

IRELAND-UK RELATIONS AND NORTHERN IRELAND AFTER BREXIT

Second Edition



MAY 2019



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INTRODUCTION

Michael Cox

February 2018

‘

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.

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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 afforded me any profound insights into what was going on, I am not sure. But I was at least there and over 20 years had some extraordinary experiences, including teaching republicans in what was then called the Long Kesh prison—this as a protest against internment.

Keynes once observed that human beings have a tendency to become habituated to their environment—however strange that environment might seem to the outside observer. And so it was with the Troubles. Indeed, right up to the last minute there were many who assumed that this particular conflict might easily go on for another twenty years.

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. But that was only

the start of a process. It took another few years—nearly ten—before we finally arrived at something looking like a functioning power-sharing government in the North. The ‘Irish Question’ had at last been settled—though compromise. Or so we had thought.

But clearly we had all been much too optimistic. After all, as one survey after another showed, the basic divide between the two communities remained as wide as ever. Nor did the biggest political parties in the North—Sinn Féin and the DUP—have much in common either! Perhaps little surprise therefore when the power-sharing government finally collapsed when it did in early 2017. Extraordinary perhaps that it managed to survive and function as long as it did!

This would have been problematic enough. But into this heady political mix was then thrust the all-UK vote to leave the European Union in June 2016; –then, as if to make matters a lot more difficult, following the general election of 2017, the Brexit-supporting DUP who in Northern Ireland were far from representing the majority opinion (over 55% of the people of the North voted to Remain) came to play a pivotal role at Westminster. This was indeed a perfect political storm.

If nothing else, it now meant that the British government could no longer present itself as some kind of fair-minded referee mediating between the different sides in the North—difficult to do so when it had come to depend on the vote of the DUP in the British parliament. More generally, Brexit exacerbated the divide within Northern Ireland itself where most nationalists had voted to remain in the EU, while the majority of Unionists had tended to vote to leave. And last but not least, it caused immense tension between Dublin and London. 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 three seasoned contributors to this report point out, there is little doubt that we are living through a major historical transition—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. ■

PREFACE TO THE SECOND EDITION

Michael Cox

May 2019

In early 2018 LSE IDEAS published an excellent report on Ireland and Brexit by Adrian Guelke and Paul Gillespie who together reflected on the impact Brexit was already having on Ireland—both North and South. The story they told back then was hardly an encouraging one. Nor has the news from Ireland become any more encouraging since. Indeed, even if Brexit has gone nowhere at Westminster since early 2018, the disturbing impact Brexit has had on that much forgotten ‘Irish Question’—forgotten at least by English Brexiteers—has become increasingly clear to all.

In this second edition of our earlier report we have tried to address a fast moving situation in three ways. First, by asking Michael Burleigh—a forthright critic of UK policy—to assess the situation looking at the issue from the perspective of London. His entirely new piece concluded in April 2019 makes for very sober reading indeed. We have also asked Adrian Guelke to reflect on the situation once more, but not by updating his original 2018 piece—this we have reprinted in full because it contains some extraordinarily important insights about the North—but rather to add a postscript to it. As he points out, far from the situation getting any better since early 2018, one year on things have become decidedly worse—in large part of course because the DUP at Westminster remains opposed to any deal which it claims will weaken the Union. Paul Gillespie then concludes the Strategic Update—again not by changing or revising his excellent 2018 piece on the South but, like Adrian, by adding a postscript of his own revealing the extraordinarily negative impact that the events between early 2018 and late spring 2019 have had on relations between Dublin and London. As I noted in my original introduction written nearly eighteen months ago, difficult days lay ahead. Nothing has changed since to alter my judgement. ■

BREXIT, ENGLAND AND IRELAND: THE VIEW FROM LONDON

Michael Burleigh

May 2019

“One of the most striking aspects of the UK Brexit debate was that while Leavers were clear about what they detested (a German-dominated EU ‘superstate’ governed from Berlin rather than its stooges in Brussels), they gave far less thought to what they hoped to achieve.”

The Secretary of State for Northern Ireland is currently Karen Bradley, a former KPMG tax accountant, who in 2010 was elected to parliament for Staffordshire Moorlands.

