

# **Brexit's Implications for the Future of Governance of Northern Ireland**

**Dr. Paul S. Adams**

Associate Professor of Political Science  
Chair, Behavioral Sciences Division  
University of Pittsburgh at Greensburg



**European Union Studies Association International Biennial Conference**

**MAY 11, 2019**

**DENVER, COLORADO**

**PANEL: THE IMPLICATIONS OF BREXIT FOR BRITISH AND EU (DIS)INTEGRATION**

This is a draft portion of a larger, multi-chapter project still under development. Please do not cite or share without the author's explicit permission. Some portions of this paper are brief summaries of larger chapters or those still under development.

While Northern Ireland continues without a functioning executive for nearly twenty-nine months, the governing crisis reinforces many fundamental political dilemmas since the Good Friday Agreement of 1998. While much of the agreement focused on the power-sharing arrangement between nationalist-Catholic and unionist-Protestant political parties and communities, it also codified long-standing issues and dilemmas of sovereignty over Northern Ireland. While the Republic of Ireland removed constitutional and legal claim to the North, the agreement did allow the possibility of a future self-determination vote that could result in unification of the North with the Republic (Stevenson 2017). The issue of such a vote, called a border poll, has left the future of Northern Ireland's permanent status as one of continuing contestation. Yet, if either British or Irish sovereignty are the exclusive choices for the future of Northern Ireland, it is not surprising that polarization and stalemate have been the result. The possibility of Brexit heightens and intensifies the already existent stalemate in numerous ways – a hard border, less permeability and mobility of citizens, and trade and investment disruption (Todd 2015, Stevenson 2017). It would also threaten critical planks of the republican support of Good Friday. This is unfortunate as there are possible solutions to the governance crisis in Northern Ireland. A modified consociational arrangement could be the guide to shared sovereignty over Northern Ireland, retaining devolved government but under co-sovereignty of the UK *and* Ireland. This requires a re-examination of the conventional tenets of sovereignty and empirical variances to these ideals.

Brexit threatens to make not only the current governing structure in Northern Ireland potentially untenable but would also likely stifle future Northern Irish peace as it would shutoff many possible solutions to its ongoing governance conundrum (Todd 2015, 2016). As Stevenson suggests, the Belfast Agreement rests on an “exceedingly delicate balance” of sovereign guarantors, the UK and Ireland as well as the European Union, which would be destabilized by Brexit (2017). This research will analyze governance in Northern Ireland within the context of *co-sovereignty* and the implicit and explicit threats that Brexit imposes on Northern Ireland. It is herein argued that Northern Ireland could be a groundbreaking model of co-sovereign governance but such a future is far less likely and practical if Brexit occurs. The research will analytically utilize existing political science theory relating to sovereignty and co-sovereignty as well as empirical examples of co-sovereignty, consociationalism, and European integration to construct a model of future Northern Irish governance. It will also analyze the many threats to the current and future models of governance in Northern Ireland created by Brexit. While Brexit is typically linked to serious issues of trade, citizenship, and mobility between Northern Ireland and the Republic of Ireland, it is also a destabilizing element of the current Good Friday system as well as a significant impediment to solving the North’s long-term challenges of governance (Todd 2015, 2016; Stevenson 2017).

