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La Covid-19 et la question de la frontière en Irlande : analyse de la coopération transfrontalière dans les domaines de la santé et du travail

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Covid-19 and the Irish Border. A Preliminary Analysis of Cross-Border Cooperation Considering Health and Work Issues

La Covid-19 et la question de la frontière en Irlande : analyse de la coopération transfrontalière dans les domaines de la santé et du travail

Julien Guillaumond and Vanessa Boullet

Introduction

- 1 The World Health Organisation's statement on 11 March 2020 warned its members and the world that Covid-19 had reached pandemic status and could not be controlled.¹ In the wake of such news, countries across the world decided to seal off their borders and implement various lockdown policies to avoid the spread of coronavirus and protect the lives of their citizens as death tolls rose. Covid-19 hit the United Kingdom in early 2020,² and Irish shores by the end of February 2020 when two cases were first reported. By mid-March, the Republic of Ireland³ and Northern Ireland had entered lockdowns mirroring actions in other countries in Europe. Since both parts of the island share a 310-mile land border crossed daily by a large number of people, one would have expected both governments to cooperate, all the more so when, as the saying goes, deadly viruses do not recognize borders. Twenty-five years after the signing of the Good Friday Agreement, the extent of cooperation remains a complex issue. Following the UK's decision to leave the European Union and its consequences on the border, once again past and present collided on the island of Ireland, as the subsequent Brexit negotiations strained relationships a) between political leaders in the north, b) between Northern Ireland and Great Britain, and c) between the Republic of Ireland and Northern Ireland on the one side, and Great-Britain on the other.⁴ In the North, the Northern Ireland Executive was re-formed in January 2020, bringing the Democratic

Unionist Party (DUP) and Sinn Féin together after a three-year long suspension of the devolved authorities and the daily running of a State mostly left to civil servants. In the Republic of Ireland, after an inconclusive general election in early February 2020 where the three main parties, Fianna Fáil, Fine Gael and Sinn Féin, obtained a close number of seats, a caretaker government led by Fine Gael Leo Varadkar took over the country. Negotiations to form a new government lasted up to June 2020 when a coalition of Fianna Fáil, Fine Gael and the Green party reached an agreement. In such a context, trust and communication between political leaders and political parties in the Republic, Northern Ireland and in the UK were somewhat low, which was, in that case, not “conducive to collaboration”.⁵

- 2 When Covid-19 hit Northern Ireland and the Republic of Ireland, the Irish border was no longer the “invisible” border that it had become in the past two decades. It had turned into an international border separating two parts on the same island, a part of the UK for the former, an EU member for the latter. In that context, how did Covid-19 affect cross-border cooperation? To what extent has it changed this relationship, and what trends, if any, could be identified? Based on interviews with practitioners conducted between January and March 2023⁶ and a literature review, this chapter will present some preliminary findings concerning two specific domains central to cross-border cooperation, health and work-related issues.⁷ The first section will review some historical aspects to explain the situation before addressing the context and role of cooperation. As 2023 marks the 25th anniversary of the Good Friday Agreement, it would be wrong to say that cooperation has always been successful, but it has defined a framework for government and north-south relationships towards reconciliation. The next sections will assess the impact of Covid-19 on cooperation on health and work, trying to gauge to what extent such cooperation has been challenged by the pandemic.

The Irish border in an historical context

- 3 The question of the Irish border resurfaced after the Brexit referendum in 2016, reaching centre stage in public debates, up to a point that a till then highly-improbable united Ireland could truly become a reality.⁸ Deep concerns about the consequences of a hard border and the re-introduction of customs checks were raised in both parts of Ireland and elsewhere in Europe as Britain and the EU were entering what would, in retrospect, be a long period of negotiations.⁹ Come what may, the border between Northern Ireland and the Republic of Ireland was no longer the soft border that had existed for the last two decades or so, this invisible or “very fluid” border that it had become where only signs indicating “the speed limits changing from kilometers per hour to miles per hour” or “welcome-to-Northern-Ireland” marked the change from one place to another.¹⁰
- 4 Historically, the Irish border is a result of the Government of Ireland Act of 1920 which “had proposed to devolve authority to two new political entities within the UK, Southern Ireland and Northern Ireland”,¹¹ leading to the *de facto* partition of the island of Ireland with the creation of two separate political entities: Northern Ireland which remained fully integrated into the United Kingdom, and the Irish Free State (Saorstát Éireann), later Ireland in 1937. Fixed in 1925, the border separated both parts with positions on each side being strongly entrenched,¹² leading some to talk about a “cold war between the unionist administration in the North and successive administrations

in the South”,¹³ ranging from a non-recognition of the border in the South to a deep pride in the North of the link existing between the Province and Britain. As a consequence, any form of cooperation that could have existed between the two parts was cut short, in spite of the inclusion, in the Government of Ireland Act, of the short-lived Council of Ireland, an all-Ireland body which was supposed to act as a forum of discussion to bring the two parts together. After five decades of “border consolidation”,¹⁴ the 1960s opened a new phase of reconfiguration of the Irish border. This was marked by the “thawing” of relationships: attitudes between governments in the North and South evolved as noticeable from the visits of respective Prime Ministers on both sides of the border in the mid-1960s. Later entry into the EEC also contributed to changes between the two parts before the period known as the Troubles (1970s-1990s) led the border to be considered as the most militarised area west of the Iron Curtain.¹⁵ In the late 1990s, such common participation in the European project alongside US involvement helped Ireland to come to terms with the consequences of the Troubles, and drove Northern Ireland towards the Peace process which was signed in April 1998.¹⁶ As John Coakley wrote, the Belfast Agreement or Good Friday Agreement (GFA) “was remarkable for the range of parties that went along with its provisions and for the wide span of areas that it covered”.¹⁷ Indeed, it brought most Northern Irish parties to the table together with the British and Irish governments.¹⁸ A series of mechanisms were set up through the GFA with the creation of institutions to guarantee a system of balance of power between unionists and nationalists within a democratic framework.¹⁹

