective of which side might welcome such fractions, if they do welcome them we may see attacks in both the Republic and in NI; as experience and motivation align.

So what does all mean for the ROI in terms of safety and security?

So why should a renewal of violence in NI be a cause of such alarm for the ROI in relation to crime and security in the state? The answer may lie not solely in the threat itself, rather in the ability to respond effectively to them, and to others that may emerge, as criminals and paramilitaries try to maximise opportunities that are presented in this changing environment. Much work has been conducted on all sides since the Good Friday agreement to ensure greater cooperation between the Republic, and NI and the UK, in relation to security and safety. Relationships, trust and respect have increased to the extent that joint or at least very close investigations are now part of the norm. However, one might wonder whether a no deal Brexit has the potential to erode this and it is for that reason we, in the ROI, must remain alert.

While the real risk for return to paramilitary style attacks in the south may be low at this stage, the risk of escalation over time is significantly greater. It is not beyond the realms of possibility that if loyalists feel threatened you could have a Dublin/Monaghan bombing scenario. Furthermore, while good working relationships often withstand policy changes in the short term, any change in policy as a result of Brexit may negatively affect these relationships in the longer term. Moreover, criminals are adaptive, as can be seen in the current climate of COVID 19, therefore any change in the environment may present new opportunities for exploitation. For example, a change in tariff arrangements could provide organised criminals with a low risk, high reward commodity from which they could fund crime or terrorism.

Hence, we must plan for the worst case scenario. A wait and see mentality is not good enough, because as time passes and possible tensions escalate, the super structure that exists between Ireland, NI, the UK and EU begins to collapse if negotiations do not end in agreement and with it many of the existing security agreements, protocols and arrangements relating to amongst other things, security and safety. This is likely to have significant impacts on our ability as a nation to respond to the threats mentioned here and many others that may emerge. Some analysts have already identified this, suggesting that new relationships between the UK and the EU may, in fact, negatively impact our existing security and defence posture. However given that so much has yet to be resolved, the specifics as to what this might be remain unclear.

What should we be doing?

Therefore Brexit, deal or no deal, is likely to result in the UK and Ireland having to redefine their cooperation in security matters and while the Irish Government acknowledges this in their 'Preparing for the withdrawal of the United Kingdom from the European Union' document, it does not provide substantive material about how it plans to do so. While the document proposes to ensure a viable extradition system with the UK is in place, coupled with maintaining the system of exchange of law enforcement data in a manner that is compatible with EU instruments on data protection, it is unclear whether this extradition alternative, although workable would be fast enough or provide the legal basis to keep a suspect incarcerated prior to trial. Negotiations at the EU level in relation to extradition also remain contested. The lack of speedy, effective extradition has the potential to have a significant negative impact on Ireland, given that over the last few years, the majority of our European Arrest Warrants (EAW) requests are sent to the UK.

Furthermore, little if any substance is given to explain how the Irish Government intend to try and overcome the departure of the UK from systems, such as the Schengen information system II (SIS II), the real-time alert mechanism for fugitives, and the European criminal records information system (ECRIS). While it is understandable that the key element of these discussions will be left to the EU negotiations, the impact of these changes is worth considering from the Irish perspective more specifically given our close relationship with the UK; which appears absent. While the report does state that there has and will be an increase in recruitment and resourcing of An Garda Síochána, and deployment of additional Garda resources to the border, such improvements alone are unlikely to be enough to minimise the negative impact of these bigger potential changes.

Therefore, when acknowledging that the security implications of Brexit on the ROI may remain unclear, we should be much more nuanced in our discussion about what they may be. It is imperative we explore the potential threats which may emerge, not just envisage an exacerbation of those known, whilst also assessing and developing our ability to respond. We know from experience, threats are likely to emerge at a more rapid pace than we can develop our ability and capacity to react. In this regard, it would be timely to relook at our risk management and assess our existing risk mitigation and transfer strategies and question whether they will still be meaningful post Brexit, deal or no deal. While standing beside the EU in these negotiations is critically important, we must also ensure we have the necessary arsenal of tools to ensure we can respond in a timely and proportionate manner. It is difficult to deny we are better in our response to crime and security

because of our relationships with NI and UK, and therefore where possible we should do our utmost to maintain this, especially given the specific implications of Brexit in security within the ROI are yet to fully emerge.

This sounding has sparked a number of issues that require further exploration and analysis. Some of these will be addressed in up and coming soundings and publications. Future topics include:

- Taking your eye off the ball - the risk of focusing on a serious threat at the detriment of others
- A sign of betrayal – the possible implications of a customs u-turn on loyalists in Northern Ireland
- Immune or a fertile breeding ground - the Rise of Right Wing Extremism and what this may mean for Ireland.

Contributions from Sheelagh Brady and Eileen Langat. If you would like to keep up to date with SAR's Irish Security Soundings please feel free to subscribe to our mailing list here: <https://sarconint.com/irish-security-soundings/>

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