Bradley’s rise up the ministerial ladder has been swift. She was one of Theresa May’s Home Office praetorians, like Damian Green, James Brokenshire and Brandon Lewis, who have been seeded in different ministries; in Bradley’s case improbably at Digital, Culture, Media and Sport, and since January 2018 as Northern Ireland secretary. Other Home Office alumni include Olly Robbins and Mark Sedwill, important figures in the civil service. In September 2018 Bradley volunteered in an interview:

“I freely admit that when I started this job....I didn’t understand things like when elections are fought for example in Northern Ireland, people who are nationalists don’t vote for unionist parties and vice-versa. So, the parties fight for the election within their own community. Actually, the unionist parties fight the elections against each other in unionist communities and nationalists in nationalist communities. That’s a very different world from the world I came from.”¹

This raised eyebrows, not least as Bradley was 28 at the time of the 1998 Good Friday Peace Agreement, and so must have lived a life entirely untroubled by newspapers and TV which reported ‘The Troubles’ day in and day out. Even within her special subject (tax), Bradley might have appreciated that Ireland has been a consistent ally of Britain in lobbying for deregulation and low taxes against

the more statist members of the EU, never mind that the ‘externalisation’ of the Northern Ireland conflict was a major aspect of mitigating it in 1998. A few months later, Bradley committed another extraordinary gaffe when she said that the 10 per cent of killings during the Troubles by police or soldiers were not “crimes” for “they were people acting under orders and under instruction and fulfilling their duty in a dignified and appropriate way.” This was said despite Prime Minister David Cameron’s 2010 endorsement of the Saville Inquiry which found that British soldiers had shot unarmed civilian protestors on Bloody Sunday in 1972. Bradley apologised.²

One of the most striking aspects of the UK Brexit debate was that while Leavers were clear about what they detested (a German-dominated EU ‘superstate’ governed from Berlin rather than its stooges in Brussels), they gave far less thought to what they hoped to achieve. Few of them seem to have even thought about how Brexit would impact the one place where there would be a land border with the EU. Instead, their minds were fixated on wider horizons.

Fantasies about London as Europe’s Singapore animated a few City folk, while others—often after childhood sojourns in Peru or Uganda—favoured a nebulous ‘Anglosphere’ or were nostalgic for Empire 2.0. This last was like a fusion of a child’s *Our Island Story* with the ‘the British are best at’—add soldiering, intelligence, football etc.—self-belief of a certain saloon bar class of personage epitomised by former metals trader Nigel Farage. A number of South Asians were also enthusiastic Brexiteers, notably former cabinet minister Priti Patel and the economist Shanker Singham, the so-called ‘brains of Brexit’.³ A more bizarre minority saw Brexit as a chance to re-run the Reformation against a ‘Catholic’ (they meant Christian Democrat) federalist elite, despite the large number of Protestants in the CDU, including the Lutheran Chancellor. It took an Irish writer, Fintan O’Toole, to subject these fantasies of buccaneering

“The more English nationalist sort of Brexiteer (and their Welsh bedfellows) were more than willing to wave goodbye to Scotland (and Northern Ireland) rather than forsake the holy grail of England proudly alone and world-beating.”

Britannia to a kind of psychoanalysis of a nation undergoing its own peculiar nervous breakdown.⁴

Although the Brexiteers include a large quotient of Commons barrack room lawyers, they seem not to have considered how Brexit might impact the UK's idiosyncratic constitutional arrangements. Even before the vote was held in 2016, some of us were aware of the implications for the Union.

Being predominantly English, it was as if in the minds of the Brexiteers, UK devolution had not happened, though some of the same people had used British membership of the EU to persuade the Scots not to vote for independence in their referendum in 2014 on the grounds that an independent Scotland might not automatically be readmitted.

There has always been a tension between 'British' and 'English', which in some respects is akin to how a suppressed 'Russia' liberated itself from the imperial and polyglot Soviet Union to reveal its paramount power. The more English nationalist sort of Brexiteer (and their Welsh bedfellows) were more than willing to wave goodbye to Scotland (and Northern Ireland) rather than forsake the holy grail of England proudly alone and world-beating. Theresa May's talk of 'our precious Union' meant nothing to them compared with the prize of Brexit, as Cardiff and Edinburgh Universities Future of England Survey in 2018 revealed: "Clear majorities of English Conservatives would

support Scottish independence (79%) or the collapse of the NI Peace Process (75%) as the price of Brexit."⁵ On 3rd April 2019 an Ipsos Mori poll for King's College London revealed that while 36% of mainland British adults thought that the Province should remain in the UK, 36% were 'indifferent', 19% wanted it to join Eire, and 9% didn't know.

Northern Ireland presented at least three distinct problems after the Brexit vote, though we should not forget the plight of Irish beef and mushroom farmers, hit by a collapsing Sterling and the prospect of no-deal tariffs, amidst talk of the larger issues.