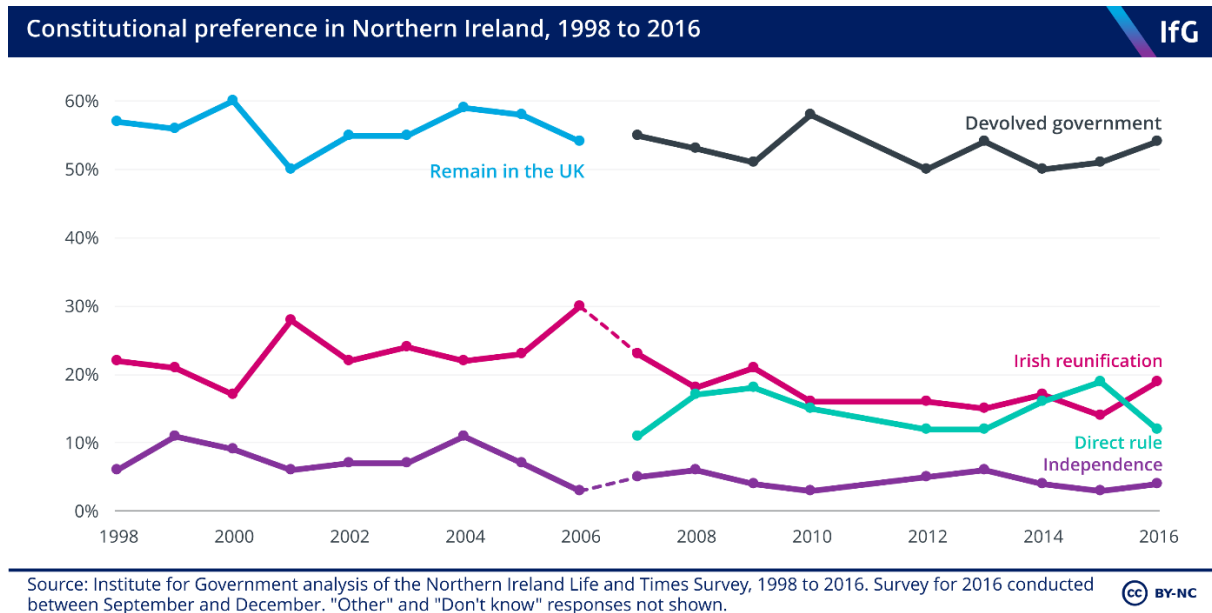
### Context

While Northern Ireland has continued without a functioning executive and assembly since January 2017, the political stalemate reinforces dilemmas of governance since the Good Friday Agreement, also known as the Belfast Treaty, of 1998. While much of the agreement focused on the establishment of a consociational power-sharing arrangement between

Catholic/ nationalist/republican and Protestant/unionist/loyalist parties and communities, it also codified issues of sovereignty for the region. Sovereignty over Northern Ireland was established as de jure part of the United Kingdom while the Republic of Ireland removed its constitutional claims to the North. However, the agreement (and the implementing legislation of the Northern Ireland Act of 1998) also created a self-determination option (known as the Principle of Consent) that could result in unification with the Republic of Ireland (Todd 2015, Stevenson 2017). While the Good Friday Agreement solved many nagging civil and political rights issues, it also left open a significant question regarding the future status of Northern Ireland in terms of sovereign authority.

Changing voting patterns, demographics, and conditions suggest that republicans could have the eventual ability to call a referendum on unification with the Republic. Sinn Féin, the dominant nationalist party in Northern Ireland, nearly became the largest overall party in the Northern Ireland Assembly (NIA) in the 2017 elections, falling just one seat short of the Democratic Unionist Party (DUP), the dominant unionist and loyalist party. The threat of growing Sinn Féin power and the possibility (even remote as it is at this point) of a successful border poll pushes unionist and loyalist voters to the party and candidates that most vehemently oppose such a future, the DUP. The DUP has expressed the wish to put a border poll off “for generations” (Gordon 2017). Nationalist and republican voters have similarly begun more consistent strong support of Sinn Féin, the party generally most associated with eventual reunification (though the moderate nationalist Social Democratic and Labour Party (SDLP) has also explicitly stated that reunification is a long-term goal) (SDLP 2017, *The Economist* 2018b). Nonetheless, overall support for unification remains modest (Institute for Government 2018,

*The Economist* 2018b). Further, while most citizens of the Republic of Ireland have positive attitudes towards reunification, it is unclear if this is a priority and whether the Republic of Ireland wishes to *fully* reunify with the North. While public and leader opinions often rhetorically support the proposition of reunification, it is not necessarily viewed as a high priority nor would that support be sustained if economic costs are significantly more than expected (Stevenson 2017, Coakley 2018, *The Economist* 2018b). Brexit certainly has changed the emphasis on the border poll issue. However, just a few days after the Brexit vote, Sinn Fein demanded a referendum. (*The Economist* 2018b) The Irish Taoiseach, Leo Varadkar, has indicated that he does not believe that a referendum is appropriate in the near future, mostly due to lack of current support in the North, despite being generally in favor of eventual reunification (Duggan 2017).



