

## BREXIT IS UNRAVELLING THE PEACE PROCESS IN NORTHERN IRELAND

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*The Northern Ireland Protocol to avoid a Brexit border on Ireland by aligning Northern Irish and EU norms was a prior condition for a UK-EU Free Trade Agreement. Time is running out for the UK to comply with its Protocol treaty obligations. Time is running out for Brexit to demonstrate its supposed worth. Peace in Northern Ireland could become collateral damage.*

A judge in Belfast recently ruled that the Northern Ireland Protocol rescinds part of the Act of Union that created the United Kingdom of Great Britain and Ireland in 1800. This became the United Kingdom of Great Britain and Northern Ireland one hundred years ago, while the rest of Ireland fought for independence. The Protocol is an international treaty negotiated, signed and ratified by the UK and the European Union to avoid a Brexit border between the two Irelands by aligning Northern Irish and EU norms. It was a prior condition for a UK-EU Free Trade Agreement.

The Good Friday Agreement (GFA) of 1998, another international treaty negotiated, signed and ratified by the United Kingdom and the Republic of Ireland, with the EU and the US as guarantors, defined cross-border relations on the island of Ireland. Within the context of an EU single market under EU jurisdiction with common norms in both Irelands and in the UK, a border became irrelevant. Brexit broke the rules of the game that made the GFA possible. It resuscitated the tribal identity wars that peace was meant to mitigate. The UK has not fulfilled its obligations under the Protocol. On the contrary, it wants to change it. Such behaviour reveals either UK government incompetence for negotiating a treaty whose consequences it did not understand, or duplicity in signing up to obligations it did not plan to fulfil, to get a free trade agreement with the EU. Charles de Gaulle warned Europe, already in the 1960's, that England would not honour treaties.

Unionist identity resists any change to a previously favourable status quo. Six counties were segregated from the nine counties of the historical province of Ulster to create Northern Ireland. The nine-county province had an equal number of Catholic nationalists and Protestant unionists. The

six counties included twice as many Protestants as Catholics. The resulting sectarian state eventually failed and was replaced by direct rule from London. The GFA restored a government to Northern Ireland based on guaranteed power sharing between the two communities. Ideologically, both communities are unionist, one professing union with Great Britain, the other with Ireland.

Demography has changed the prevailing circumstances. The 2021 UK census will show there are now more Catholics than Protestants in Northern Ireland. The dominant political group in the next Assembly election will likely be Sinn Féin, not the Democratic Unionist Party (DUP). This is an existential change. Brexit demonstrated that Northern Ireland was not a priority for the British government. The Protocol establishes a *de facto* border between Northern Ireland and Great Britain and unionists interpret this to mean a *de facto* 'economic united Ireland'. Common membership of the EU encouraged convergence on the island of Ireland; traditional politics encourages divergence. Some current debates try to short circuit entrenched mentalities by referring to a possible 'union of Ireland' or a 'shared island', rather than a 'United Ireland'.

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The logic of island geography encourages convergence; post-Brexit UK logic does not. The logic of protecting the EU's single market requires a border between Northern Ireland and Great Britain. This means either a border between the two Irelands or a border between the Republic of Ireland and the rest of the EU. This is an existential dilemma for the Republic. It cannot afford to be outside the single market. An internal border between the two Irelands is also unacceptable. The Good Friday Agreement internationalised the solution of a centuries-old conflict by envisaging a role for the EU and the US. This is an existential dilemma for the UK too. They need trade agreements with both.

Community relations in Northern Ireland have been zero-sum from the start. For British unionism, any change to the status quo of the Irish nationalist community is automatically a loss for the unionist community. There can be no win-win solution; at most there might be a lose-lose approach. Traditional unionism held the upper hand. Now the tables are turning. Unionism lost its overall majority in the last Assembly election because of the growth of the Alliance Party that is neither British unionist nor Irish nationalist. The nationalist community has elected former IRA members to the Assembly; some have been government Ministers. Irish Republicanism has been integrated into politics there. The Protestant community

has not done the same for former Protestant paramilitaries. They have not been integrated into politics and some have become paramafias. Catholic working-class neighbourhoods have improved under the changed conditions of power-sharing. Protestant working-class neighbourhoods have not taken the same advantage. This is perceived to mean Catholics are taking things away from Protestants.

Former DUP First Minister Arlene Foster said quite reasonably that the Protocol was an opportunity for Northern Ireland to have one foot in the British market and one foot in the EU single market. She was ousted from office for that by intransigent unionist colleagues whose only aim is to trash the Protocol. Ironically, First Minister Nicola Sturgeon wants the equivalent of the Protocol for Scotland, if not outright independence from the UK. The majority voted against Brexit in NI and Scotland. Unionists can no longer count on Great Britain to guarantee what they want because they threaten British interests in international trade. Rejection of the Protocol gives a focus to frustrations arising from demographic changes and international trade relations and these frustrations allow radical unionists to become protagonists once again. Opponents to the Protocol lash out at the EU and the Republic of Ireland. But the Republic did not negotiate the Protocol. The British government did, and for unionists, the UK betrayed them. They have no allies in this matter. They have no influence in Westminster. Unionists do not want the Republic as an ally, although it is willing to be one. There is talk of calling a referendum for a united Ireland, as envisaged by the GFA, but it is not clear that a majority would vote in favour. Nor has the Republic prepared for the constitutional, political, social and economic changes that would follow unification.

In the context of power-sharing, the GFA established a mechanism that required the most-voted parties of each community to agree. This gave veto power to the DUP, who used it to block legislation approved by a solid Assembly majority. However, the Protocol requires the Assembly to ratify it every four years by simple majority, doing away with that veto power. As a result, the DUP now rejects the GFA. The situation is very delicate. Violence has occurred. The anti-Protocol rhetoric does not facilitate calm. Time is running out for the UK to comply with its treaty obligations. Time is running out for Brexit to demonstrate its supposed worth. In this disarray, peace in Northern Ireland could become collateral damage.