First, 55.7% of people in Northern Ireland voted to Remain in the EU, though the Loyalist hardcore didn't, since they regard the EU as the institutionalisation of a crypto-Catholic conspiracy to further the interests of Rome – and not meaning the republican capital where the founding EEC treaties were signed. But democratic facts were the least serious problem, since the incoming government of Theresa May could ignore them, along with the 48% of UK citizens who also voted Remain, against the 52% who voted Leave.

May voted Remain too, but in a curious example of over-compensation of the kind that leads to cars careening off bends in the road, she became enthralled by the noisiest and most rabid elements on her own backbenches who seem to enjoy easy access to 10 Downing Street

and Chequers. They became an organised clique, the 80-strong ERG, with their own whipping operation within the Conservative Party, while erstwhile UKIP supporters entered the Tory local constituency apparatus once UKIP had imploded. In turn, their defiance was amplified by the merry band led by Arlene Foster of the DUP and her man in Westminster, the lawyer MP Nigel Dodds. In a total dereliction of statesmanship, Theresa May acted as if the DUP spoke for the whole of Northern Ireland, which obviously after the vote it did not.

May's disastrous decision to hold a snap election in June 2017 created a second problem, for with her Conservative majority forfeited she became dependent on a confidence and supply deal with ten Democratic Unionist Party MPs, in return for an extra £1 billion in funding for the Province. This was a grotesque spectacle since after the 'Cash for Ash' scandal, the DUP and Sinn Féin had effectively collapsed the power sharing agreement at Stormont. A party which could not responsibly run a small Province now had the fate of 64 million people in their hands. Sinn Féin were also widely blamed for dogmatically refusing to take up their 7 seats at Westminster when it might have made a major difference to the outcome of crucial votes affecting Northern Ireland as well as the rest of the UK.⁷

This deal resulted in quickening ties between the populist DUP – founded in 1971 a year before the Front National, let us remember – and the European Research

Group faction inside the Tory party. The deal effectively superseded existing Conservative ties with the depleted ranks of mainstream Unionists, binding the 'progressive' Tory party of Cameron (and May herself) to a party which emphatically rejected abortion, same sex marriage and the like.

The third problem, which is superficially a technical one, highlights the lack of foresight with which the Brexiteers embarked on their quest for sovereign self-determination.

It arose over the Northern Irish backstop sections in the draft Withdrawal Agreement of late 2018, though this has still to be approved or ratified by the British or EU parliaments. The illusion of limitless global options which drove the Brexit process came up against the hard realities of a zig-zagging network of B-roads surrounded by pastures.

After Brexit (whenever and if it happens), the 310 miles land border in Ireland will be one of those where the EU touches a non-member state. The Good Friday Agreement contained many creative ambiguities, one of which was to enable people North and South – and in particular in the adjacent border areas – to live as if a united Ireland existed, while Unionists continued to regard themselves as subjects of the United Kingdom rather than citizens of the EU/Irish Republic. It also meant that all Irish people could lift their horizons, to become an outward looking youthful country, benefiting from a modern

globalised service economy rather than from agriculture alone, though agriculture in Ireland has developed into a sophisticated and variegated business. Brexit threatened both that ambiguity and the economic prosperity which two decades of peace brought.

To secure the wide blue water Brexit which English and Welsh Leavers pined for, the UK would have to leave the Customs Union and Single Market, for all external trade deals were struck at the European level. This was advantageous since sheer scale brings clout in the arcane world of trade deals. The alternative, of inscribing a dotted EU borderline down the Irish Sea, was unacceptable to the DUP, who saw it as the thin end of a wedge to inveigle them into a united Ireland, despite the Irish government and the EU disavowing any such ulterior intention.⁸

“ But at the same time, so as to preserve the Good Friday Agreement, as she had agreed with Taoiseach Enda Kelly, May committed herself in early 2017 to an invisible border inside Ireland...”

But at the same time, so as to preserve the Good Friday Agreement, as she had agreed with Taoiseach Enda Kenny, May committed herself in early 2017 to an invisible border inside Ireland, for as a **securocrat** she took seriously MI5 and police warnings that even a single CCTV camera would see the recrudescence of dissident republican violence at a border where many customs officers and policemen had been gunned down.

In the ensuing months, May became like an over-industrious spider, trapped in too many webs of her own making. This was not immediately apparent since British politicians and civil servants were confident that they could practice their usual ***divide et impera*** approach to split the EU27 both from Ireland and in terms of their different economic relationships with Britain. Enormous faith was invested in the power of a German automotive industry to exert pressure on Berlin, in total unawareness of how the diesel emissions scandals had damaged that industry, or of how an even larger lobby (say 6,000 firms) engaged in trade with

Russia had tried and failed to prevent Germany voting for sanctions.