Cooperation, then and now

- 5 The Good Friday Agreement allowed the setting up of numerous institutions to bring together the two communities, and bridge the gap between them. Its first level (Strand 1) provided Northern Ireland with an Assembly and an executive made up of the different parties (power-sharing principle). The second level (Strand 2), establishing the North-South axis, provided for a North-South Ministerial Council composed of ministers from the Northern Ireland Executive and the Irish Government, but above all a series of cross-border bodies for the management of issues concerning the two parts of the island. Under that strand, six areas of cooperation had been identified (agriculture, education, environment, health, tourism and transport) and six North-South Implementation Bodies (waterways, food safety, trade, languages such as Gaelic and Ulster Scot, lighthouses, and tourism) were set up. The third component (Strand 3), represented by the East-West axis, provided for a British-Irish Council and an intergovernmental conference bringing together representatives of the British and Irish nations. The important point that “underlied [this whole] network of institutions [was] that of interdependence,”²⁰ and interconnection.
- 6 The Good Friday Agreement was approved by referendum on 22 May 1998 by 71% of those voting in the North and 94% in the South, placing cooperation as a central tenet of the future north-south relationship. Although the power-sharing Executive and the Assembly have not been able to ensure a continual period of power sharing, cooperation seems to have worked well through the multiple bodies. In the only survey on cross-border institutions (2 waves, 1999 and 2000), John Coakley noticed “a wide measure of support for cross-border cooperation in the areas of tourism, transport, agriculture, health and security from Protestants and Catholics alike”.²¹ For example,

following the GFA, Tourism Ireland was established in December 2000 to promote tourism on an all-island basis to customers abroad. It is run by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media in the Republic, and by the Department of the Economy in Northern Ireland, and it works with Fáilte Ireland in the South and Tourism NI in the North. Since 2002, for its overseas marketing campaigns, it has been using two main new features, cultural breadth and diversity, based on people and places in Ireland.²²

- 7 Even though no other surveys examined the way cross-border cooperation was perceived by the population in Northern Ireland, it is worth mentioning that cooperation between north and south emerged as a central issue following Brexit. In that respect, it is quite significant that during the the negotiation phase, the task force presided by Michel Barnier published a report stressing the extent of cooperation between the north and the south of Ireland since the signing of the Belfast Agreement²³. The Joint Report of 8 December 2017 stressed its commitment to protect North-South cooperation. Paragraph 47 of the Joint Report thus acknowledged that the “UK’s departure from the EU gives rise to substantial challenges to the maintenance and development of North-South cooperation”.²⁴ Acknowledging the extent of cross-border cooperation, the UK and the EU listed over 150 areas of cooperation between north and south which should not be disrupted.²⁵ This mapping exercise shows that cross-border cooperation has developed well since the Good Friday Agreement and in much wider areas than originally envisaged such as policing, justice, energy, broadcasting, arts, culture and sports. This has been made possible within the common legal and political framework of the European Union that has encouraged the emergence of a new type of relationships between the two countries and, specifically, depoliticised European programmes such as those on cross-border cooperation or structural funds (Interreg or Peace).²⁶
- 8 Many cooperation programmes have thus been developed towards reconciliation and to ease the life of Irish and British citizens living along the border since the GFA. Some have been successful. For example, in the various sectors of agriculture and in the face of environmental risks, the entire island is considered as a single “epidemiological” and “biogeographical” entity.²⁷ In that respect, the fight against the foot-and-mouth disease in 2001 was carried out at the island level. As Covid-19 did not recognise any borders, the pandemic presents a singular case to question the extent of cooperation on the island on health at a time of crisis.

Case study #1: considering health cooperation during Covid-19

- 9 Since the signing of the GFA, health cooperation, which is one of the six areas of cooperation supervised by the North South Ministerial Council (NSMC) and implemented separately in each jurisdiction, has progressed.²⁸ Not only was the goal to allow all Irish and British citizens access to health and social care on both sides necessary for some specialised services due to the size of both jurisdictions (especially for those living along the border where health services could be less accessible), but it was also important to reach “economies of scale”.²⁹ Founding director of the Centre for Cross Border Studies,³⁰ Andy Pollak confirmed the implementation of health

cooperation between North and South with varying degrees according to some domains:

In the past 20 years there have been a few all-Ireland health promotion campaigns (e.g. on obesity and folic acid for women) and some significant actions on non-communicable disease, notably the setting up of an all-Ireland paediatric cardiac surgery service in Dublin and cross border radiotherapy and emergency cardiology services for the whole north-west in Derry.³¹

- 10 This was also confirmed by the European Commission's Task Force when it stated that "there [was] substantial cooperation in [health], which enjoys broad cross-community support and has demonstrable mutual benefit".³² Further examples were given in a report released by the Northern Ireland Audit Office in October 2018 designed to provide an overview of some areas at risk for Northern Ireland after Brexit:

North-South collaboration in healthcare has evolved in response to patient need, both in border areas and on an all-island basis. Many services are not underpinned by European Regulations, for example, the All-island Congenital Heart Disease Network and the North West Cancer Centre at Altnagelvin are based on inter-governmental agreements between the respective health departments north and south, underpinned by Service Level Agreements. Some cross-border services are funded through EU programmes.³³