The increasing polarization of Northern Irish politics between the DUP and Sinn Féin has grown over the past 20 years, moving the system from a more centrist multiparty system to a

two-party system dominated by what are considered the more polarized parties (Raymond 2017, Matthews & Pow 2017, Adams 2018, *The Economist* 2018b). This has contributed to the current stalemate in the executive that has continued for over two years. At the heart of those two largest parties lies the issue of sovereignty and the future status of Northern Ireland.

This research argues that the current political stalemate is ultimately predicated upon the issue of sovereignty and the future status of Northern Ireland left open by the Good Friday Agreement (Todd 2015, 2016). The 1998 treaty essentially leaves but two options – remaining in the United Kingdom (UK) under the current devolved status or unification with the Republic of Ireland. If these are the exclusive choices, polarization and stalemate is likely. Sinn Féin could strategically plan for the long term in which they become the largest party in the North and ultimately through political support and demographic changes are able to attain the level of support needed for a successful self-determination referendum and unification with the Republic. In 2018, the leader of Sinn Féin in Northern Ireland, Michelle O’Neill, even suggested a vote within the next five years (Belfast Telegraph 2018). However, for unionist and loyalist voters and the DUP, the long-term prospects are less optimistic and hence efforts and strategies have been undertaken to undermine the current trajectory – eroding devolution by keeping the executive dissolved, Brexit with a hard border between the North and Republic – serious barriers to any future efforts at unification with the Republic (Gordon 2017, Stevenson 2017).

As herein argued, the ongoing political stalemate is founded upon the open-ended issue of the status and sovereignty over Northern Ireland. With the two given options, remain in the UK or unification with Ireland, it is unlikely that this stalemate will end anytime soon.

Polarization and divisions may grow wider and undermine the entire Good Friday system itself (Todd 2015, Raymond 2017, Stevenson 2017, Adams 2018). However, the range of options is perhaps not as dearth as it appears. Built into the Good Friday Agreement is an option that could be the guide to *co-sovereignty* or *shared sovereignty* over Northern Ireland, retaining devolved government but under co-sovereignty of the UK *and* the Republic of Ireland. The Good Friday Agreement, to some extent, does envision some limited bilateral co-governance of Northern Ireland through the British-Irish Intergovernmental Council (BIC), modeled on the concept of the Council of Ireland developed during the Sunningdale Agreement of 1973, an earlier (and failed) peacebuilding and governance system for Northern Ireland. The North-South Ministerial Conference (NSMC), providing legislative agenda and facilitation between the Irish Dáil (parliament) and the Northern Ireland Assembly, is another cross-border institution created by Good Friday. The concept of shared or co-sovereignty is therefore, at least in a limited way, already present in the Good Friday Agreement and the current governance model of Northern Ireland. However, implementing a more overarching, salient, and permanent system of co-sovereignty would require significant reorientation, revision, and perhaps even replacement of the Good Friday Agreement. It would require political leaders, voters, and parties in the UK, Ireland, and Northern Ireland to conceptualize sovereignty differently than what has been widely accepted.

This reexamination of the tenets of sovereignty may be key to a solution for Northern Ireland. While the convention of sovereignty is that of a global order divided amongst states with monopolistic authority over territory and population, there have always been exceptions and ill-fitting empirical cases. Historical examples of shared or co-sovereignty present

alternatives for the future of Northern Ireland in which it is *both* in the UK and Ireland concurrently. It is herein argued that the two most commonly proffered futures are not plausible at all, and Northern Ireland could be a successful and groundbreaking model of co-sovereign governance. Yet, the threat to such a future exists not only in the possible break down of the Good Friday Agreement but also in the threat from Brexit, which would make any shared or co-sovereign option exceedingly difficult – perhaps to the level of impracticality (Todd 2015, 2016).

