

# This Brexit juncture is a critical moment for the Good Friday Agreement



*In this blog, Katy Hayward and David Phinnemore (Queen's University Belfast) highlight their current report on Brexit and the Good Friday Agreement, which they presented today at the European Parliament. They argue that thanks to Brexit the political trajectories of the UK and Ireland will increasingly diverge and that the current negotiation juncture, in particular, is a critical moment for the Good Friday Agreement and the future of British-Irish relations.*

There are two distinct genres of language that are currently circulating around the topic of Northern Ireland/Ireland and the Brexit negotiations. The first is that of solutions: 'flexible and imaginative', 'creative', 'unique', 'specific', 'unprecedented'. The second is that of cynical game-playing: 'blackmail', 'hijack', 'ruse', 'bluff', 'reckless', 'veto', 'ransom'.

Perhaps this is to be expected in a process of negotiation – especially one that looks set to drastically alter a whole realm of close connections between two states with such a complex shared history. The stakes are high and political sensitivities (and rhetoric) have been cranked up accordingly.

But language matters, and there is a danger that the scope for those 'flexible and imaginative solutions' to address 'unique circumstances' will dissipate as a consequence of the misplaced framing of this debate as an age-old British/Irish dispute over the constitutional status of Northern Ireland.

The 1998 Good Friday (Belfast) Agreement did not 'settle' that dispute but it created strong grounds for accord between the UK and Ireland. It did so by recognising that political stability and peace in Northern Ireland can only come about through cooperation – not competition – between unionists and nationalists, both parts of the island of Ireland, and the British and Irish states.

## **UK withdrawal from the EU means that the trajectories of the UK and Ireland will now diverge**

It is indisputable that common EU membership for the UK and Ireland provided an essential context for this arrangement and its effective implementation. The Agreement was premised on the assumption of common policies and interests across a wide range of policy areas. UK withdrawal from the EU means that the trajectories of the UK and Ireland will now diverge. This divergence will be wide-ranging and will happen in law, trade, security, rights, policies and politics.



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The question immediately arises: what will happen to Northern Ireland? Early on in the Brexit process, all the main political parties in Northern Ireland recognised that change to the status quo poses significant risks for the region and each have on record their demand that the specific needs of Northern Ireland (particularly, but not exclusively, arising from the land border) be addressed in the withdrawal process.

This has to be addressed in Phase 1 of the withdrawal negotiations because the border is not simply a matter of customs controls and trade flows, important as they are for the economic stability that is (as the UK government acknowledges) vital to the peace process. Northern Ireland is but a small region; from agriculture and animal health to tourism and waterways – prosperity and efficiency are best secured and supported through frameworks of cross-border cooperation and interdependence. There really can be no ‘all or nothing’, UK *versus* Ireland choice that suits Northern Ireland’s interests.

Yet it is possible to keep to an absolute minimum the disruption that UK withdrawal will have in the context of interdependence so vital for the Agreement’s implementation. The model of differentiated integration within the EU, coupled with the precedent of territorial differentiation within the UK (evidenced both in the Agreement itself and the very fact of devolution), is key here. It provides a valuable departure point for the type of arrangements that would best reflect and protect the unique needs of Northern Ireland in the Brexit process.

From this, we see a range of options for maintaining the conditions necessary to uphold the Agreement. Based on maintaining properly secured and sustained regulatory convergence, it is possible to enable the continued operation of all-island markets and of cross-border supply chains. It is also possible to secure access to different forms of EU cooperation for both jurisdictions on the island of Ireland. It is even possible to retain the free movement of goods, services, capital and people on the island of Ireland. None of these options need to weaken or contravene the integrity of the UK or Northern Ireland’s place within it.

### **post-Brexit arrangements for the island of Ireland will be dependent not on technical solutions but on political will**

Establishing the post-Brexit arrangements for the island of Ireland will be a process of negotiation. This process is entirely dependent not on technical solutions but on political will. The time has come for all parties in the Brexit negotiations to demonstrate that that will exists. The European Council in December is a critical moment. All eyes are on the UK and watching to see how far it is willing ‘[to present and commit to flexible and imaginative solutions called for by the unique situation of Ireland](#)’ and on how far it is willing to sign up to ‘[principles and objectives regarding protection of the Good Friday Agreement](#)’ of which it is co-guarantor.

It if fails to convince the EU27 – and especially the Irish government – of its flexibility, imagination and commitment on Northern Ireland, then the UK government runs the serious risk of the EU27 declaring once again that insufficient progress has been made for a move to the second phase and talks on the future UK-EU relationship. The time to complete the Article 50 negotiations is rapidly running out. The UK government can ill-afford further delays.

The best way to proceed is to present Northern Ireland not as a place of division but as a place of deep connection and integration between the UK and Ireland. This is the fundamental principle upon which the Good Friday (Belfast) Agreement is founded and upon which it stands or falls. Although this principle has been heretofore supported by the context of shared EU membership, Brexit need not mean its ruin.

Twenty years ago, Northern Ireland faced a similarly critical juncture. Now, as then, the language of solutions – ‘cooperation’, ‘creativity’, ‘partnership’, ‘flexibility’, ‘good faith’, ‘imagination’, ‘mutual respect’, and ‘concord’ – must come to the fore.

*This article is based on our study for the European Parliament’s Committee on Constitutional Affairs, UK Withdrawal (‘Brexit’) and the Good Friday Agreement. It is available to view/download from the [European Parliament website](#) and from the [Queen’s on Brexit website](#).*

*This post represents the views of the author and not those of the Brexit blog, nor the LSE.*

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