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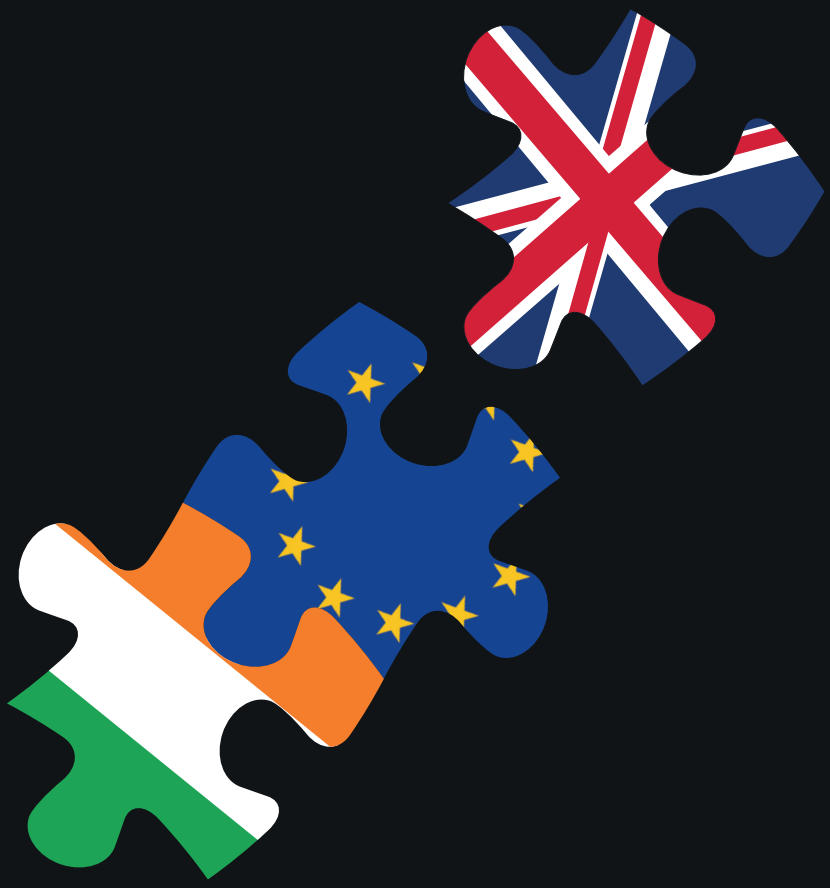
Ireland-UK Relations and Northern Ireland after Brexit



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INTRODUCTION

Professor Michael Cox, Director LSE IDEAS

Few British academics I suppose can lay claim to having lived through the Troubles in Northern Ireland. But I did, living in Belfast between 1972 and 1995. Whether this was an especially wise idea or even afforded me any profound insights into what was going on, I am not sure. But I got to love the place. I became deeply attached to my university of Queen's. And I had some extraordinary experiences, including teaching republicans in what was then called the Long Kesh prison – this as a protest against internment. Like many people I also became 'habituated' to the Troubles, and like most others living in the North at the time had come to the very firm conclusion by the end of the 1980s that this particularly dismal conflict would probably go on forever.

Indeed, there was no reason for it not to. I recall what most of my colleagues were saying back then. Wars may come and wars may end, but the quarrel in Ireland would go on - even with the Berlin Wall coming down and other regional conflicts associated with the Cold War winding down. As Churchill had observed at the end of the First World War, "the integrity " of the "quarrel" in Ireland was one of the "few institutions" that had been left unaltered" by the "cataclysm" then sweeping the world after 1918. How relevant that particular observation looked to us in Northern Ireland seventy five years later.

Imagine then the surprise when in August 1994 the IRA announced the first of its two ceasefires. And then after much intrigue, skulduggery, diplomacy, and economic promises of better times ahead – not to mention a determination by Tony Blair to get Northern Ireland sorted out – nearly all the parties to the conflict finally signed up to the Good Friday Agreement on the 10th April 1998. Of course, it took another few years before we finally arrived at something called a functioning government in the North. But in 2007, the Democratic Unionist Party (DUP) finally agreed to share power, with republican Sinn Féin, and Ian Paisley and Martin McGuinness becoming, respectively First Minister and Deputy First Minister. The Irish question had at last been settled – though compromise. Or so we had thought.

But again we were proved wrong. The basic divide between the two communities still remained immense. Issues surrounding identity, culture and history went unresolved. Trust was in very short supply. Yet we could at least console ourselves with the thought that even if Sinn Féin and the DUP had little incentive in working closely together forever, there seemed to be little chance of a return to the bad old day of bombs, bullets, assassinations and endless tragic funerals. Perhaps not. But one event after another, from the Brexit vote to the 2017 election result, has reopened some very old wounds indeed. The damage done thus far by recent events stemming from Britain's fractious relation with Europe has been huge.

Most obviously it has undercut the idea that the British government is some kind of fair minded referee mediating between the different sides in the North - difficult to do so when it has come to depend on the vote of the DUP in the British parliament. Brexit has also exacerbated the divide within Northern Ireland itself where most nationalists voted to remain in the EU while the majority of Unionists voted to leave.

And last but not least, it has caused immense tension between Dublin and London. I was in Dublin last spring and I can attest to how upset people there were, and justifiably so, with a Tory government whose anti-EU policies threaten Irish prosperity. It took the better part of thirty years to get Anglo-Irish relations right after decades of distrust on both sides. Now, almost without a thought and at a stroke, all that hard work going back to the 1980s appears to have been thrown overboard.

Where we go from here is frankly anybody's guess. But as our two seasoned contributors to this report point out, there is little doubt that we are living through a major historical transition in Britain's relationship with Europe – a crisis by any other name, one which is bound to have profound implications within a still deeply divided North, between Ireland North and South, and of course between London and Dublin.

I may no longer live in Ireland. But all my political antennae tell me there could be trouble ahead. ■

BREXIT AND THE EUROPEAN DIMENSION OF POLITICS IN NORTHERN IRELAND

Adrian Guelke

"Paradoxically, the very success of the peace deal had caused British voters to disregard the possible impact of Brexit on the Irish Question during the referendum campaign in 2016."

The dramatic conclusion to phase one of the negotiations between the UK and the EU on Brexit raised awareness that the border between Northern Ireland and the Republic of Ireland was an issue that had the potential to scupper the whole process. Initial relief that a form of words had been found to get round the problem soon gave way to the widespread recognition that the contradictory commitments contained in the agreement between the UK and the EU merely kicked the can down the road.[1]

In any case, focus on the issue of a hard border understates the extent of the EU's importance to the peace process in Northern Ireland. As Charlemagne put it in ***The Economist*** at the height of the negotiations on phase one, "British voters forgot that the peace deal depended on both sides [UK and Republic of Ireland] being part of the European Union".[2] Paradoxically, the very success of that deal had caused British voters to disregard the possible impact of Brexit on the Irish Question during the referendum campaign in 2016.