### Conceptualizing Sovereignty

The concept of sovereignty is nested in both the comparative politics and international relations literature within political science. The term itself has a multitude of dimensions, as indicated by Krasner and others, yet for this research it will focus upon the Westphalian and legal dimensions of sovereignty (Krasner 2001). The Westphalian and international legal dimensions of sovereignty are those that excludes any external actor or force from legal authority over the “domestic” (Krasner 2001). The theoretical hegemony of the concept of Westphalian and legal sovereignty have become one of the entrenched “truths” in how policymakers and citizens view the international order. This Westphalian and legal conceptualization of sovereignty, encompassing that territory and peoples are under the monopolistic authority of a single state, has become a cornerstone in the fields of comparative politics and international relations (especially among the realist, neo-realist, and English schools). However, the narrow application of this conceptualization of sovereignty also impedes the creation of political solutions to many lasting international political disputes (Krasner 2001).



This research argues that this is essentially the crux of the Northern Ireland dispute and ongoing political stalemate, a highly constrained identification of sovereignty as a binary set of options. Northern Ireland must either be part of the UK or part of Ireland and hence with those two lone options, political conflict and stalemate results. Sovereignty has been at the core of the disputes and conflicts in Ireland and Northern Ireland and the current stalemate reflects an ongoing utilization of sovereignty as the central problem of the status of the North.

### The Sovereignty Dimensions of the Northern Ireland Conflict and Peace Agreement

With the partition of Ireland as part of the Anglo-Irish Treaty of 1921 following the Anglo-Irish War of 1919-1921, the status and sovereignty over of Northern Ireland became central to the disputes that engulfed the region for the next 75 years. The creation of the Irish Free State, later the Republic of Ireland, without encompassing the region now known as Northern Ireland was a source of conflict in both the early Free State and in the North for many decades. Many nationalists and republicans opposed the partition of the island and other conditions of the Anglo-Irish Treaty of 1921 while most unionists saw the partition and permanent attachment of Northern Ireland to the United Kingdom as a the least worst outcome (Coakley 2018). Ultimately, the disputes centered on sovereignty over Northern Ireland. Many nationalists and republicans in both north and south viewed partition as an example of the new Irish state and its supporters ceding sovereignty over inviolable Irish lands (Coakley 2018). For unionists seeking to remain part of the UK, the loss of the rest of the island was significant as there were many Protestants throughout Ireland especially in and around Dublin. However, as the largest Protestant and unionist populations were concentrated in the north, the treaty did provide a guarantee of continuing British sovereignty over that region and

hence placated the worst fears of Northern unionists and Protestants – becoming a minority in a majority Catholic, full-island Irish state (McKittrick and McVea 2012).

The Irish Free State was a product of the Anglo-Irish Treaty of 1921 and its constitution and state identity were bound by it for the next 15 years. In 1937, the Eamon De Valera-led Irish government did adopt a new and fully “Irish” constitution that included language that extended Irish claims over the entirety of the island. Articles 2 and 3 of the Irish Constitution of 1937 implicitly and explicitly define Éire as the entire island, including Northern Ireland (Gallagher 2018). While the de jure definition of the state of Éire certainly included the north, the de facto situation was one in which the status of the north became increasingly less salient in the Republic’s politics (Coakley 2018). With the establishment of the Republic of Ireland in 1948 and the final breaking of all Commonwealth and residual British ties to the Irish state, Northern Ireland remained unequivocally under British sovereignty and not a matter of major concern for the Republic that was facing its own challenges of economic poverty and underdevelopment (Coakley 2018).

In Northern Ireland however, the sovereignty question never did dissipate from the public, social, economic, and political foci of the population, its leaders, and the major socio-political actors. The Irish Republican Army (IRA) and Sinn Féin continued to oppose the status of Northern Ireland as part of the UK, and at varying times increased paramilitary and protest operations against the British system, police, and the Parliament of Northern Ireland, known as Stormont, dominated by the Ulster Unionist Party (UUP) (McKittrick and McVea 2012). The IRA and Sinn Féin were predominantly concerned with reunification, the transfer of sovereignty from the UK to the Irish Free State/ Éire /Republic of Ireland as a fundamental foundation their

policies and ideologies. The period of the Troubles that began in the late 1960s may have initially emerged as a civil rights campaign by Irish Catholics in Northern Ireland, but once it met with violence, the resurgence of the IRA and Sinn Féin rekindled the issue of sovereignty over Northern Ireland for the next 30 years (McKittrick and McVea 2012).