- 11 "Northern Ireland on its own", it concluded, "would not be able to maintain such specialised services".³⁴ The inability of staff to move across the border for work did also represent a major problem. In that context, how did cross-border cooperation in health fare during Covid-19?
- 12 At the outset of the pandemic, responses to Covid-19 differed and there was a clear divergence between the words of both governments, in the North and the South, and their actions. At the start, the Northern Ireland Executive, restored in January 2020 after 3 years of suspension, presented a united front and assured the public that politics would not at all prevent the fight against Covid-19. In other words, it "was neither unionist nor nationalist".³⁵ But such a united front was "short-lived" when the Republic of Ireland announced the closure of schools on 12 March 2020. In his speech, Taoiseach Leo Varadkar stated that "acting together as one nation can save many lives".³⁶ In the north, however, following British guidance, First Minister Arlene Foster declared that Northern Ireland would not close schools as quickly, and that their decision would rest on "scientific evidence".³⁷ Those words and measures have to be analysed through the prism of Irish / Northern Irish politics with the restoration of the Northern Ireland Executive early 2020 and the ongoing Brexit negotiations. This also very much showed that despite a strong willingness to cooperate, even included into legislative texts, "there would not be an all-island approach to combating the pandemic".³⁸ Pollak argued that reactions to Covid-19 in Ireland were ruled by politics, made along political lines.³⁹ Thus, Northern Irish leaders' reactions were close to their ideological leanings in order to assert their own distinctiveness and score some political points: Unionists, notably the DUP, UUP and Alliance Party, were unwilling to deviate from the recommendations of the British government and health services whereas Nationalists, especially Sinn Féin, were more keen on following the measures enacted in the Republic and even called for a comprehensive island-wide approach to the pandemic.⁴⁰ However, though there was a will to tackle the crisis, there was a clear dichotomy between the prudent measures proposed by Dublin and the recommendations coming from London. In the early days, dialogue and cooperation

were thus forgotten in the name of party politics and the political leaders failed to fully exploit the institutions created by the GFA such as the North-South Ministerial Council. Anthony Soares, director of the Centre for Cross-Border Studies, summarised this problem by saying: “there’s very little a North-South Ministerial Council can do if you don’t have one side actually at the table”.⁴¹

- 13 Finally, after the confusion of the first days, political leaders, senior ministers and chief medical officers met and agreed to work together:

It was agreed that everything possible will be done in coordination and cooperation between the Irish Government and the Northern Ireland Executive and with the active involvement of the health administrations in both jurisdictions to tackle the outbreak. Protection of the lives and welfare of everyone on the island is paramount, and no effort will be spared in that regard.⁴²

- 14 On 7 April 2020, a *Memorandum of Understanding* was signed. It was also announced that the chief medical officers of both jurisdictions would hold weekly online meetings to update each other. In the 5 pages of the memorandum, the word cooperation appears 23 times, collaboration twice and coordination once.⁴³ This hammering of the word cooperation and its synonyms sounds like a pious wish, a collective desire, but the document mentions very few practical aspects. Indeed, Deidre Heenan regrets that:

The regular and repeated calls for further collaboration and cooperation have not been accompanied by any detailed plans, feasibility studies or robust data to support an all-island approach. Statements by political parties and policymakers urging improved cross-border working are expressed in general, vague terms. To date the approach has been minimalist and often project specific.⁴⁴

- 15 These discrepancies and delays between measures in the north and the south, created confusion among people, especially across the border. As Anthony Soares explained:

If you live in a border region and you’re seeing [that] public health restrictions are being put in place on one side of the border and not on the other side or only put in place later and then lifted early on one side and not on the other, it created huge complications for people (...). It was confusing for a lot of people.⁴⁵

- 16 In their article, O’Connor *et al.* quoted several tweets and comments from people living along the border showing how confused they were at the lack of cooperation in the measures since both governments had different approaches to tackle the virus.⁴⁶ Nevertheless, both governments found it difficult to align on the measures, locally and in fact cross-border authorities and communities were more proactive. For instance, along the border, many Northern Irish schools closed just after the closing of the schools in the Republic,⁴⁷ using their discretionary closure powers (for example, staff training days). Similarly, Derry - Londonderry, which shares a border with the Republic in County Donegal, decided to follow advice from Dublin rather than from London or Belfast.⁴⁸ Another example that shows that cooperation existed at ground level is that after the outbreak, several Interreg projects were “quickly redirected” to address the impact of Covid-19.⁴⁹ This redirection was facilitated by SEUPB, a Special EU Programmes Body set up under the GFA in charge of the Structural Funds programmes in Northern Ireland and cross-border counties. Thus, the island, and especially cross-border counties benefited from EU programmes especially towards the impact of Covid-19 on mental health, and towards young and old people.⁵⁰

- 17 Thus, if cooperation in terms of healthcare worked during the pandemic, it was not as fully exploited as it could have been with the different organisations implemented after the GFA. It remained quite general, vague or relied on promotion campaigns or specific

projects. It should also be said that cross-border cooperation was difficult for several reasons. First, there was the absence of common data, preventing research between the two jurisdictions, and causing further difficulties to cooperate during Covid-19. This lack of data has been singled out by Deirdre Heenan writing recently that “[a] longstanding issue in terms of all-island comparative research has been the limitations of the data”.⁵¹ This problem is not specific to the Republic, nor Northern Ireland, but exists across the four constituent nations of the UK.⁵² Second, the Republic and Northern Ireland have two different health systems: modelled on the British NHS, the NI health system is universal whereas the health system in the south is not. These differences may also “constitute a significant barrier to practical cooperation to any great extent”.⁵³ They may also cause difficult situations when working in terms of free access to care and NHS work-related benefits. Nevertheless, despite all those discrepancies, it has to be emphasised that the situation along the Irish border was nevertheless far different from the situation along any other EU borders as they were closed during the pandemic. In the words of Anthony Soares, “we saw closures of borders across Europe and we never saw anything like that here at the border between North and South [...]. That’s one big, big difference as opposed to the Irish border which was never closed”.⁵⁴

