

Playing with fire: Brexit and the decay of the Good Friday Agreement



*To Brexit negotiators, Northern Ireland is a complex nuisance. But the crisis has exposed the slow decay of the Good Friday Agreement and the EU multilateralism that was holding this divided society together, writes **Duncan Morrow (Ulster University)**. The bedrock of co-operation between London and Dublin is shattering and the consequences may be lasting.*

Putting an end to decades of violence in an impossibly polarised society required a masterpiece of political architecture. In the face of hair-trigger fragility, the Belfast or Good Friday Agreement showed astonishing diplomatic subtlety: hard-wired where possible, and soft and expansive where necessary (even agreeing on two names). The hard legal architecture of the Agreement was designed to lock in the seemingly impossible political institutions. But flexibility was equally essential to protect reconciliation from the inevitable but unpredictable problems: to absorb the aftershocks in the political ‘ring of fire’ of Northern Ireland, and to meet pragmatic accommodations and negotiated retreats – without triggering humiliation.



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Thus were Unionists reluctantly persuaded to concede that setting their face against all Irishness in the north was a hopeless cause. Likewise, republicans were cajoled into abandoning their pursuit of a United Ireland through violence, and accepting that it was postponed into an indefinite future. The complexities of antagonism demanded that the letter of the Agreement could sometimes be reconfigured – and some room to manoeuvre was understood to be vital. The ‘bedrock’ (or backstop?) was British and Irish governments agreement to agree to undertake all necessary action to maintain the fundamental direction of travel, or at least to prevent any return to violence.

The entire peace project can only be understood as the fruit of years of prior commitments starting with the Anglo-Irish Agreement 13 years earlier, when both governments “wishing further to develop the unique relationship between their peoples and the close co-operation between their countries as friendly neighbours and as partners in the European Community” recognised

“the major interest of both their countries and, above all, of the people of Northern Ireland in diminishing the divisions there and achieving lasting peace and stability”.

Ten years on, the inter-governmental 'framework documents' unambiguously declared that "the most urgent and important issue facing the people of Ireland, North and South, and the British and Irish Governments together, is to remove the causes of conflict, to overcome the legacy of history and to heal the divisions which have resulted." To this end, both governments agreed that this new framework would "develop to keep pace with the growth of harmonisation and with greater integration between the two economies." They held out the hope that "the divisive issue of sovereignty might cease to be symbolic of the domination of one community over another" and that "the relationship between the traditions in Northern Ireland could become a positive bond of further understanding, co-operation and amity, rather than a source of contention, between the wider British and Irish democracies."

In this light, the British and Irish were not so much guarantors of the specific text of the Good Friday Agreement (the hard wiring) as guarantors of the Agreement as the centrepiece of a deeper historic project (away from violence and towards reconciliation, tolerance and mutual trust). Crucially, their relationship as partners in an open-bordered European Community/Union was the bedrock which underpinned harmonisation, flexible understandings of sovereignty and efforts to resolve the Northern Ireland conundrum in a spirit of reconciliation, rather than domination or resistance.

But British-Irish partnership on the GFA approach was more than implied in the text: it was presupposed and utterly essential. Only in this context does the Agreement add up— in its constitutional and citizenship radicalism, in the doctrine of parity of esteem, in the primacy of human rights and in the inter-connectedness of three intercultural, intergovernmental and international strands.

Nobody wrote the theory down in black letters in 1998, because any attempt to do so would have brought all practical progress to an immediate halt. The wisdom of softly-softly dictated that Unionists and Nationalists could sign up to the specifics – as long as they were not required to give up nationalism. While both Unionists and Nationalists acknowledged reconciliation, but mostly as a 'least worst' compromise, they were bought to the table through conceding the right to remain ideologically opposed while sharing in practice.

At the same time, the soft edges of detail were only credible because they stood on a bedrock commitment to negotiated inter-state partnership. The risk, inevitably, was that flexibility and imprecision would decay into fudge: that a commitment to reconciliation ('positive peace' in the jargon) would decay into buying off the potential for violence (negative peace) and then indifference. In reality, however, that could only happen with the permission or neglect of the governments, who remained, both formally and informally, in ultimate authority.