British officials also toured the world to find such a thing as an invisible border. The then-Brexit Secretary David Davis airily claimed it could be achieved through unspecified ‘technology’ and/or a system of tariff exemptions for the local man with a vanload of eggs or butter, allied with a dual tariff scheme to separate EU and non-EU goods at a distance from a border which since 1998 had fallen into desuetude. Having failed, Davis resigned and was replaced by Dominic Raab, who duly resigned too, in favour of the current incumbent at DExEU Stephen Barclay.

While this vivid cast of characters came and went, the EU27 were solidly and skilfully represented by Michel Barnier. Few British people knew that in his long and distinguished career, Barnier had been the EU’s point man in the team seeking to resolve the Northern Ireland conflict and responsible for disbursing €531 million between 1999 and 2004 as part of the PEACE II programme.

As each of these solutions proved illusory, May agreed to keep the whole UK inside the Customs Union, on a temporary ‘backstop’ basis, until a future trade deal between the EU27 and UK supersedes it. The parameters of the trade deal were sketched in a much shorter Political Declaration accompanying the 500-page Withdrawal Agreement, though no one (except the Brexiters) was under any illusions that this would take years to finalise. Even the EU-Canada deal took seven years to complete.

English Brexiters and their DUP confederates suspected that this backstop would become permanent, inhibiting the UK’s ability to strike third-party trade deals outside the EU27. It would lead to BRINO or Brexit In Name Only, as the British and European ‘Establishments’ would seek to frustrate the aberrant UK referendum majority.

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Hence the Brexiteers' rejection of the Withdrawal Agreement when it came before the Commons on 15th January 2019, by a record 230 votes, and the quest for its revision, which so far has merely yielded further jargon, from the 'backstop to the backstop' to the 'Brady Amendment' to the 'Malthouse Compromise' to 'Cox's Codpiece'.¹⁰ All the while the EU27 has yielded not a centimetre to a British government and political class irretrievably divided in their own Brexit-driven solipsistic universe.

These arcane technical issues revealed a number of what James Joll called the "underlying assumptions" governing English attitudes towards Ireland. The Northern Ireland Peace Process meant that going forward very few English people would be obliged to give Ireland, North or South, a second thought except during Six Nations Rugby matches, whereas bombs in Canary Wharf and Manchester were once able to focus their minds.¹¹

Ignorance was bliss as they say—as noted in the case of Karen Bradley above—though she was side-lined in favour of direct talks between May and Taoiseach Leo Varadkar and between Tánaiste Simon Coveney and David Lidington of the Cabinet Office. Any goodwill symbolised by the exchange visits of the Queen in 2011 and President Michael Higgins in 2014 has been extinguished by British tabloid hysteria and off-the-cuff observations by leading Brexiteers for whom the Northern Ireland Peace Process was an achievement of

Blair's Labour government, and worse, with episodic preliminary work by the Europhile Ted Heath and John Major.

The poor calibre of Britain's political class became glaringly evident in the new age of social media and 24/7 reporting, not to mention the steady elision of politics and light entertainment with the likes of Nigel Farage and Jacob Rees Mogg hired by talk radio stations.¹² Inane comments by the former minister Priti Patel, a leading Ugandan Asian heritage Brexiteer, who suggested that the UK should have exploited the threat of no-deal food shortages to pressure Ireland into dropping the backstop provisions, did not go down well in a country which in the 1840s suffered a catastrophic famine. This neo-colonial mentality has exasperated Irish opinion, with one newspaper editor commenting pungently, "I don't give a fuck about Brexit, good luck to you. But just don't fuck us over. If that border goes up, I'm telling you there will be hell."¹³

In addition to being wholly ignorant of Irish politics, the UK political class seriously underrated the extent to which Ireland had learned to punch above its weight, both through international NGOs and within the EU (the perennially powerful American-Irish congressional lobby in the US has also ominously bestirred itself too in the context of Brexit, warning that they will not look kindly on a US-UK trade deal if the Good Friday Agreement is inadvertently collapsed by Brexit).

To overcome the asymmetry of the relationship with mighty England, the Irish stuck like limpets to the EU27, which from the outset refused to allow the British any scope for their usual bilateral shenanigans. With so many small countries in the EU, larger ones like France and Germany could hardly afford for Ireland to be bullied by the UK, lest this result in another EU internal axis of small nations versus large ones, to compound quasi-existential divisions which already exist at all points of the EU compass. Again and again EU Council summits have made it abundantly clear that the smallest of EU member states would have more clout than any state which opted to leave.