Case study #2: considering cooperation on work-related issues during COVID-19

- 18 Although work is not explicitly marked as a core domain of the Belfast Agreement, it remains closely connected to cross-border cooperation. As shown above, Brexit has had serious impacts on health sector staff or on access to care when at work. This invisibility should not suggest that such cooperation does not exist. Bodies such as the Cross-Border Partnership Employment Services (CBPES) and the Chambers of Commerce along the border, assisting cross-border workers and businesses with issues such as recruitment, access to care, double taxation and unemployment benefits (including during Covid-19) attest to that.⁵⁵ For example, the Dundalk Chamber of Commerce in the Republic is working with the Newry Chamber of Commerce in Northern Ireland, while the Derry Chamber of Commerce in the North is working with the Letterkenny Chamber of Commerce in the South.⁵⁶ Cooperation is at the core of CBPES since it is made up of civil servants coming from two government departments (one in the North and one in the South) who “allocate part of their time to work on cross border issues”,⁵⁷ and comprises other organisations which act as partners such as Chambers of Commerce, employers’ representatives (Irish Business and Employers’ Confederation - IBEC, and its counterpart in the North, the Confederation of British Industries - CBI), and Unions representatives (Unite the Union from the southern side, the Belfast Resource Unemployment Centre, in the north, working with the Irish Congress of Trade Unions (ICTU)).⁵⁸ Each time both jurisdictions are represented.⁵⁹ Another organisation in the border region is the Irish Central Border Area Network (ICBAN) which links the local councils, north and south, and usually is the coordinator for the EU Structural Funds, and some of the activities they carry out are work-related.⁶⁰ All these organisations have the support of the Centre for Cross-Border Studies (CCBS) with its Border People project⁶¹, carrying out research and “providing information on cross-border workers”.⁶² Based on our interviews with representatives

of these organisations, there is a large agreement that north-south cooperation in assisting businesses and workers is effective, and will continue after Brexit with Irish and Northern Irish funding replacing EU funding. Joe Lvaery from the CBPES said that there:

Is a will to ensure that people can live, and work, and cross the border, and employ on both sides with as little fuss as possible and as little problems as possible, and I think that comes from both governments, the councils, the local councils that straddle the border as well, more local government, but there definitely is a will [...].⁶³

19 It is estimated that around 30,000 people cross the Irish border daily. This number remains a broad estimate since it does not only comprise cross-border workers but also students.⁶⁴ It should also be noted that the Irish border works in a wider framework within the British Isles with the Common Travel Area (CTA). The free movement of people between the UK and the Republic of Ireland did not end on 31 December 2020 as both countries are part of the CTA, a free movement agreement between the UK, Ireland, the Channel Islands and the Isle of Man.⁶⁵ As a result, Irish and British citizens have the right to live, work and have access to social protection and health care in both countries. In that context, how did cross-border cooperation around work fare during Covid-19?

20 Over the last two decades or so, the cross-border organisations previously mentioned have dealt with labour concerns, both north and south of the border. Indeed, though both labour markets on the island of Ireland share some similarities, it is worth mentioning that in the past, very few people moved from North to South or vice versa, preferring to go to Britain and other English-speaking countries as Irish economist John Fitzgerald has explained.⁶⁶ The GFA as well as the Celtic Tiger economy in the Republic from the mid-1990s onwards have led to a change of perspective where Irish people, both north and south of the border, would not consider moving to London or America as the first option.⁶⁷ Commuting for work across the border needs to be reframed in a larger historical contexts which saw the “reopening of many border crossings, thus making cross-border working more attractive” after the Belfast Agreement, and “EU and bilateral agreements providing a framework for taxation, social benefit payments and diploma recognition for cross-border workers”.⁶⁸ According to our interviewees, the “Dublin-Belfast corridor” is an important North-South axis where workers move across the border for better wages and/or better opportunities.⁶⁹ The East-West corridor (Derry-Londonderry - Letterkenny) is also worth considering as opportunities are also there in some sectors. “In the Northwest”, said one of our interviewees:

it’s a very fluid border. [We] don’t see a border, you know, we live and work as though it’s a borderless area. So, every day, we cross, I cross the border with thousands of other people. You don’t see a border, you don’t feel a border, there’s no difference and, you know, and it’s the same with businesses in that they work cross-border, and that’s just a natural, a natural result of the geography.⁷⁰

21 During the pandemic, though the border was not closed, the public health measures have changed the way the Irish / Northern Irish work. M. O’Reilly explains:

There has been significant divergence between COVID approaches in Northern Ireland and the Republic of Ireland around public health measures and supports, including physical access to work, support schemes, definitions (key workers), timing and extent of lockdowns and timing/extent of vaccination programmes. While on the face of it these differences might not have impacted on the

populations of each jurisdiction to any significant degree, what it has done is shone a light on the challenges for cross-border workers as a very discrete group of individuals, highlighting not only the impacts of specific COVID legislation brought in to deal with the pandemic, but also unearthing the hidden complexities of working with legislation already in existence.⁷¹