Ultimately, the Good Friday Agreement of 1998 did directly address the issue of sovereignty in a number of critical ways. First, as part of the agreement the Republic of Ireland agreed to amend its constitution and remove elements of Articles 2 and 3 that made claim to the North. This was passed by referendum in 1998 by the voters in the Republic and hence the constitution was so amended (Todd 2015, Stevenson 2017, Gallagher 2018). At the same time, the status of Northern Ireland was established as undeniably under the sovereignty of the United Kingdom (Todd 2015). One critical element here is the concession by the Republic of Ireland, the IRA, and Sinn Féin on the issue of the status of sovereignty over Northern Ireland. However, included in the agreement was the consideration of future self-determination that could result in a change of sovereignty based upon the “principle of consent”. As found in the Good Friday Agreement and the Northern Ireland Act of 1998:

Status of Northern Ireland.

(1)It is hereby declared that Northern Ireland in its entirety remains part of the United Kingdom and shall not cease to be so without the ***consent of a majority of the people of Northern Ireland voting in a poll*** held for the purposes of this section in accordance with Schedule 1.

(2)But ***if the wish expressed by a majority in such a poll is that Northern Ireland should cease to be part of the United Kingdom and form part of a united Ireland, the Secretary of State shall lay before Parliament such proposals to give effect to that wish as may be agreed between Her Majesty’s Government in the United Kingdom and the Government of Ireland.*** (The National Archives, 2018)

In essence, the Good Friday Agreement did reach a conclusion regarding the sovereignty over Northern Ireland, but one that was temporary and limited by the unknown future (Todd 2015, Stevenson 2017).

While the Troubles, and the commensurate violence associated with the conflict in Northern Ireland, diminished tremendously from 1998, the debate and dispute over the status of Northern Ireland has certainly not waned (Stevenson, 2017, *The Economist* 2018b). To a large extent, the Good Friday Agreement obtained peace and stability in the short term by solving many of the fundamental civil and political rights questions of the Troubles but left a rather large open-ended question regarding the future of the region as either part of the UK or part of the Republic of Ireland. Other options were absent or omitted other than rather less powerful institutions like the BIC and NSMC. The Belfast Treaty codified a very narrow conception of sovereignty that translates into one of only two options – either Northern Ireland is part of the UK *or* it is part of the Republic of Ireland. Hence, the agreement and the political system built upon the agreement reflects a binary sovereignty condition for the region. This research argues that this open-ended sovereignty question is the primary driver of political stalemate and dysfunction in the Northern Ireland Executive and the growing polarization of political parties and voters in the region. In essence, sovereignty is the cause of the current stalemate and future governance of Northern Ireland hangs in the balance if there cannot be a solution to the sovereignty conundrum created by the Belfast Treaty.

## Shared Sovereignty and Other Options

Krasner's concept of shared sovereignty does provide a useful starting point in discussion of other options for Northern Ireland other than the binary options found in the Good Friday Agreement. Krasner defines shared sovereignty as:

Shared-sovereignty entities are created by a voluntary agreement between recognized national political authorities and an external actor such as another state or a regional or international organization. Such arrangements can be limited to specific issue areas like monetary policy or the management of oil revenues. The legitimacy of shared-sovereignty institutions would depend at first on their voluntary negotiation by internationally recognized national political authorities. (Krasner 2005)

While much of Krasner's and other scholars work on shared sovereignty focuses on the developing world and post-conflict societies, this research argues that it may be applicable and relevant to Northern Ireland (Krasner 2004, 2005). One possibility is that of shared or co-sovereignty in which Northern Ireland is concurrently part of both Ireland and the United Kingdom.

While most traditional views of sovereignty suggest that a single state has monopolistic control over territory and population, Krasner's concept of shared sovereignty may be applicable to this case but certainly is not a perfect fit. A co-sovereign Northern Ireland would be one of equal co-sovereignty between the UK and Ireland. In the existing theory and cases of shared sovereignty, the relationship between the sharing sovereigns is often unequal, limited, or otherwise functionally divided (Krasner 2004, 2005). Hence rather than using the phrase *shared sovereignty* it would be more accurate to use the term *co-sovereignty* which reflects a

more equal and codetermined relationship between two (or more) actors with sovereignty over a specific region and people.