There were also issues of style and competence. Whereas Irish politicians and officials generally acted as harmonious teams, they were shocked to discover that three large egos on the British side—Davis, Fox and Johnson—were competing to represent Brexit, and indeed in two cases to replace May as prime minister, without the British government or ruling party ever agreeing on what its goals were. As of the time of writing, April 2019, there is still no agreement since the Conservative party is hopelessly divided and the cabinet is split. Labour's tortuous Brexit strategy is also largely dictated by MPs with Leave majorities in northern constituencies, though in her hour of need May has attempted to co-opt Corbyn into a Brexit mess entirely of the Tories making. The House of Commons has partially wrested

control of the Brexit process from the executive, while the DUP and ERG (its unity also fraying) are playing a game to see who jumps first to back Theresa May's forlorn deal. The DUP seem to have finally grasped that for many English nationalists in the ERG, the 'precious union' is not so precious after all.

A popular decision, driven by a deeper upsurge of populist rebellion against global technocratic and monied elites—albeit with substantial guiding input from elite tribunes of the angry people like Johnson and Mogg—has deranged the relationships which both Britain and Ireland developed after they joined the EEC in 1973.

They are unlikely to improve in the arduous years ahead of fixing Britain's future relations with Europe, though some fear that Ireland itself may have to repay the EU for the support it has received.¹⁴ While EU solidarity with Ireland held fast, there were certainly (CDU) voices in Germany who cared far more about preventing American chlorinated chickens slipping through an open Irish border onto German supermarket shelves than about the endurance of the Peace Process. The EU has not been impressed by Leo Varadkar's overly relaxed view of a no deal Brexit,¹⁵ hoping like Mr Macawber that a technological solution to the border may turn up, since any invisible border will be replaced by harder arrangements when the first contaminated cow or pig shows up and an EU customs border may be imposed on the whole island.

Brexit has also brought into question the Union since in Scotland the SNP will surely seek another independence referendum, while in Ireland republicans want the 'border poll' mandated by the Good Friday Agreement. Until the demographics substantially change, there is no majority in Northern Ireland for reunification, since most Catholics favour the status quo ante the Brexit vote. Many in the Republic are reluctant to pick up the financial tab for unification while importing a disaffected Loyalist minority with its own history of cross border paramilitary violence.¹⁶

Finally, while everything in Northern Ireland's internal politics seems depressingly familiar, the English have once again revealed their perennial inability

to grasp that since 1919-21, the Republic of Ireland has been a proudly independent country. It may be economically closely engaged with Britain, but in the realm of politics and mentalities it is a very European country. Hence their falling back on lazy ethno-national and historic stereotypes rather than looking at Ireland as a mirror in which the truth about themselves is reflected. Far better to drone on about Ireland as an EU colony than to acknowledge that Britain's colonial history in Ireland has played a grim role or to reflect on what the Brexit process, from beginning to an end which is not yet in sight, tells us about the reputational collapse of a once admired country, spluttering along on its depleted tank of myth and delusion. ■

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BREXIT AND THE EUROPEAN DIMENSION OF POLITICS IN NORTHERN IRELAND

Adrian Guelke

February 2018

“

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.

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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 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

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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.

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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 batted 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

“ 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. ”

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

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 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

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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.

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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 McGuinness 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. ■

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THE IMPASSE ON THE BACKSTOP

Adrian Guelke

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Opposition to the backstop has come both from Tory backbenchers and from the Democratic Unionist Party (DUP), though for somewhat different reasons.

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In March 2018, the Irish Prime Minister, Leo Varadkar, pithily summarised the challenge that the UK’s departure from the EU presents to peace in Ireland: “To me, Brexit is a threat to the Good Friday Agreement simply because it threatens to drive a wedge between Britain and Ireland, between Northern Ireland and the Republic of Ireland and potentially between the two communities in Northern Ireland.” The EU set out to mitigate these threats through requiring that the issue be addressed in the negotiations on the terms of the UK’s withdrawal from the EU. The formula adopted to ensure the avoidance of the return of a hard border between Northern Ireland and the Republic of Ireland became known as the backstop. It amounted to a commitment by the UK that Northern Ireland would remain in a customs union with the EU and observe all relevant rules of the single market needed to avoid border controls should it prove impossible in the course of negotiations on the UK’s future relationship with the EU to achieve the continuance of a seamless border by any other means.