- 22 Indeed, the pandemic has raised many issues related to work. First, Covid-19 caused much confusion and uncertainty among cross-border employers and workers, mainly due to a lack of information on both sides of the border. O'Reilly noted that there was a strong sense of information failure. As in continental Europe, the case of the cross-border workers was not at first taken into consideration. Thus, when the notion of key workers appeared (aka those who go to work during lockdowns), confusion may have arisen when both governments did not agree on the different sectors. Likewise, as many workers did have difficulties to have access to information on the impacts of Covid-19 regulations on cross-border working, confusion was rife about the physical restrictions. For instance, during lockdowns, could a person cross the border? Did this person need to be tested or vaccinated as they had to follow two different vaccination programmes? Who could get access to financial and health / mental support?
- 23 During lockdowns, home-working was generally implemented and was considered positively but it had challenging tax implications on the island. Indeed, taxation when working from home is a tricky question in Ireland. Cross-border workers usually pay income tax via their employer but they also need to declare their cross-border income at home. The UK and the Republic have a double taxation agreement so that cross-border workers benefit from tax reliefs and are not taxed twice. However, the tax reliefs in the Republic do not take tele-working into account. Before Covid-19, cross-border workers, living in the Republic and working in the north, could not tele-work without paying extra taxes. Indeed, as Annmarie O'Kane explained: "many cross-border workers were unaware of the obligation to declare those days at home". As a result, she argued: "the issue remained under the radar until Covid-related working-from-home rules kicked in".⁷² Indeed, with the recommendation to work from home implemented by the public health authorities, the Irish Government decided to pause this extra-taxation. However, in April 2022, this tax rule was reestablished. The pandemic, however, has completely changed working patterns, notably for a highly educated workforce⁷³ and many cross-border workers would like to carry on working from time to time at home. As Joe Lavery from the CBPES explained, "the Covid question [...] has opened a lot of doors to homeworking, and people working for companies across the border [and] working from home. And that has raised a lot of issues".⁷⁴ Some employers and workers created a group, the Cross-Border Workers Coalition, to promote their case to the Irish government and the EU authorities (as this problem may occur to other frontier workers). During our interviews, all our cross-border interviewees emphasized the difficulties of declaring their taxes as a cross-border worker. CBPES regularly organises online meetings on taxation issues in the Republic and in Northern Ireland. Conversely, cross-border workers living in the North but working in the South do not have this problem and manage to carry on enjoying the possibility of tele-working after the pandemic. In the end, even though cooperation works along the border between local organisations, there seems to be, to date, no will on the part of the Irish government's side to ease the tax issues raised by the pandemic.⁷⁵

Conclusion

- 24 This chapter has touched upon cross-border cooperation with a particular focus on the impact of COVID-19 on health and work. In that respect, it fits rather well with current research north and south of the border on a future for the island of Ireland. In the presentation to the ARINS project, “Analysing and Researching Ireland - North and South”, the three research editors explained that the variety of research questions is wide, ranging “from constitutional and institutional issues, to options for economic, fiscal and social policy, to the accommodation of diverse cultures, identities and symbolism, to the impact of climate and contagion on cooperation across jurisdictions”⁷⁶. International comparison is also important to further research in that area, as much as “relationships within Northern Ireland, across the island of Ireland and between Ireland and Britain”.⁷⁷ In the end, our analysis of research articles together with our interviews reveal that Covid has laid bare some of the limits of cross-border cooperation in health and the weight of community politics. Covid-19 has also placed into the limelight the situation of cross-border workers and the need to further discussions on their future status in a post-Covid labour market marked by the rise of tele-working practices among certain economic sectors. In that regard, one comment from Dr. Anthony Soares from the Centre for Cross-Border Studies stated that: “COVID has shone a light on things that were there previous to Covid. It’s just that Covid has served as a platform to highlight some of these issues and Brexit obviously is the other, the other issue that has highlighted the situation of cross border workers [...]”.⁷⁸

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1. World Health Organisation (WHO), 'WHO Director-General's opening remarks at the media briefing on COVID-19', 11 March 2020, <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020> consulted 5 May 2022.
2. See for instance BBC News, 'Coronavirus: Two cases confirmed in UK', 31 January 2020, <https://www.bbc.com/news/health-51325192>, consulted 2 May 2023.
3. The official name is Ireland (or *Éire* in Irish). The Republic of Ireland will be used throughout the chapter to avoid ambiguity. In other instances, the chapter will refer to the south and the north of Ireland. See further down for some historical elements.
4. Thus, when the Covid-19 pandemic began in late February 2020, the Northern Irish protocol had just been ratified. The Irish border is fully open, but politically charged and subject to uncertainty about its future operation with the implementation of the Protocol coming into force in January 2021.
5. Deidre Heenan, "Cross-Border Cooperation Health in Ireland", *Irish Studies in International Affairs*, Vol. 32, Issue 2, 2021, p. 119, doi: <https://doi.org/10.3318/ISIA.2021.32b.10> consulted 2 May 2023.
6. Four open interviews were conducted over the first few months of 2023 to understand the extent of cross-border cooperation between the Republic and Northern Ireland: Lorraine O'Malley and Joe Lavery from the Cross-Border Partnership Employment Services (CBPES), Dr. Anthony Soares from the Centre for Cross-Border Studies, and people from the Londonderry Chamber of Commerce, and the Cross-Border Workers' Coalition.
7. The local effects of Covid-19 on the lives of people living in border counties (or border communities) will not enter the scope of this present chapter even though cross-border movements comprise daily shopping runs, visits to family members on both sides of the border, movements of students, but also daily trips back and forth for work-related reasons.
8. See for instance Christophe Gillissen, 2022, 'L'Irlande vers l'unité ?', *Après-demain*, 62/2, 28-29. See also Pierre Joannon, 'Réunification de l'Irlande : un effet collatéral du Brexit ?', *Politique Internationale*, 2020.
9. It should be noted that the difficulties in reaching a compromise on the Irish border led to the postponement of the UK's exit date three times. On the UK side, the main concern was to find a way to enforce a hard border without "physical infrastructure or associated controls". On the EU side, the intention was to minimise the need for border checks and controls. In the Brexit debates, the border thus became a real symbol of identity and politics for British and Northern Irish politicians, while on the ground, for many Irish people north and south of the border, the border was just a line on a map that ignored their daily lives.
10. Comments - interviewee #2 and interview with Lorraine O'Malley from the CBPES on 30/01/2023.
11. John Coakley, 'The future of the north-south bodies', 2005, Mapping Frontiers, Plotting Pathways, Ancillary Paper No. 7, 2005 (also printed as IBIS working paper no. 53), <https://www.qub.ac.uk/research-centres/CentreforInternationalBordersResearch/Publications/WorkingPapers/MappingFrontiersworkingpapers/Filetoupload,175439,en.pdf> consulted 2 May 2023
12. "The Irish border came as a consequence of partition, and such a question marred north-south relationships for decades". John Coakley, *Politics in the Republic of Ireland*, 5th ed. London: Routledge, 2009, p. 385.
13. John Coakley and Liam O'Dowd, 'The Irish border and North-South cooperation: an overview', IBIS Working Papers; 47, MFPP Working Papers 1, 2005, University College Dublin, Institute for

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14. John Coakley and Liam O'Dowd, 'The Irish border and North-South cooperation: an overview', *op. cit.*

15. Marie-Claire Considère-Charron, "Brexit and the Irish Question", *European Issues*, 583, February 2021, p. 1.

16. Philippe Cauvet, (14 June 2017). *Le Brexit et l'Irlande*. Portail vidéo de l'Université de Rouen Normandie. <https://webtv.univ-rouen.fr/permalink/v1258564ac6a01nismb8/> consulted 2 May 2023.