A brief account of the recent history of the province's place in the world underlines why the European dimension continues to be central to the resolution of the Northern Ireland problem, despite many Unionists denying this.

NORTHERN IRELAND INTERNATIONALLY

At the start of the Troubles in the late 1960s, prevailing international norms tended to exacerbate the conflict and were unhelpful to the promotion of political accommodation between Unionism and nationalism in Northern Ireland. The division of the post-colonial world into sovereign independent states made the situation of Northern Ireland as a conditional part of the UK appear anomalous. Outside of Britain and Ireland, this lent a measure of credibility to the claim of Irish Republicans that they were engaged in an anti-colonial struggle against British rule. If actions of the Provisional Irish Republican Army (IRA) were commonly labelled terrorist, there tended nonetheless to be widespread sympathy in the rest of the world for the view that the ultimate answer to the Irish Question was a united Ireland.

"The end of the Cold War freed the government of the United States to play a more active role as a mediator in the conflict, as possible damage to relations with the UK became of less concern."

The siege mentality of Unionists was reinforced by their assumption that there was very little external support for their position and that they consequently needed to rely on their own resources. It also meant that they tended to view any fudging of the status of Northern Ireland as a slippery slope to a united Ireland, as the stance of the Democratic Unionist Party (DUP) during phase one of the Brexit negotiations underlined once again. It also inclined Unionists to oppose any schemes that involved according recognition to the Irish identity of the Catholic minority and explains their continuing ambivalence about the Good Friday Agreement.[3]

Well before the end of the Cold War, changes in the external environment started to modify the approach taken by the British government to address the province's divisions. The most important of these developments was that in 1973 Britain and the Republic of Ireland became members of the European Economic Community (EEC). It gave the British government, in particular, an incentive to pay attention to Irish views that was independent of the situation in Northern Ireland. Indeed, in this context, it was possible to view cross-border co-operation in a new light, not as a stepping stone to a united Ireland, but as a normal part of the development of relations between neighbours within the EEC. Improvement of British-Irish relations helped to pave the way to the Sunningdale Agreement of December 1973, which put in place key principles such as power sharing and Irish government involvement. However, this foundered in the face of defiance by hard-line Unionists, including a general strike in May 1974.

In the wake of this failure and the further failure of the Constitutional Convention, the British and Irish governments battened down the hatches on both sides of the border. British-Irish diplomacy directed at the management of the conflict in Northern Ireland resumed in the 1980s and ultimately culminated in the Anglo-Irish Agreement of November 1985. This put the Unionists on notice that the British government was willing and able to go over their heads in its management of the conflict. Initially, the Unionists sought to bring down the Anglo-Irish Agreement through protests on the streets and other defiance actions. This demonstrated their incapacity to change British policy and ultimately forced the Unionists to reconsider their opposition to power-sharing. This opened up the possibility of fruitful negotiations among the constitutional parties in Northern Ireland (that is to say, parties that were not political wings of paramilitary organisations). The prospect that such negotiations might lead to a settlement in turn forced Republicans to re-examine their strategy of the long war. The outcome was the peace process culminating in the Belfast or Good Friday Agreement of April 1998.

THE END OF THE COLD WAR AND BRITISH DEVOLUTION

By this time, an even larger transformation in the external environment of the conflict had occurred with the ending of the Cold War. The changes ushered in by this watershed were by and large helpful to both the establishment of the peace process and its success in the form of the settlement embodied in the Good Friday Agreement. The peace process in Israel/Palestine and the transition in South Africa created a favourable international climate for the peace process in Northern Ireland, particularly as it had become commonplace during the 1980s to compare the three cases as examples of long-running and intractable conflicts.

The end of the Cold War freed the government of the United States to play a more active role as a mediator in the conflict, as possible damage to relations with the UK became of less concern. The process of globalisation was reducing the significance of boundaries between states, as were the steps towards further integration taking place in what was now an expanding European Union (EU). The break-up not just of the Soviet Union but of a number of other states in the 1990s also meant that the post-colonial model of the world as ideally made up of a fixed number of sovereign independent states with permanent boundaries between them was shattered. In the absence of any fear that external armed intervention in internal conflicts might escalate into war between the super powers, an important constraint on intervention disappeared. This opened the way to an era of Western intervention in many different conflicts.[4]

The implication for Northern Ireland was that in a world where protectorates of one form or another existed in countries that had been beset by political violence, it no longer stood out as anomalous. Across the world where the previous aversion to secession had given way, almost by default, to a situation where existing liberal-democracies accepted a principle that they had previously strongly resisted: that regions or nations regarded as permanently attached to the state might detach themselves if they could demonstrate support for that option through the ballot box.

An early indication of what this change might mean was the survival of Canada by a thread when Quebec separatists failed to win a referendum on sovereignty by the margin of 1% in 1995. But instead of weakening the settlement in Northern Ireland, it meant that the provision in the Good Friday Agreement that a referendum should be held if it appeared likely that a simple majority of voters might opt for Irish rather than British sovereignty appeared simply to reflect what the international norm on self-determination now required. So the changes in the external environment were not merely helpful in creating the conditions for a settlement, they also helped to enhance the credibility of the settlement that was achieved. Admittedly, it might be objected that this settlement was not the product of political accommodation in Northern Ireland but was the result of external conflict management. Indeed, comparison could reasonably be made with the 1995 Dayton Agreement for Bosnia and Herzegovina, even if the element of coercive diplomacy was not as strong in the Irish case.

Somewhat similarly, devolution to Scotland and Wales also enhanced the credibility of the Good Friday Agreement. It meant that devolution for Northern Ireland was not exceptional within the UK and to that extent mollified Unionists. Through the establishment of governments at different levels across Britain and Ireland, it helped make the basis for the creation of the Council of Britain and Ireland (to co-ordinate the actions of the different governments in areas of common concern) a credible

proposition and not simply a concession to Unionists. Other constitutional innovations, such as departures from the exclusive use of the first-past-the-post electoral system, also made practices that had been first introduced by the British government to promote political accommodation in Northern Ireland stand out less in a UK context and thereby undercut Unionist complaints that they were un-British.