The form of co-sovereignty that seems most potentially appropriate for Northern Ireland would be that of a condominium, a territory that is under joint or co-sovereign rule (Samuels 2008). Examples of shared or co-sovereignty are actually quite numerous, albeit fairly minor in terms of populations and geographic size. These will be detailed in later iterations of this work. However, there are many recent and historical cases including the New Hebrides under British-French co-colonization, the Anglo-Egyptian Sudan in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, Anglo-French Cameroon during World War I, Andorra, ancient Cyprus, and numerous others. The New Hebrides under Anglo-French rule is perhaps the longest lasting modern condominium and was not without flaws. The British-Egyptian Sudan was another example but one that was highly unequal in favor of British power and interests. Most recent historical examples of condominiums were imperial or colonial cases and hence there is certainly some applicability issues when viewed as a product of imperialism or conquest. However, a modern version of a condominium, within a democratic, consociational, and devolved would be quite different in form and function than the historical cases.

A possible solution to the current stalemate and political dilemma in Northern Ireland would be to move beyond the Good Friday Agreement and locate a long-term co-sovereign solution that could satisfy the citizens and major parties, allowing government to move forward with some knowledge and certainty about the future of the territory. The constitutional status of Northern Ireland is at the heart of the ongoing political conundrum as well as the future of the territory. Rather than viewing the options as only a binary set of choices, continue as part of

the UK or unification with the South, both of which are unacceptable to a large share of the polity, other options must be explored.

### Devolved Consociational Co-Sovereign Governance in Northern Ireland

This research argues that the most stable future for Northern Ireland may be one of co-sovereign governance. But it also argues that highly devolved and consociational government is also necessary. Too much authority from London and Dublin would antagonize the major parties and actors and hence, the devolutionary part of Good Friday must be retained. The need to have the consociational elements and institutions implemented under Good Friday are just as important. The consociational elements of the Good Friday Agreement and Northern Ireland Act of 1998 are an integral and foundational element of the power-sharing governance structure in the region. The concept of consociational democracy was primarily developed by Arend Lijphart and includes key elements found strongly institutionalized in the Good Friday system. Lijphart defines consociationalism a form of democracy which seeks to regulate or limit political power in a state that comprises distinct ethnic, religious, national or linguistic groups, by allocating these groups collective rights (Lijphart 1968, 1969) Lijphart, and later others, identify four major necessary traits of consociational democracy:

- Executive Power-Sharing – forming a 'grand coalition' with leaders representing all significant segments of society. The institutional expression of the 'grand coalition' is a multi-party cabinet.
- Mutual Veto – giving groups within a state the right to veto the government's decision-making, It will thus be necessary to reach mutual agreement among all parties in the executive.
- Proportional Representation – enabling groups to be a part of the state's decision-making and to have their voice heard in the highest instances of policy-making.

- Segmental Autonomy – giving minority groups the possibility for self-rule within the boundaries of the state.

All four elements are in the Good Friday Agreement and subsequent institutional developments for governance in Northern Ireland after 1998. These have become not only entrenched but necessary elements of any future model of governance in Northern Ireland. Ironically, many consociational elements are responsible for the current stalemate and suspended executive. Nonetheless, the consociational elements are integral to the current as well as future governance of the region.

One overlooked element of the Good Friday Agreement was the significant devolution of authority and political autonomy to the Northern Ireland Assembly and the power-sharing executive. The 1973 Sunningdale Agreement, usually argued to be a predecessor and model for the later Good Friday Agreement, actually had considerably less devolved power built into the agreement (Tonge 2008). The Good Friday Agreement went further than just establishing a power-sharing executive and Northern Ireland Assembly but also gradually transferring and devolving authority in many key areas to the regional government and its institutions (Tonge 2008, McKittrick and McVea 2012). Devolution of authority was limited to some policy areas and not all aspects of governance. The Northern Ireland Act of 1998 created, per the Belfast Treaty, three groups of powers – *transferred, reserved, and excepted*. Transferred powers were those immediately or gradually devolved to the Northern Ireland Assembly and the power-sharing Executive. This was not done all at once and numerous additional agreements, such as the St. Andrew's Agreement of 2007 and the Hillsborough Agreement of 2010, ultimately were required for full devolution of these transferred powers over time. Transferred powers included



education, agriculture, environment, justice, policing, and others. Reserved powers are those that could be devolved, depending upon conditions and advances in Northern Ireland. These include issues of civil aviation, minimum wage, units of measurement, national lottery, internet, telecommunications, and other policy areas. Excepted powers are non-transferrable and include national elections, the powers and authority of the British parliament, nuclear energy, immigration, and other areas of national policy (National Archives 2018).