Objections to the backstop have proved to be the Achilles heel of the whole Brexit project. Opposition to the backstop has come both from Tory backbenchers and from the Democratic Unionist Party (DUP), though for somewhat different reasons. Tory Brexiteers fear that the backstop will be a barrier to trade deals with the rest of the world and to freeing the UK from EU regulations, while for the DUP what matters is that the backstop has the potential to lead to divergence between the regulations in a range of areas in Northern Ireland and Great Britain. The strength of these different objections

to the backstop frustrated attempts by May to secure passage of her withdrawal deal with the EU in both January and March. Few options now exist to prevent the UK's chaotic exit from the EU without any deal.

After her heavy defeat in January, May sought to mollify her critics by seeking changes to the backstop that might allow the government to avoid the use of the backstop or that would ensure its operation would be short-lived. This even included the bizarre and counter-intuitive suggestion that new wording the government had extracted from Brussels might make it possible to deploy the terms of the Good Friday Agreement to nullify the operation of the backstop. However, the changes she was able to obtain at Strasbourg in March merely reduced the size of her still massive defeat in the House of Commons while the DUP maintained its implacable opposition to the backstop. May's focus on winning over the DUP for her deal has tended to obscure the fact that on Brexit (and much else besides) the DUP is not representative of opinion in Northern Ireland. Indeed, a recent opinion poll has underscored that the public in Northern Ireland places a much higher priority on the maintenance of a seamless border with the Republic of Ireland than does the DUP and would be willing to countenance divergence in regulations between Northern Ireland and Great Britain to this end.

The minority status of the DUP within the spectrum of opinion in Northern Ireland was most clearly demonstrated in the elections to the Northern Ireland Assembly in March 2017 that followed the collapse of the power-sharing Executive in January that year. For the first time in the history of Northern Ireland, big "U" Unionist parties failed to win majorities either of seats or votes in a province-wide election. The outcome reflected both demographic trends that have ended the majority status of the Protestant community within the province and mobilisation of Catholic voters over a range of concerns, including Brexit. The absence of a government in Northern Ireland has meant that the new Northern Ireland Assembly has not convened,

“A striking feature of the new political situation within Northern Ireland has been the co-operation of the non-Unionist parties (Sinn Féin, SDLP, Alliance, and Greens) over Brexit and their issuing of a series of joint statements.”

frustrating the efforts of Northern Ireland's new majority of non-Unionist parties to secure recognition across the UK of their hostility towards Brexit and their demand for measures to mitigate its undermining of the Good Friday Agreement. A striking feature of the new political situation within Northern Ireland has been the co-operation of the non-Unionist parties (Sinn Féin, SDLP, Alliance, and Greens) over Brexit and their issuing of a series of joint statements.

In the 2016 referendum Northern Ireland had voted to remain in the EU by a clear margin. But, given their acceptance that the province was bound by the decision of the UK as a whole, the non-Unionist parties representing the majority of members of the Northern Ireland Assembly supported the backstop as a way of mitigating the damage done by Brexit. So too have organisations representing business and farmers. Their support for the backstop reflects their concern that a no deal Brexit would have a devastating effect on the economy of Northern Ireland. Consequently, May's apparent volte-face on the backstop after the House of Commons vote in January caused consternation that was loudly expressed during the Prime Minister's visit to Northern Ireland in February. By contrast, dissident Republicans opposed to the peace process are delighted at the prospect of the return of a hard border in a no deal Brexit. While a majority of people in Northern Ireland have some appreciation of the role that the EU has played in the achievement of both prosperity and peace in the province and

recognise that both are now threatened by Brexit, they are also painfully aware of how dependent they are on far more powerful forces than themselves to secure outcomes for Northern Ireland that do not reverse the gains of the last two decades.

Northern Ireland remains without a government and this seems set to continue as long as either the Brexit crisis lasts or the Conservative government remains dependent for its survival on the votes of the DUP in the House of Commons. While DUP MPs voted against the backstop in January 2019, they supported May in the subsequent vote of confidence in her government and their votes made the difference between victory and defeat, underscoring the DUP's pivotal role. Paradoxically, the DUP had indicated that they would have voted against the government in a confidence motion, had May won the vote on the backstop. The sole non-DUP MP from Northern Ireland, an independent, Sylvia Hermon, had supported the backstop and then expressed her anger at May's apparent change of course when the Prime Minister sought fresh negotiations on the issue with the EU.