POST GOOD FRIDAY AGREEMENT CRISES

Favourable external circumstances played an important role in the consolidation of Northern Ireland's political settlement of 1998. In the first decade of the Good Friday Agreement, there were numerous crises in the implementation of the accord. The response was a series of multilateral negotiations involving both the parties in Northern Ireland and the settlement's external guarantors, as well as mediators, such as successive American Administrations. These were ultimately successful in securing cross-community support for the Agreement after minor modifications to its terms. But just as the accord was taking root internally, events in the outside world started to have an impact on the external supports for the settlement. In particular, the global financial crisis of 2008 and its political and economic repercussions threw up a series of challenges to the functioning of power-sharing in Northern Ireland. These included the impact of austerity on Northern Ireland, the push for independence by Scottish nationalists, political developments in both London and Dublin that threatened to compromise the role of the two governments as guarantors of the settlement, the decision to hold a referendum in the UK on British membership of the EU, and the populist backlash in many countries against the prevailing neo-liberal economic system. In combination, these factors now threaten the very existence of the peace process.

Among the political consequences of the 2008 financial crisis were changes in government in both London and Dublin. A coalition of Conservatives and Liberal Democrats took office in the UK following the general election of 2010, while in the Republic of Ireland a coalition of Fine Gael and Labour came to power after elections in February 2011. Northern Ireland remained politically stable throughout these changes. However, the defeat of the DUP leader, Peter Robinson, in the UK general election in East Belfast set in train events that unsettled the province's political stability.

The opportunity for the party to mobilise its supporters arose in December 2012 when the Belfast City Council voted to end the daily flying of the Union flag outside City Hall. The decision prompted orchestrated protests across Northern Ireland and necessitated a further set of talks among the parties. Initially, the two governments stood back from talks that took place under the mediation of the American diplomat, Richard Haass, who had served as President George W. Bush's point person on Northern Ireland. The Haass process, which addressed a range of issues, took place between September and December 2013. It made some headway on the issue of dealing with the past, but produced no overall agreement among the parties.

The failure of the Haass process posed no immediate threat to Northern Ireland's institutions as, by this point, the disruption to the life of the province caused by flag protests had waned. But soon after Haass's deliberations concluded, an issue arose that did threaten the institutions. Urgent negotiations among the parties were initiated by the British government because of the failure of the Northern Ireland Executive to agree a viable budget. At the heart of the matter was the issue of welfare reform. The coalition government in London had made changes to the welfare system in England and Wales that had reduced the cost of welfare to the

Exchequer. It demanded that Northern Ireland follow suit and make similar savings. The high level of social deprivation in Northern Ireland and the fact that the poorest wards in the province tended to be close to 100 per cent Catholic in their make-up meant that there was strong resistance politically to such measures from both nationalist parties. And insofar as a commitment to reduce inequality between the two communities was embedded in the Good Friday Agreement, the case could be made that the changes were contrary at least to the spirit of that settlement.[5]

"The global financial crisis of 2008 and its political and economic repercussions threw up a series of challenges to the functioning of power-sharing in Northern Ireland."

ELECTIONS AND THE RISE OF POPULISM: FROM THE SCOTTISH INDEPENDENCE REFERENDUM TO DONALD TRUMP

At this point, Unionists also became alarmed by the course of events outside Northern Ireland. The holding of a referendum on Scottish independence had not initially prompted concern as it seemed likely that the Scots would vote against independence by a substantial majority. In the event, the margin in favour of Scotland remaining in the Union was relatively narrow and raised the possibility of further referendums on the issue, especially in the event of a change in circumstances, such as the UK's departure from the EU.[6] Shortly after the Scottish referendum in September 2014, the setting up of a new round of talks was announced by the then Secretary of State for Northern Ireland Theresa Villiers. Villiers acknowledged later that if no agreement had been reached, there would have been a return to direct rule from London. The stakes involved were reflected in the participation of the heads of government of both the UK and Ireland. Agreement was ultimately reached at the eleventh hour on 23 December. The core of the Stormont House Agreement, for which the rest might be regarded largely as window-dressing, was Sinn Féin's acceptance of welfare cuts. In the event, this did not stand up, as soon as it became apparent to the party how limited the resources were for measures to ameliorate the impact of the cuts.

In March 2015, the miracle of Christmas 2014 fell apart when both nationalist parties withdrew their support for the Welfare Reform Bill that was in the process of being enacted to implement this aspect of the Stormont House Agreement. Sinn Féin's u-turn threatened the survival of the devolved institutions once again. But the UK general election of May 2015 took priority over fresh negotiations, with the DUP banking that the outcome of a hung parliament would strengthen its hand. As it turned out, the Conservative Party achieved an overall majority in the House

"Almost any form of Brexit is likely to harm Northern Ireland's fragile political settlement simply because of its impact on the relationship between the British government and its Irish counterpart."

of Commons, so the complication of the British government being beholden to one side in Northern Ireland's divide did not arise. Nonetheless, the new government's other priorities took precedence over tackling the impasse in Northern Ireland.

A murder in the small Short Strand enclave of Belfast on 7 August 2015 compounded the threat to institutions. It was the latest episode in a feud among prominent Republicans in enclaves close to the city centre of Belfast. It led to speculation of possible Provisional IRA involvement at a local level in the murder.[7] The impact of the crisis over this issue was the effective suspension of politics as normal. First the Ulster Unionist Party (UUP) withdrew from the Executive and then, in a somewhat complicated manoeuvre, the DUP leader Peter Robinson stepped aside as First Minister while an independent assessment of paramilitary activities was carried out. It was duly published on 19 October.[8] On the basis of its mixed conclusions, the DUP returned fully to the Northern Ireland Executive, with negotiations continuing both over the issue of the paramilitaries and welfare cuts. Agreement was ultimately reached in November 2015 after what the government described as "10 weeks of intensive talks at Stormont House between the UK government, the Northern Ireland Executive parties and the Irish government which aimed for the full implementation of the Stormont House Agreement, as well as how to deal with the legacy of paramilitarism".[9]

A general election took place in the Republic of Ireland in February 2016. As in the previous year's Westminster elections, there seemed a possibility that the outcome might complicate the peace process in Northern Ireland, through putting one of the parties in Northern Ireland, in this case Sinn Féin, in a position to influence the formation of the government. However a deal by the main opposition party, Fianna Fáil, to support the Fine Gael-led government on a confidence and supply basis meant this scenario was avoided. Scheduled elections to the Northern Ireland Assembly took place in May 2016. The most striking aspect of the outcome was the success of the DUP under a new leader, Arlene Foster, and the relatively weak performance of the nationalist parties, despite demographic trends that might have been expected to increase their share of the vote.