17. John Coakley, *Politics in the Republic of Ireland*, *op. cit.*, p. 394.

18. Compared to previous discussions and agreements such as the Sunningdale Agreement of December 1973 or the Anglo-Irish Agreement of 1985, with the creation of the three strands, the Good Friday Agreement also brought the Irish dimension and power-sharing together, and added the Irish British relationship. As Coakley wrote, the "agreement went even further than this, addressing long-term constitutional matters, short-term issues arising from decades of conflict and a number of specific areas of particular concern to one community or the other." John Coakley, *Politics in the Republic of Ireland*, *op. cit.*, p. 394.

19. For a good presentation, see John Coakley, *Politics in the Republic of Ireland*, *op. cit.*, chap. 13; Wesley Hutchinson, *La question irlandaise*, Paris : Ellipses, 2001, chap. 8. Recently, Cauvet has argued that Brexit has shown some of the remaining weaknesses of the Good Friday Agreement. See Philippe Cauvet, "Democracy in Northern Ireland Since the Good Friday Agreement: A Post-Brexit Reappraisal". *Revue Française de Civilisation Britannique. French Journal of British Studies*, vol. XXVII, n° 2, 2022. <https://doi.org/10.4000/rfcb.9415> consulted 2 May 2023.

20. Wesley Hutchinson, *La question irlandaise*, *op. cit.*, p. 165. "The Belfast agreement declared: "It is accepted that all of the institutional and constitutional arrangements—an Assembly in Northern Ireland, a North/South Ministerial Council, implementation bodies, a British-Irish Council and a British-Irish Intergovernmental Conference and any amendments to British Acts of Parliament and the Constitution of Ireland—are interlocking and interdependent and that in particular the functioning of the Assembly and the North/South Council are so closely inter-related that the success of each depends on that of the other." Northern Ireland Assembly, The Belfast Agreement: an agreement reached at the multi-party talks on Northern Ireland, April 1998. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1034123/The_Belfast_Agreement_An_Agreement_Reached_at_the_Multi-Party_Talks_on_Northern_Ireland.pdf consulted 2 May 2023.

21. John Coakley, "The future of the north-south bodies", *op. cit.* p. 10.

22. Maureen Gaffney and Trevor Ringland, "Towards a new tourism brand for the Island of Ireland", *Journal of Cross Border in Ireland*, 3, Spring 2008, pp. 26-36.

23. Task Force 50 is the name given to the team led by Michel Barnier to prepare and conduct the negotiations with Britain after Brexit. It is a reference to Article 50 of the Treaty of the European Union. See European Commission, "European Commission sets up Task Force led by Michel Barnier as Chief Negotiator for the Preparation and Conduct of the Negotiations with the United Kingdom", Press release, 14 September 2016, https://ec.europa.eu/commission/presscorner/detail/en/IP_16_3016 consulted 2 April 2022.

24. Quoted in European Commission, *Task Force for the Preparation and Conduct of the Negotiations with the United Kingdom under Article 50 TEU*, 2019, 63 – Commission to EU 27, 21 June 2019. Further quote to that document: TF50, 2019, 63, p. 2.

25. TF50 (2019) 63, p. xx.

26. Katy Hayward, "Life and Work across the Irish Border", *Annales des Mines - Réalités industrielles*, n° 2020/3, Août 2020, p. 101- 105, <https://www.cairn.info/revue-realites-industrielles-2020-3-page-101.html> consulted 2 May 2023.

27. The report goes on listing the various domains of cooperation: 1) agriculture, including plant and food safety. Interestingly, the report mentions that “the island of Ireland is treated as a single epidemiological unit” regarding plant/seeds and plant imports (TF50 (2019) 63, p. 6). This cooperation, strongly entrenched within the rural economy, is also connected to other areas such as food, tourism, transport and the environment. 2) Environment, once again, there is strong cooperation on environmental protection, “particularly given the scientific and practical context that the island of Ireland is a single biogeographical unit” (TF50 (2019) 63, p. 7).

28. It should also be noted that two other organisations are also working on an all-Ireland basis: CAWT (Cooperation and Working Together for health gain and social well-being in border areas) and the Institute of Public Health in Ireland.

29. TF50 (2019) 63, p. 5.

30. The Centre for Cross Border Studies is an independent organisation founded in 1999. It promotes cross-border cooperation between the Republic and Northern Ireland through research, conferences and training. See more on <https://crossborder.ie/>

31. Andy Pollak, “North-South Cooperation on Healthcare during a time of Corona Virus”, *The Journal of Cross Border Studies in Ireland*, 2020, p. 63.