Disastrously, this appears to be what happened., although the decay of British and Irish governmental commitment to their own core project since 1998 was largely accomplished by stealth. The key moments can, however, be identified: after the collapse of the Assembly in 2002, the governments moved from pursuing the highest common factor (reconciliation) to securing the lowest common denominator (stability and devolved government). The demands of partnership were loosened to focus on the security and political hard core, illustrated by the abandonment of offending elements of the 1998 Agreement at St Andrews. The theory then was that devolution would lead to a shared future and lead reconciliation, not vice versa. That theory has proven flawed in practice, as the vision of the Agreement gave way to the loveless marriage of forced coalition punctuated increasingly by extended 'time on our own'. Within weeks of taking office, 'shared future' policy had been discarded and stability seemed increasingly dependent on finding sufficient resources to support partisan projects.

The arrival of devolution coincided with the world financial crisis and with new leaders, governments and priorities in both London and Dublin. With each step, the interest of either government in direct responsibility in Northern Ireland or making more than occasional gestures declined further. Once policing was devolved after a serious crisis in 2010, the engagement of the governments was always preceded by crisis., albeit with increasing regularity and rising frustration. Still, London and Dublin restricted themselves to desperately patching up the leaking ship – as bystanders around the Haass talks in 2013, as donor-participants in Stormont House in 2014 and Fresh Start in 2016.

Over time, the governments proved willing to set aside any parts of the text of the Agreement where they judged it might upset the governing arrangements of Northern Ireland. Positive aspirations were always postponed until negative peace was assured. The declared principle was that the less important aspects should be sacrificed for the prize. Thus no serious effort was made to reform the obviously flawed mechanisms of the Assembly. Other parts of the deal were in practice treated as 'decorative', including the Civic Forum, any Bill of Rights or significant action to promote integrated education. Yet while devolution was kept on the road, there was still no sign of reconciliation, tolerance and mutual trust.

None of this might have surfaced beyond Northern Ireland, if the Brexit crisis had not shaken the British-Irish partnership itself. It seems clear that nobody in the Conservative party – neither David Cameron nor the Brexiters – thought much about their commitments under Good Friday Agreement. But once the foundations shook, commitments by both governments and the European Union that 'the Good Friday Agreement would be upheld in all of its parts' were exposed as essentially uncertain given the careful pragmatism of previous years. Even worse, the systemic complacency about the Agreement's core purpose – reconciliation, tolerance and mutual trust – leaves important issues at risk.

In Northern Ireland, Brexit as economics gives way to Brexit as politics, because stability in Northern Ireland was implicitly dependent on the kind of harmonisation and multilateralism made possible by the EU. Since 1985, Britain and Ireland could be partners more often than opponents, the four freedoms shaped a common approach to outsiders on both islands, and permanent, mutually interchangeable citizenship turned out to be feasible. So queues of lorries in Dover are an economic challenge: queues of lorries in Newry are a constitutional crisis. In the absence of an underpinning commitment to manage and nudge Northern Ireland towards a shared future in which Britishness and Irishness are as seamlessly engaged as possible, the future becomes a matter of fingers crossed and breath held.

Textual disputes about what does or does not breach the Agreement in Brexit have become the order of the day. While one side upholds the absolute nature of UK sovereignty, the other points to parity of esteem, North-South bodies and the couple constitutional balance. All of a sudden, the text, and only the text matters, and there is no master-interpreter. But if the text was always secondary to the new relationship, the text alone cannot carry the weight of the choices. If reconciliation is now to be relative rather than absolute – and agreed sovereignty to be interpreted as unconditional sovereignty – the consequences are going to be unpredictable.

Without devolved government for over 500 days now, Britain and Ireland cannot agree on what comes next for Northern Ireland. Caught between their reliance on the DUP at Westminster, the desire not to have to become embroiled once more in managing Northern Ireland, and the possibility that one false move could over-balance the entire Brexit strategy, the British approach for 18 months has been to hold their breath in an astonishingly brazen performance of 'government by absence'. Without any obvious alternative, the result has been the short term death of politics in Northern Ireland. Northern Ireland's input to Brexit was largely reduced to the contradictory politics of the DUP in London and Sinn Fein in Dublin.

Some, of course, have seen this as their moment of opportunity. The DUP, Jamie Bryson and Kate Hoey MP always opposed the Agreement's internationalism and have openly encouraged this collapse – some with more candour than others. But without an unbreakable commitment to British-Irish partnership, reconciliation in Northern Ireland inevitably falls apart: at the very least politically, at the worst in a frightening way.

Searching for a soundbite in 1998, Tony Blair reached for the 'hand of history'. Although the phrase was the subject of some ridicule, it was clear that he had also caught the weight of the Good Friday moment. It is important to remember that in Northern Ireland Brexit is not only economics or politics: it is history.

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

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