The shock of the outcome of the referendum on UK membership of the EU followed in June. As in Scotland, there was a majority in Northern Ireland in favour of remaining in the EU (with 55.7% voting for continued membership of the EU). The most immediate reaction was fear that Brexit would put at risk the frictionless border that had grown up between the two parts of Ireland, a development that was widely seen as one of the most significant achievements of the peace process.[10] This was especially valued by nationalists and those living in

constituencies bordering the Republic of Ireland and that was reflected in the pattern of voting in the referendum across the province. There was also concern that the UK's departure from the EU would re-politicise cross-border co-operation in general, just as British and Irish membership of the EU had succeeded in depoliticising it. The outcome of the referendum inevitably caused tension between the parties in the Northern Ireland Executive, the DUP and Sinn Féin.

However, Brexit was a secondary factor in the collapse of the Executive at the beginning of 2017. The primary reason was a scandal over the potentially huge cost to taxpayers of the sloppy supervision of a scheme (the Renewable Heating Incentive) designed to encourage the burning of wood chips in biomass boilers. The refusal of Arlene Foster to step aside during the course of an inquiry into "cash for ash" ultimately resulted in the reluctant resignation of the Deputy First Minister, Martin McGuinness. Fresh elections to the Northern Ireland Assembly followed on 2 March 2017. There was a large upsurge in the nationalist vote and for the first time in the history of Northern Ireland as a political entity, Unionists failed to secure an overall majority in a parliament of the province. Negotiations to re-establish the Executive followed but the process was put on hold when Theresa May announced that a general election would be held across the UK on 8 June.

The unexpected outcome of the election was that the Conservative Party fell short of achieving an overall majority. The party turned to the DUP to get the extra votes it needed to stay in power. The immediate implication was that the prospects for the restoration of the Northern Ireland Executive would be adversely affected since the British government's position as a guarantor of the Good Friday Agreement was now undercut by its dependence on one of the major parties in Northern Ireland. In particular, the pressure that in other circumstances the British and Irish governments might have put on the Northern Ireland parties to compromise over their outstanding differences was not forthcoming. The result was a drift towards direct rule and crucially, no convening of the Northern Ireland Assembly, in which a majority of MLA's elected in March were opposed to the DUP's stance on Brexit.

In previous crises in Northern Ireland, American Administrations had played a valuable role as mediators among the parties. However, the election of Donald Trump as President of the United States in November 2016 - the most significant manifestation of a populist reaction against globalisation and the neo-liberal economic model since the 2008 financial crisis, aside perhaps from Brexit itself - has created a political vacuum in American diplomacy. This makes it unlikely that the present Administration will play any constructive role in addressing the current difficulties in Northern Ireland.

CONSEQUENCES OF BREXIT IN NORTHERN IRELAND

A feature of the preliminary negotiations between the UK and EU in phase one of the Brexit process was a souring of relations between the UK and the Republic of Ireland. This has caused collateral damage to Northern Ireland's political institutions, which depended on London and Dublin 'singing from the same hymn-sheet'. If the parties in Northern Ireland are able to drive a wedge between the two governments over Brexit, it follows that the leverage that London and Dublin have hitherto been able to exercise over the parties in Northern Ireland will be weakened.

A consequence already of the negotiations on phase one of Brexit has been an increase in political tensions within Northern Ireland and between the pro-Brexit DUP and the Irish government. There has been a marked

hardening of the DUP's position on Brexit in the course of 2017, in contrast to the efforts made by Arlene Foster and Martin McGuiness to manage the difficulties arising from the outcome of the referendum in 2016. The pivotal position of the DUP at Westminster since the June general election has given it a bargaining position in the negotiations that belies its minority status. The DUP's dominance has also tended to obscure longstanding divisions among Unionists on the issue of European integration. During the early years of the Troubles Unionists were divided in their attitudes to the EEC, with the conservative majority of Unionists seeing it as a threat in the long term to their position. However, a number of far-sighted liberal Unionists argued that the diminishing importance of the border in the context of European integration would reduce nationalist antipathy to partition and thereby make accommodation between the two communities, within the framework of the survival of Northern Ireland as a political entity, much easier.

Pro-European sentiment has remained an enduring strand of Unionist opinion and was a factor in the majority Remain vote in Northern Ireland in 2016. This has also had a significant economic dimension. As a result of the operation of the European single market, exponential growth in cross-border businesses occurred in the 1990s and 2000s.[11] Notably, all the constituencies bordering the Republic recorded Remain majorities in 2016. Surveys conducted by academics John Coakley and John Garry even show a willingness among Unionist voters to contemplate a special status for Northern Ireland in relation to the EU.[12] This is in marked contrast to the stance that the DUP has taken in strident opposition to treating the province differently from any other part of the UK.

Almost any form of Brexit is likely to harm Northern Ireland's fragile political settlement simply because of its impact on the relationship between the British government and its Irish counterpart. Indeed, the situation in Northern Ireland has already worsened merely in anticipation of the UK's departure from the EU. The course of action that holds out the best prospect of mitigating further damage would be a decision by the British government to agree to adhere to the rules of the single market and the customs union as a long-term solution to the conundrum of the border. To avoid disruption to East-West trade or a veto by the DUP, such a decision would have to apply to the whole of the UK. It can be argued that this outcome is already implied by the British government's promise of "full alignment" in phase one of the negotiations. However, it is also hard to escape the conclusion that this would conflict with other commitments the government has made.

An effort by the British government to reconcile or re-interpret different objectives can be expected. However, any more complicated arrangements seem likely to unravel. Supporters of Brexit will argue that voters who gave their support to Leave did not do so with such a limited change to the UK's relationship with the EU in mind. But it is also evident that few of these voters expected many of the other negative consequences that have followed the vote in June 2016 or, for that matter, would relish the consequences of the failure of the Irish peace process. ■

NOTES

1 See, for example, Jonathan Powell, "The Irish border fudge points the way to future Brexit battles", ***Financial Times***, 9/10 December 2017; Rick Wilford, "We are in Humpty Dumpty land after Friday's EU agreement ... a place where words mean whatever we want them to mean", ***Belfast Telegraph***, 13 December 2017; Gerry Moriarty, "Agreement manages to get across the line by being all things to all people", ***The Irish Times***, 9 December 2017.

2 ***The Economist***, 27 November 2017.

3 See, for example, Alex Kane, "Belfast Agreement should be given last rites", ***The Irish Times***, 4 December 2017.

4 See, for example, Rory Stewart and Gerald Knaus, ***Can Intervention Work?*** (New York: W.W. Norton, 2012), especially pp.141-157.

5 See, for example, Robbie McVeigh, "The SHA - an inequality agenda? ", ***Just News*** (CAJ), June 2015, pp.2-3.

6 See, for example, Philip Stevens, "Britain would not survive a vote for Brexit", ***Financial Times***, 26 June 2015.

7 ***The Irish Times***, 24 August 2015.