32. The report went on: “The current NSMC work programme includes accident and emergency planning, planning for major emergencies, co-operation on technology assessment, cancer research and health promotion. Child protection is also an area for regular discussion. [...] North-South cooperation and EU frameworks also support the continuity of care and of supply of health products, such as medicines and medical devices. An example of vital health services which patients access on a cross-border basis is the North-West Cancer Care Centre. Similarly, General Practitioner (Doctors) out-of-hours services and the dispensing of prescriptions are provided on a cross-border basis, where the closest doctor or pharmacy may be in the other jurisdiction. [...] Cross-cutting issues such as data sharing and EU public procurement rules are also of relevance in this area.” (TF50 (2019) 63, p. 8-9)

33. Northern Ireland Audit Office, *The UK Border: how prepared is Northern Ireland for exiting the EU?*, 26 October 2018, p. 12 <https://www.niauditoffice.gov.uk/files/niauditoffice/media-files/Final%20Brexit%20Report.pdf> consulted 28 April 2023.

34. *Ibid.*

35. To read a chronology of events and reactions, see Deidre Heenan, “Cross-Border Cooperation Health in Ireland”, *op. cit.*, p. 119.

36. *The Irish Times*, “Acting together, as one nation, we can save many lives, says Varadkar”, 12 March 2020.

37. *The Belfast Telegraph*, “Coronavirus: Decision not to close Northern Ireland schools based on ‘clear scientific evidence’”, 12 March 2020.

38. Deidre Heenan, “Cross-Border Cooperation Health in Ireland”, *op. cit.*, p. 120.

39. Andy Pollak, “North-South Cooperation on Healthcare during a time of Corona Virus”, *op. cit.*, p. 65.

40. See Deidre Heenan, “Cross-Border Cooperation Health in Ireland”, *op. cit.*

41. Interview with the authors on 31/01/2023.

42. Meeting of Irish Government and Northern Ireland Executive Ministers concerning North South cooperation to deal with Covid-19, 14 March 2020, <https://www.executiveoffice-ni.gov.uk/news/meeting-irish-government-and-northern-ireland-executive-ministers-concerning-north-south-cooperation> consulted on 2 May 2023.

43. Department of Health, Ireland, and Department of Health, Northern Ireland, ‘Memorandum of Understanding, Covid-19 Response’, 7 April 2020, available at: <https://assets.gov.ie/72562/118b999e3eb84308b1b0254f43ef5859.pdf> consulted on 2 May 2023.

44. Deidre Heenan, “Cross-Border Cooperation Health in Ireland”, *op. cit.*, p. 118.

45. Interview with Dr. Anthony Soares and the authors on 31/01/2023.

46. O'Connor C, *et al.*, "Bordering on crisis: A qualitative analysis of focus group, social media, and news media perspectives on the Republic of Ireland-Northern Ireland border during the 'first wave' of the COVID-19 pandemic". *Social Science & Medicine*. 2021 Aug. doi: 10.1016/j.socscimed.2021.114111
47. Schools in Northern Ireland only closed on 23 March 2020.
48. Katy Hayward, "Northern Ireland: Managing COVID-19 Across Open Borders: Managing Covid-19 in Northern Ireland", *Borders in Globalization Review*, 2(1), 200, pp. 58-61. <https://doi.org/10.18357/bigr21202019887>
49. Interview with Dr. Anthony Soares and the authors on 31/01/2023.
50. Specific programmes are detailed on the following website: <https://www.seupb.eu/> consulted on 2 May 2023.
51. Deidre Heenan, "Cross-Border Cooperation Health in Ireland", *op. cit.*, p. 119.
52. *Ibid.*, pp. 125-126.
53. Anne Matthews, "A Crowded Stage: A Response to 'Cross-Border Cooperation Health in Ireland' by Deirdre Heenan", *Irish Studies in International Affairs*, Vol. 32, Issue 2, 2021, p. 139, doi: <https://doi.org/10.1353/isia.2021.0001> consulted on 2 May 2023.
54. Interview with the authors on 31/01/2023.
55. Comments - interviewee #2.
56. Interview with Lorraine O'Malley from the CBPES and the authors on 30/01/2023.
57. Interview with Lorraine O'Malley from the CBPES and the authors on 30/01/2023.
58. Interview with Lorraine O'Malley from the CBPES and the authors on 30/01/2023.
59. CBPES used to be part of the EURES Network, an EU network of cross-border organisations before Brexit. The fact that it remains in existence, though under a different form, attests to its importance in cross-border relationships. Interview with Lorraine O'Malley and Joe Lavery from the CBPES and the authors on 30/01/2023.
60. Interview with Lorraine O'Malley from the CBPES and the authors on 30/01/2023.
61. The project initiated by the CCBS provides practical information and advice on living, working or studying across the border on its website: <https://borderpeople.info/>. The CCBS explains: "The Border People project is a clear example of cross-border cooperation at its most pragmatic and sensible: a means of making government departments, information and advice providers and the general public in both Irish jurisdictions more knowledgeable and thus more effective in dealing with practical obstacles to cross-border mobility" <https://crossborder.ie/what-we-do/projects/border-people/> consulted on 15 September 2023.
62. Interview with Dr. Anthony Soares and the authors on 31/01/2023.
63. Interview with Joe Lavery from the CBPES on 30/01/2023.
64. Interview with Dr. Anthony Soares and the authors on 31/01/2023.
65. It should be noted that since the creation of the Irish Free State in 1922, the Irish have been free to travel within the island through the Common Travel Area. The CTA, which was an inter-entity arrangement, became 'legal' in 1952 and allowed the Irish and British to be treated equally in both states. Aoife O'Donoghue *et al.*, "The Common Travel Area: prospects after Brexit", Working Paper, 2017, Durham University. <https://dro.dur.ac.uk/20869/1/20869.pdf?DDC71+DDD19+DDC108+dla0ao> consulted on 2 May 2023. It actually includes more than the basic right to travel freely between both countries: the right to live, to study, to vote in some elections, the right to access public services such as health care and social benefits. "Over time, some of the rights came to be included in different pieces of legislation in both Ireland and the UK. It was notably recognised under the Treaty of Amsterdam, but it does not mean that it is an EU agreement. During the Brexit negotiations, on May 8th, 2019, the Irish and UK governments signed a Memorandum of Understanding reaffirming the Common Travel Area." https://www.citizensinformation.ie/en/government_in_ireland/ireland_and_the_uk/common_travel_area_between_ireland_and_the_uk.html consulted on 2 May 2023.