The DUP and Sinn Féin came close to reaching a deal over the restoration of the Executive in February 2018. A putative agreement over the issue of the Irish language, which had become the main obstacle to a deal, was scuppered by the strength of reaction among Unionists to any compromise over this question. In

previous situations of the absence of a government in Northern Ireland, direct rule from London has been imposed on the province, which may be the DUP's preference, but it is opposed by the other parties and by the Irish government. Another factor affecting the local impasse is the inquiry into the Renewable Heating Incentive scheme. While the hearings into the scandal have been completed, its report with potentially significant political repercussions has yet to be issued. It provides another reason for delay to fresh efforts to end the political vacuum in Northern Ireland, notwithstanding the increasing toll on decision-making on investment projects and the other non-routine matters that the courts will not allow civil servants to make in the absence of any political accountability.

A benign external environment has hitherto distinguished Northern Ireland from other cases of deeply divided societies, such as Cyprus, Israel/Palestine and Kashmir, where the regional context has undermined the prospects for settlements akin to that of the Good Friday Agreement. Any form of Brexit, even one that manages to safeguard the relatively seamless border between the two jurisdictions in Ireland, will put a question mark over the future of the United Kingdom and hence the survival of Northern Ireland, at least in the medium term. Under the chaotic circumstances of a no-deal Brexit, the destabilisation of Northern Ireland already underway is bound to be accelerated. And, unfortunately, this destabilisation will come regardless of the emergency measures taken to prevent power outages, continue life-saving cross-border medical arrangements, and quell the civil unrest that will inevitably arise. ■

BREXIT RUDELY INTERRUPTS IRISH-BRITISH RECONCILIATION

Paul Gillespie

February 2018

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

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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 membership².

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.

“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.”

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.

“

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....

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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.

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 is 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.

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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THE BORDER ONCE AGAIN

Paul Gillespie

May 2019

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It matters whether they are called Irish-British relations or British-Irish relations. That is one measure of Brexit's disruption and it opens up older enmities and suspicions which more frequently arise in mainstream and social media and in daily conversations.

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Ireland has dominated the Brexit negotiations in 2018 and 2019, largely because the issues raised in the backstop to keep the Irish Border open and protect the Northern Ireland peace process go to the heart of UK demands about its future relationship with the EU. The UK's desire to use the Irish issue as a way to exercise leverage in the second phase of the exit negotiations on a future relationship was frustrated by the EU's insistence on dealing with it in phase one. Over this year it became more and more clear the UK had lost bargaining power by deciding to leave the EU. Membership of the bloc matters for EU solidarity with Ireland, the small state most directly affected by Brexit, which has succeeded since 2016 in focusing the attention of EU negotiators on the importance of the Northern Ireland peace process. But the distinct issue of how to protect the integrity of the EU's single market and customs union across this new international frontier with the UK remains a central concern as well. No deal means no backstop.

The trouble started when the political commitment made by Prime Minister Theresa May in the Joint Report of December 2017 to protect both the open border and the peace process was given legal form by the Commission on February 28 2018. Under pressure from her backbenchers and the DUP she immediately rejected the draft, saying its differentiation of Northern Ireland would create a regulatory border in the Irish Sea and therefore affect the UK's own territorial integrity. Over the following year she refused to move her formal red lines on leaving

the customs union and single market but insisted they are compatible with keeping the Irish border open. Many see her position as a logical trilemma containing three propositions, only two of which are possible.

Her alternative policy fudge allowing partial access to the single market without accepting free labour movement, plus selective participation in the customs union, was hinted at in her Mansion House speech on 2 March 2018 and was the main thrust of the Chequers compromise of 6 July. This was a shift towards a softer Brexit, grouping Northern Ireland together with freer access to European supply chains for cars and other manufactured goods. Tony Connelly of RTE points out this was done surreptitiously without flagging it to her party or UK media.¹ As a result, when it surfaced in a fully-fledged agreement in November 2018, Brexiteers feared the UK would be trapped voiceless in the EU regime, a legal possibility her attorney general Geoffrey Cox confirmed. That led straight into several delays in the parliamentary vote and eventually to the comprehensive defeat in the House of Commons on 15 January 2019. Efforts to soften Cox's conclusion continued thereafter but failed to resolve the trilemma. Instead, the EU offered an elaborated clarification of its aspirations to reach an agreement with the UK that would make the backstop redundant. May acknowledged she had to narrow down the options to her deal or no deal, with a potential short extension of the Brexit deadline. However,

parliamentary efforts to narrow options down indicatively tended towards a softer Brexit, as did her decision to open talks with the Labour Party on a compromise, while many of her Remainer opponents hoped to engineer a general election or another referendum.