8 The report was published online under the title of "Paramilitary Groups in Northern Ireland"

9 Quoted from ***Press Release - Fresh Start Agreement: One Year On***, 17 November 2016.

10 See, for example, Susan McKay, "Border an unhealed scar that Brexit has reopened", ***The Irish Times***, 4 December 2017.

11 See, for example, Valentina Romei, "Hard border puts agri-food supply at risk", ***Financial Times***, 1 December 2017.

12 John Coakley and John Garry, "Unionist voters more open to special status than leaders", ***The Irish Times***, 1 December 2017.

BREXIT RUDELY INTERRUPTS IRISH-BRITISH RECONCILIATION

Paul Gillespie

"Ireland's nationalism found resonance and vindication in a wider European setting when it joined the EEC in 1973 along with the UK."

Differences of scale and power and how to mitigate them have determined the course of Ireland's historical relations with Britain. They continue to do so politically today through the Brexit crisis. The resulting asymmetries of knowledge about each other are typical of similar relations between small and large neighbours who have been entangled in conquest, occupation or struggles for sovereign independence. Some knowledge of this history is essential to understand the contrasting attitudes to European and EU engagement between the two islands and how that may be affected by the UK's decision to leave.

Despite partition and continuing arguments over reviving the power-sharing executive in Belfast, the division between Northern Ireland and the Republic is paradoxically reduced by Brexit. Both parts of the island will suffer from it and voters in both parts want to minimise its effects on their lives. In arguably the most important political episode of Ireland's 45 year EU membership, its government successfully persuaded the EU-27 in 2017 to make the integrity of the Belfast Agreement and its commitment to an open border on the island a central condition of both the first phase and the concluding agreement on Brexit. The British government has accepted this condition despite the constraints it will impose on the more radical versions of Brexit imagined by its most ardent Leavers.

FROM IMPERIAL PAST TO INTERNATIONAL FUTURE

Ireland was the earliest victim of the internal colonialism which gave the English monarchy and feudal landed class control of these islands. That process was consolidated in the early modern period, accompanied by extensive settlements and the imposition of a Protestant established church. From the sixteenth to the twentieth century Ireland became a player in Britain's struggles against competing imperial powers in Europe by seeking allies among them to protect itself. The resulting positive relations with Spain, France and Germany counteracted Ireland's Anglocentricity and was an important alternative focus of political identity for its anti-imperial nationalism.

As Britain now prepares to withdraw from the European Union amidst echoes of, nostalgia for, and even efforts to recover the power of that imperial past it should not surprise people in the larger island that this process is seen and experienced very differently

in Ireland. Ireland's nationalism found resonance and vindication in a wider European setting when it joined the EEC in 1973 along with the UK. This allowed it to escape the economic dependence and political fixation on its former ruling power which continued from formal independence in the 1920s until the 1970s.

Since then there has been a marked diversification of political and economic relations between the Republic and Britain, notwithstanding continuing close cultural, linguistic and personal ties. Ireland now trades much more with the EU and the US. International trade is led by powerful multinationals in sectors such as chemicals, computing, pharmaceuticals, and communications. This flourishing international performance has brought high employment and cultural openness. However, domestically owned and smaller Irish businesses, particularly in the food sector, continue to trade disproportionately with Britain.[1] Most of the Republic's beef and dairy output goes there; the powerful international food processing companies developed in recent decades are less focussed on the British market and successfully mobilise domestic resources.

Political diversification away from a limiting focus on Britain – followed on from EEC membership in the 1970s,immediately among political and bureaucratic elites and more slowly and diffusely among the wider public. It facilitated more equal encounters with British elites at European level. This helped organise their co-management of state responses to the violent troubles in Northern Ireland over those decades, culminating in the Belfast Agreement of 1998. A key event was the Anglo-Irish Agreement of 1985 which institutionalised a new framework of cooperation between Dublin and London involving obligations on ministers and officials to meet regularly, creating a consensual approach to policymaking which eventually fed into the Belfast Agreement of 1998. These efforts were distinct from both states' European engagement, but the 1998 agreement was embedded in the political culture of Ireland's participation in the EU - embodying a sharing of sovereignty and multiple political identities. That attracted EU solidarity and funding in due course, predicated on those values and creating an important secondary set of supports for the mobility it created on the island. This became clear at a crucial stage of the first phase Brexit negotiations in November, when a Commission mapping study revealed 142 pathways through which the agreement relies on European membership[2].

EUROPE'S ROLE IN IRELAND AND THE IMPACT OF BREXIT

The broader horizons flowing from European engagement were bolstered in the Republic by transfers from cohesion funds and a decisive impact on legal rights for women and citizenship. These impacts indirectly but substantially affected Ireland's relations with Britain. They helped create a more complex interdependence between the two states and peoples within a wider setting in which their European policies on open markets, corporate taxation, EU enlargement, and completion of the single market also converged.[3] Despite different approaches and interests in sectors like agriculture and cohesion spending, Ireland and the UK shared many European priorities centred on liberal freedoms in a period of accelerating globalisation. That remained true even after the financial crash from 2008, culminating in Ireland's rescue by the EU and IMF in 2010-2011. The UK was the source of many of Ireland's banking debts and shared in the rescue loans. Ireland's economic recovery since 2013 has reinforced commercial relations with the UK.

Brexit and the growing prospect that it might succeed rudely interrupted this picture of Irish-British reconciliation within a broader

and more accommodating European setting. Irish government and policymaking elites were alert to the possible consequences of the Brexit campaign succeeding the closer it got to the voting on 23 June 2016. They identified major political, economic, institutional and geopolitical ways in which a Leave vote would cut across British-Irish relations and the Belfast Agreement.[4] Irish government ministers and officials intervened in the debates, calling for these consequences to be taken properly into account. Their pleas fell mainly on deaf ears in the Leave campaign, even if they were noticed more in the Remain one. The classical pattern whereby the smaller partner to an intense bi-national relationship knows more about the other than the larger were in play here; but so were older power relationships in which the interests of the smaller one are disregarded.

The issues were rehearsed again during the closing stages of the first phase of the Brexit talks in November and December last. Taoiseach Leo Varadkar said in reply to British pleas that the Northern Ireland and border questions be dealt with mainly in the second phase of the talks that Ireland, though deeply affected by the result, had not been consulted in the process of decision. He would therefore insist on the British side being accountable for retaining the status quo of open borders North and South and East and West.[5] His remarks heralded a hard-nosed bargaining period, leading to the consensus that British-Irish had deteriorated sharply.