66. Royal Irish Academy podcast, “ARINS: One island, two labour markets”, 1 December 2022, <https://podcasts.apple.com/ie/podcast/arins-one-island-two-labour-markets/id656731823?i=1000588272526> consulted on 2 May 2023.
67. Interview with Dr. Anthony Soares and the authors on 31/01/2023.
68. Achim Ahrens, John FitzGerald, Seán Lyons, “Commuting across the Irish border”, *Economics Letters*, 2020, p. 190, <https://doi.org/10.1016/j.econlet.2020.109060> consulted 4 May 2023.
69. One interviewee made the following remark: “[...] if you’re looking for a job, you look for a job no matter what, and if it just happens to be across the border, so be it, a lot of people wouldn’t make the decision, I’m going to work down south in the Republic of Ireland because it’s a great place to work, they go there because the opportunities are there, the salaries are there, and that’s the same for the people who come from the Republic, they would come to the north because the opportunities are there.”
- Comments from Joe Lavery. Interview with Lorraine O’Malley and Joe Lavery from the CBPES on 30/01/2023.
70. Comments - Interviewee #2.
71. Maureen O’Reilly, *The impact of COVID legislation and policy on cross-border integration*, op. cit., 10.
72. Annmarie O’Kane, “Taxation challenges for Cross-Border Workers on the island of Ireland”, Border People project Briefing Paper, May 2022 P.13
73. “Hybrid models of remote work are likely to persist in the wake of the pandemic, mostly for a highly educated, well-paid minority of the workforce”.
- McKinsey Global Institute, “What’s next for remote work: an analysis of 2,000 tasks, 800 jobs, and nine countries”, 23 November 2020. <https://www.mckinsey.com/featured-insights/future-of-work/whats-next-for-remote-work-an-analysis-of-2000-tasks-800-jobs-and-nine-countries>
- “The pandemic has changed working patterns for good, a survey from the British Council for Offices (BCO) has found”. Joanna Partridge, “Covid-19 has changed working patterns for good, UK survey finds”, *The Guardian*, 5 October 2020, <https://www.theguardian.com/business/2020/oct/05/covid-19-has-changed-working-patterns-for-good-uk-survey-finds>
74. Interview with Joe Lavery from the CBPES and the authors on 30/01/2023.
75. The two authors will address the tax issue in a forthcoming paper on the role of the Cross-Border Workers’ Coalition.
76. J., Doyle, C.Gormley-Heenan, , & P. Griffin, , Editorial: Introducing ARINS—Analysing and Researching Ireland, North and South. *Irish Studies in International Affairs* 32(2), 2021, vii-xvii. doi: 10.1353/isia.2021.0006, p. ix. Consulted 2 May 2023.
77. *Ibid.*
78. Interview with Anthony Soares and the authors on 31/01/2023.

ABSTRACTS

On 11 March 2020, the World Health Organisation warned its members and the world that Covid-19 had reached pandemic status and could not be controlled. As a consequence, countries across the world decided to seal off their own borders and implement various lockdown policies to avoid the spread of coronavirus, and protect the lives of their own citizens as death tolls rose. Across Europe, some form of late cooperation came when EU countries decided to play collectively when they bought vaccines together. In March 2020, the Republic of Ireland and

Northern Ireland entered lockdowns, mirroring actions in other countries. Though the border had become a contentious issue since Brexit, it remained open during this period. Following two decades of violence, the Good Friday Agreement (GFA) in 1998 had opened a new era of peace, and placed cooperation at the core of North-South relationships. Twenty-five years after the Agreement was signed, this article questions the extent of cross-border cooperation in health and work between both parts of Ireland at the time of COVID. Even though the GFA has led to some fruitful collaboration since the early 2000s (*e.g.* cross border radiotherapy and emergency services), the findings point to a lack of cooperation in health during the pandemic. It also highlights the situation of cross-border workers and the need for further discussions on their future status in a post-Covid labour market marked by the rise of tele-working practices.

Le 11 mars 2020, l'Organisation mondiale de la santé a informé le monde entier que le Covid-19 avait atteint le stade de pandémie et était difficilement contrôlable. A la suite de cette annonce, les pays du monde entier ont décidé de fermer leurs propres frontières et de mettre en œuvre des politiques de confinement afin de prévenir la propagation du coronavirus et de protéger la vie de leurs citoyens au moment où le nombre de décès augmentait. Au niveau européen, une forme tardive de coopération s'est mise en place lorsque les pays de l'UE ont décidé d'adopter une démarche collective en commandant ensemble des vaccins. En mars 2020, la République d'Irlande et l'Irlande du Nord sont entrées à leur tour en confinement. Bien que la frontière soit devenue un sujet controversé depuis le Brexit, elle est restée ouverte pendant les confinements. Après deux décennies et demie de violence, l'accord du Vendredi Saint (GFA) de 1998 avait ouvert une nouvelle ère de paix et placé la coopération au cœur des relations Nord-Sud. Vingt-cinq ans après la signature de cet accord, cet article s'interroge sur l'étendue de la coopération transfrontalière entre les deux parties de l'Irlande dans les domaines de la santé et du travail pendant la pandémie. Même si le GFA a permis une collaboration fructueuse depuis le début des années 2000 (par exemple dans l'accès à des services de radiothérapie et d'urgence transfrontaliers), cet article souligne un manque de coopération pendant la pandémie. Il met également en lumière la situation des travailleurs transfrontaliers et la nécessité de poursuivre les discussions sur leur futur statut dans un marché du travail post-Covid marqué par l'essor du télétravail.

INDEX

Keywords: Covid-19, Northern Ireland, Republic of Ireland, cross-border cooperation, health, work

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