These extended manoeuvres, impasses and circular reasonings in the UK's domestic politics of Brexit further unsettled relations between the Irish and British states. They have already been deeply affected by the Brexit decision of June 2016, which rudely interrupted a relationship that had been improving for a generation, as the first edition of this publication argued in February 2018. Seeing that relationship, along with the Belfast Agreement which transformed the Northern Ireland conflict in 1998, potentially unravel over Brexit has brought out an unusual political solidarity on the Irish side. The two main parties extended their parliamentary agreement to avoid a general election until the Brexit outcome was known, while polling showed very high levels of support for the backstop as the best way to protect Ireland's interests. This remained so despite the great damage a no deal or hard Brexit outcome would inflict on border regions, key sectors like the agri-food industry and numerous other ones depending on just-in-time supply chains and freely functioning ports.

Such solidarities compensated for and mitigated the inherent asymmetries of power, scale and wealth historically built in

to the Irish-British relationship by mobilising continental (and now some significant Irish-American transatlantic) forces on Ireland's side. Another asymmetry has come strongly into play: the different levels of awareness about each other between a smaller and historically dependent state and a larger and imperially dominant power. Irish people know much more about the British than the other way around. They are more exposed to British media and politics than vice versa and interact with the substantial Irish diaspora in the UK to reinforce that awareness. The last year has provided many examples of this asymmetry in the plain ignorance of Irish conditions especially among hard Leavers in the Conservative party. That reawakens or stokes up older nationalist perceptions – a process that works both ways, as a more assertive English nationalism articulates.

Relations between the UK and Ireland thus look different depending on the direction from which they are being observed. It matters whether they are called Irish-British relations or British-Irish relations. That is one measure of Brexit's disruption and it opens up older enmities and suspicions which more frequently arise in mainstream and social media and in daily conversations. Nevertheless, the relationship is now more multi-layered, equal and respecting than before – not least because of its European dimension. It does not depend only on good personal and political relations between political leaders and high officialdom, although these remain important and

are markedly less close than before because of disagreements over Brexit and substantial turnover which loses institutional memory. The fact that much progress has been made by Irish and British officials in re-establishing new East-West relations through drafting proposals for a reconstituted inter-governmental council and agreeing a renewed Common Travel Area even in the midst of the Brexit disagreements shows the relationship is resilient at that level. The post-Brexit relationship will require more institutional embeddedness, departing from the previous voluntary commitments and relying rather on regular formalised meetings.² Both states will have to adjust to the loss of policy convergence and shared values between them on open markets and reduced regulation from the late 1990s to 2016; instead there is likely to be a greater emphasis on competition, determined by how distant the UK ends up being from the EU's single market and customs union.

Political trust between Dublin and London is a real casualty of the turmoil over Brexit. May's attempt to reopen the backstop after her plan was defeated in the House of Commons was described as a U-turn by ministers in Dublin and seen by influential commentators as an example of ancient British perfidy in dealing with Ireland and Europe. They greeted with disbelief the notion that the UK's parliamentary sovereignty can unilaterally override treaty obligations and change the withdrawal agreement in this way. Similar fears were expressed – and echoed in Washington by

Irish-American lobbyists—that such tactics also threaten the Belfast Agreement as an international treaty registered at the United Nations, of which the Irish government is a co-guarantor.

Irish-British relations after Brexit will have to address constitutional as well as political futures. The UK is living through a dual sovereignty crisis, externally concerning the European Union and internally concerning the future of its own political union. Brexit has brought those questions explicitly into its own discourse – and the same is true in Ireland.³ The two states’ constitutional futures are entangled by the Belfast Agreement’s commitment to the principle of consent whereby Irish unification can happen by concurrent referendums North and South. That potential future layer of the relationship will present as great a challenge to the relationship as Brexit has done. Whether it happens soon, is postponed or is headed off by alternative UK and Irish constitutional futures gives the subject a deepening significance and purchase in coming years. Brexit’s outcome will hasten or delay that process.

The Institute for British-Irish Studies in University College Dublin has announced an ambitious research project on Constitutional Futures after Brexit to study the effects of UK change and how they might influence constitutional developments in this State and Northern Ireland. It identifies four plausible scenarios of change in the UK: breakup through Scottish independence and Irish unity, as against the union’s survival in a renegotiated, differentiated or federal future. Consequential and responsive change in Ireland North and South, including reunification after a Border poll, can be mapped out using established and innovatory methods of analysis together with deliberative citizen mini-publics and engagement with policy-makers. We need maximum preparedness for such potentially momentous change. ■

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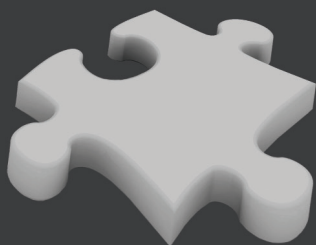
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