Measured by public disagreement at the highest political level that may be true, but the issue should not be judged only in this way. Brexit creates objective as well as subjective barriers to good relations between Ireland and Britain and between both parts of Ireland. Varadkar's remark focussed especially on the continuing deep-seated ambiguity about the UK's future relations with the EU's single market and customs union, concealed behind Prime Minister Theresa May's tautologous statement to her party conference in October 2016 that "Brexit means Brexit". Irish ministers and publics were astonished to have confirmed during these weeks that the British cabinet had not yet discussed which version of Brexit it wants to achieve, reflecting the deep disagreements among the Leave camp.

FULL ALIGNMENT: THE BORDER AND STAGE ONE OF BREXIT TALKS

Their puzzlement was shared among EU-27 leaders, contributing strongly to the solidarity they were to show to the Irish position in the phase one talks. These culminated in the "joint report" agreed by EU and UK negotiators on December 8th 2017 and endorsed by the European Council conclusions of 15th December.[6] They fully endorse the commitments and principles of the Belfast Agreement, which must be protected in all its parts "irrespective of the nature of any future agreement between the European Union and United Kingdom", recognising that "[t]he United Kingdom's withdrawal from the European Union presents a significant and unique challenge in relation to the island of Ireland." North-South and East-West links must be protected . This balancing act resulted from some intricate negotiations following after the DUP withdrew its approval from the initial agreed draft because they feared it could imply a border in the Irish Sea affecting their access to the UK's internal market. Paragraph 49 of the final draft talks instead of "full alignment" with the EU's Internal Market and Customs Union rules:

> "The United Kingdom remains committed to protecting North-South cooperation and to its guarantee of avoiding a hard border. Any future arrangements must be compatible with these overarching requirements. The United Kingdom's intention is to achieve these

objectives through the overall EU-UK relationship. Should this not be possible, the United Kingdom will propose specific solutions to address the unique circumstances of the island of Ireland. 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 or in the future, support North-South cooperation, the all island economy and the protection of the 1998 Agreement."

Full alignment would only come into play if there is no agreed solution. Such a hypothetical proposition was necessary because this document covers only the first phase of the talks, registering that sufficient progress has been made on EU citizenship, Northern Ireland, and financing to allow them proceed to withdrawal terms and future relationships. The document's strength is that it undertakes to ensure the commitments and principles referred to will survive into the final agreement, irrespective of its other terms. Rights, safeguards, and equality of opportunity as guaranteed by the Belfast Agreement are endorsed, as are EU citizenship rights provided for in joint citizenship provisions between the UK and the Republic. Thus the values underpinning the Belfast Agreement are endorsed by the European Union, which takes them fully on board.

"Brexit and the growing prospect that it might succeed rudely interrupted this picture of Irish-British reconciliation within a broader and more accommodating European setting."

These values relate not only to the bilateral relationship between the Republic and the UK but to the future of the UK's relations with the EU itself, since the Irish border with the UK will become the EU's too. A key matter at stake in the negotiations therefore is the positioning of Ireland as a part of a wider European bloc which remained surprisingly united in this first phase of the Brexit talks, and of a UK isolated from its continental allies and undecided on how it should relate to them in future. That contrast between the two states' positioning reversed many historical patterns. As John Doyle and Eileen Connolly put it:

> "Irish unity was historically portrayed, by some unionists, as a move from a large, cosmopolitan and internationally focused state to a smaller and more inward looking Irish state. This has now reversed, and it is Ireland which is linked to Europe and cosmopolitanism, and the UK seems inward-looking and parochial. If Scotland votes for independence in the near future, that clash of images will be all the stronger.[7]"

However large the knowledge gap between the two islands was before and after Brexit, when talks intensified last November there was a sudden realisation in the English media and political heartlands that the Irish question was re-entering British politics and could radically constrain the UK's options on Brexit. Sharp criticisms of Varadkar's audacity in saying that sometimes "it doesn't seem like they have thought all this through" were voiced, and this commentary was obsessively noticed in Dublin's media. A senior EU figure closely involved in the talks told the *Financial Times*: "Mrs May never saw it [the Irish border issue] coming…That was a surprise to everybody, not only the Brits. Suddenly we were all facing the unsolvable problem". Another senior negotiator told the paper: "We are heading for a big collision on this [full alignment of UK to EU rules on the Irish border]. It is unavoidable. The Irish border is where reality meets Brexit fantasy.[8]"

IRELAND'S ROLE IN THE NEXT STAGE OF BREXIT TALKS

Squaring that circle is exceptionally difficult because the commitments made by the UK in the joint report contradict the objective rules that must apply if the UK crashes out of the talks without agreement. They are set out in the World Trade Organisation rules on third country imports and 'most favoured nation' treatment the UK must follow if they want to conduct any trade. That would require controls on the Irish border. The UK's attempt to reconcile border controls with their other promises have so far involved platitudes about technical solutions and continued use of the word "unique" to describe the Northern Ireland case – rather than seeing it as a "special" case which might set precedents for Scotland, or looking at precedents set by existing EU agreements dealing with the Aland Islands, Turkish Cyprus, or the Faroe Islands.[9] With any 'technical solutions' opposed by Dublin on political grounds, expect the existing EU precedents to be extensively explored in the second phase of Brexit talks.

Ireland fears being made a pawn in the talks by a UK seeking a bespoke or differentiated outcome to suit its particular strengths and preferences. A letter writer to *The Irish Times*, John Hynes (29 November 2017) put it succinctly:

> "The UK is hoping that the Irish Border deal will be a precedent for the UK as a whole, thus granting to the UK in its entirety the concessions made for the island of Ireland. This is why the island of Ireland parameters must be settled now or they will be at the bottom of the scrum when it comes to the EU/UK trade deal. Ireland is just a pawn for the Brexiteers".

Such a sentiment is widely shared and fed into a discussion on whether Ireland should have used its veto on the first phase of the talks. The term was disputed because it implies the government was isolated - which was not so, as the solidarity displayed shows. But if the Irish government had not been satisfied with the outcome, agreement would not have been reached, which had much the same effect. In any case the agreement is widely seen as the best available by Irish public opinion, which gave the government a boost in polls. The fudge delaying a big collision is tempered by firm political commitments to protect the Belfast Agreement in the final deal.

> "A key matter at stake in the negotiations therefore is the positioning of Ireland as a part of a wider European bloc which remained surprisingly united in this first phase of the Brexit talks..."

As withdrawal terms and final relations are discussed in coming months wider interests will shake out among the EU27. Ireland shares many of these with the UK's closest trading partners, including the Netherlands, Denmark, Sweden, and Finland. These smaller states are likely to form a bloc favouring an accommodating deal with the UK. But that is unlikely to vary much from the off-the- shelf deals under discussion by the Commission relating to Norway, Canada, Switzerland, or Turkey. The UK government's red lines on migration, the European Court of Justice, and ability to do its own trade deals limit the choices on offer. Ireland is not likely to support bespoke outcomes on its behalf if that threatens the EU's negotiating unity.

Even if Ireland is willing to explore the possibilities, such as differentiated tiers of alignment to EU regulation, Dublin has less leverage in the second phase of the talks and therefore needs to maintain solidarity all the more. It also must confront a larger debate on the shape of European

integration after Brexit, when it can no longer hide behind British positions on major issues.[10] Ireland needs to create its own new alliances around the EU27.[11]

IRISH-UK RELATIONS AFTER BREXIT

Where this leaves Ireland's relations with Britain is an open and intriguing question. It should not be judged only on inter-personal relations between ministers and officials or on rash statements about political psychology. Rather are we living through a major historical transition in Britain's relationship with Europe which has profound implications for Ireland North and South. The UK is undergoing a dual sovereignty crisis in its external relations with the EU and its internal relations with its constituent nations through devolution or recentralisation. Scotland's trajectory on both these paths has major implications for Ireland – and vice versa. One of the most notable features in the recent exchanges between Ireland and Britain is the greatly improved relationship between the Republic and Scotland at ministerial, official, and civil society levels – notwithstanding the sensitive question of whether Northern Ireland sets precedents for Scotland.[12] This fact should be tuned in to discussions about the overall state of relations – as should the widespread sympathy for Ireland's policy dilemmas among those who voted to Remain in England.

The changing nature of the UK union and its effects on Ireland also open up how we describe relations between them – no trivial matter in such a sensitive field. Traditionally the term Anglo-Irish relations was used. It accurately caught the English dimension of the relationship, including the power of England in the UK's union. After devolution British-Irish relations is a more appropriate usage. That still acknowledges the disproportionate scale and power involved. But it fails to catch the different interests opening up through the Brexit process. To understand those better one needs to talk of Irish-British relations or British-Irish depending on the direction of analysis. Strict constitutional correctness would talk of Irish-UK or UK-Irish relations, taking account of Northern Ireland, Scotland and Wales as well as England.

The relationship is in crisis because of Brexit and its consequences externally and internally for Ireland and Britain. What matters now is how capable existing institutions, agreements and political leaderships are of handling the transition. In retrospect the much improved official relationship shown by the exchange of state visits by Queen Elizabeth and President Higgins in 2011 and 2014 revealed the intensity of interaction in dealing with Northern Ireland after power-sharing was restored in 2007. More emphasis was put on the East-West relationship, symbolised by agreement between prime minister David Cameron and Taoiseach Enda Kenny in 2012 of "an intensive programme of work aimed at reinforcing the British-Irish relationship over the next decade", including an annual meeting of departmental secretaries to carry it out.- though they have not met since the referendum in 2016. The normalisation registered in these years represented a temporary equilibrium now disrupted by Brexit and the collapse of power-sharing in Northern Ireland since January 2017. Scale and power reassert their predominance in the relationship as a result.[13] But once again they are tempered and counteracted by Ireland's European role.

Two emergent bilateral issues are likely to determine the quality and scope of Irish-British relations in coming years, alongside the multilateral dimensions of the Brexit issue. The first concerns the institutional architecture through which the relationship is conducted. The second deals with constitutional change in Ireland and Britain as affected by Brexit, including the increased possibility of Irish reunification.

A CONSTITUTIONAL MOMENT: THE FUTURE OF NORTHERN IRELAND AFTER BREXIT

Intensive efforts to restore power-sharing in Northern Ireland have involved the Irish foreign minister Simon Coveney and Northern Ireland secretary James Brokenshire, who was succeeded in January 2018 by Karen Bradley. They have joint responsibility for doing that under the Belfast Agreement; but both accept the crucial decisions will be made by the two strongest parties, the Democratic Unionist Party and Sinn Féin. Without an agreement Northern Ireland is run by civil servants and has little input to the content of the Brexit talks. Relations between Leo Varadkar and Theresa May are not as cordial as were those between Cameron and Kenny but they are committed to do business together on the North and Brexit.

If there is no deal to restore the devolved executive the question arises whether to impose direct rule from London instead. If that happens the Irish government has suggested reviving the British-Irish Intergovernmental Conference (BIIC) agreed in a 1999 treaty subsequent to the Belfast Agreement and continuing an institution first agreed in the Anglo-Irish Agreement of 1985.[14] Its functions are in principle very wide, encompassing "matters of shared British-Irish interest" like asylum, immigration, EU and international matters, social security and fiscal issues, and "non-devolved Northern Ireland matters" like all-island or cross-border matters, human rights, policing, criminal justice and security. The two governments are defined as the major actors but meetings may also be attended by relevant members of the Northern Ireland executive. The council met sporadically from 1999 to 2002 when power-sharing was suspended and then 17 times until it was restored in 2007 under the St Andrews Agreement of 2006. Its functions were somewhat reduced in these agreements, and when policing was dissolved in 2010. The political will to keep it going diminished on both sides under Cameron and Kenny.

Reviving the BIIC in the context of direct rule and Brexit arouses unionist suspicions that the Irish government is pursuing joint authority. The BIIC legally stops short of that, but its potentially expansive agenda would allow many sensitive issues to be addressed. Direct rule would also affect the three other cross-jurisdictional institutions provided for in the Belfast Agreement, which have marginalised the BIIC.[15] The British-Irish Council brings together twice a year the two prime ministers, the first ministers of Scotland and Wales, the first and deputy first ministers of Northern Ireland and the chief ministers of Guernsey, Jersey and the Isle of Man. It has proved a rather effective body albeit dealing with a rather bland agenda over the last 19 years; the agenda could be expanded to cater for radical changes like Brexit, Scottish independence – or Irish reunification. The British-Irish Parliamentary Assembly draws from the same territorial authorities, meets twice a year and is a useful forum for parliamentarians to meet and discuss a relatively wide agenda, including European Affairs like the CAP, cross-border transport and migration – all of which are Brexit related. The North-South Ministerial Council, finally, has oversight over North-South cooperation and has been an effective body, albeit with an agenda limited by unionist suspicions of functional spillover. Again, an enlarged agenda could deal with Brexit.

Paragraph 44 of the joint report reaffirms the principle of consent to constitutional change within Northern Ireland that is a cornerstone of the Belfast Agreement:

> "Both Parties recognise the need to respect the provisions of the 1998 Agreement regarding the constitutional status of Northern Ireland and the principle of consent. The commitments set out in this

joint report are and must remain fully consistent with these provisions. The United Kingdom continues to respect and support fully Northern Ireland's position as an integral part of the United Kingdom, consistent with the principle of consent."

The issue in increasingly salient because a convincing argument can be made that Brexit as an external shock has provoked a "constitutional moment" in Ireland North and South. That arises, Jennifer Todd argues, when there is a critical juncture or crisis in political order which changes norms and future political framing and opens up the possibility of identity change.[16]

Todd's research shows there is a readiness among ordinary citizens in both states to consider such change arising from power shifts in and around Brexit. The aim, Todd believes, should not be to found a new state but to open up space for deliberation and democratic dialogue around creating a stronger peace settlement. Opportunities to do that come from:

- the current decade of commemorations of the events that gave rise to the two states 100 years ago
- the experience with citizens' assemblies and referendums in the Republic on gay rights and abortion
- scenarios of future multi-level governance in the Republic, Northern Ireland, Scotland, the UK, and the EU itself over coming years
- political negotiations to restore power sharing and on Brexit in Northern Ireland.

The Irish state has a crucial leadership role to play in these developments in order to protect the achievements, benefits, and commitments of the Belfast Agreement.

One increasingly possible outcome of this structural crisis in the British state and the resulting constitutional moment in Ireland is that Irish reunification becomes a more central part of the political agenda on the island. Many more people in Ireland are coming to the conclusion that reunification is a rational and desirable response to the disruption brought about by Brexit. This new sentiment goes beyond traditional nationalism or irredentism (reclaiming 'lost' territory) and is no longer particular to Sinn Féin North or South.

"Many more people in Ireland are coming to the conclusion that reunification is a rational and desirable response to the disruption brought about by Brexit."

Following the insertion of a commitment in the European Council conclusions after the referendum that Northern Ireland, like the German Democratic Republic after 1989, could join the EU if unity came about Fianna Fail and Fine Gael put the subject on the political agenda. There is now more discussion of it in the Irish public sphere and media and this is being noticed by unionists. Their response makes for a fraught discussion of what is involved in such a huge constitutional change. Opinion polling in the Republic shows more people are willing to contemplate unity even if it were to cost €9 billion a year.[17] (It should be remembered that the annual UK subvention to Northern Ireland running at £10-12 billion per annum is substantially more than the UK's annual net contribution to the EU). In Northern Ireland polling also shows a small but significant movement among nationalists and others towards unification.

Structural change drives this constitutional agenda, not current polling or running nationalist-unionist exchanges. Given Northern Ireland's 56-44% vote in favour of Remain more people there believe the province would get a better deal from Dublin in the EU than from London outside it.

CONCLUSION

Interests will pull against and also drive changing political identities in the next few years. It is relatively early days in the quality of this debate. It needs far more public discussion and research than it has had so far. But such change can accumulate rapidly after turning points are reached. A political agenda embracing such a constitutional moment is a huge challenge for the Republic as it also adjusts to life after its prolonged partnership with the UK in the European Union. ■

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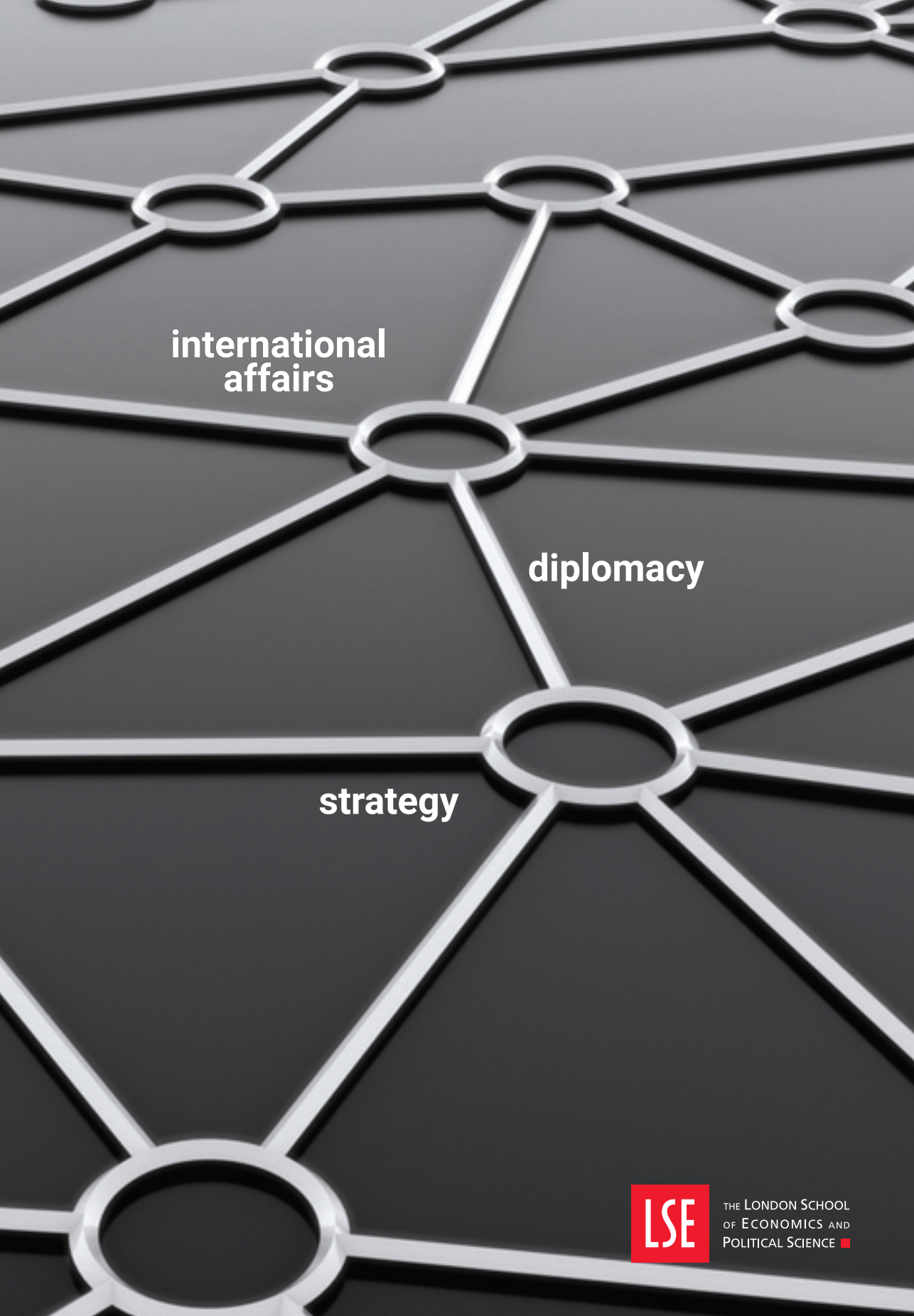

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