A co-sovereign future for Northern Ireland would require a significant revision of the reserved and excepted powers clauses on the agreement and act. Making Northern Ireland fully co-sovereign would entail necessary changes to how these powers and authorities are governed and conceptualized in a co-sovereign territory. This would be no small feat as many of these issues are at the heart of unionist and loyalist identity and would need to be carefully reconstructed and protected but in a co-sovereign manner.

Any co-sovereign future for Northern Ireland would be a complex system, requiring economic, social, and political integration and cooperation on a transnational scale. It would fundamentally change the structure of Northern Ireland's constitutional status. It would also be the largest experiment in shared or co-sovereignty in the modern era. The power-sharing and community autonomy features of consociational democracy are also critical to any long-term solution for Northern Ireland's governance. In essence, such a system will be challenging to construct and implement. Perhaps no impediment to this model is more threatening than the impending withdrawal of the UK from the European Union (EU) (Todd 2015, 2016; Stevenson 2017). Brexit poses numerous challenges to the current Good Friday Agreement but also any possible co-sovereign future is far more unlikely. Beyond the obvious threats to cross-border

migration, trade, and investments, Brexit strikes at the heart of any co-sovereign future for the region.

There are numerous reasons why co-sovereignty may provide more acceptable and consistent governance for Northern Ireland than either unification with the Republic of Ireland or remaining in union with the UK. In terms of identity, a fairly large number of Northern Irish residents do indicate that they are neither Irish nor British. An increasing share self-identify as “Northern Irish” which does provide the basis of need for some new political model of governance that encompasses Irish, British, and Northern Irish identities. Continuing lack of support for unification also means that the border poll route is neither practical in the near future nor ideal given the potential backlash from unionists and loyalists in the North. By creating a system of co-sovereignty where citizens can identify as Irish, British, or Northern Irish (and carry passports that reflect this reality) it may diffuse much of the ongoing division over the future of the region.

### The Challenges of Brexit to Governance in Northern Ireland

Brexit poses several fundamental challenges not only to the existing, if non-functioning, Good Friday system of governance but also to any future form of governance that could be implemented for Northern Ireland as well (Todd 2015, 2017; Stevenson 2017). The political consequences of Brexit to Northern Ireland are numerous but can be categorized in five mutually-reinforcing areas: socio-political challenges, institutional challenges to the Good Friday system, challenges to Anglo-Irish relations, economic-to-political challenges, and challenges to revision of the Good Friday System.

## *Socio-Political Challenges*

Identity politics, which had been placated to some extent through membership in the EU and a seamless border between North and South, has now re-emerged with a vengeance (Stevenson 2017). The benefits of dual citizenship, the porous border, and increasing north-south cooperation, commerce, and integration weakened the power of identity and helped the North be more peaceful and more prosperous (Stevenson 2017, *The Economist* 2018, 2018b). Stevenson cites militants from both loyalist and nationalist communities that supported the concept of peace through European integration between Northern Ireland, the UK, and the Republic (Stevenson 2017). Brexit has reignited many of these divisions and increased fear and uncertainty. The Brexit referendum vote itself became an identity-based poll illuminating the stark divides between republicans, unionists, and loyalists. Historian Diarmaid Ferriter has suggested that the border is not just a technical trade issue but one that is psychological and social and integral to the 1998 agreement. Hence Brexit's threat to re-impose a hard border is a threat to the "hard-won peace" (de Freytas-Tamura 2019, Kingsley 2019a, *The Economist* 2018b). Cathy Gormley-Heenan of Ulster University suggested that the "true border is in the mind, not on the ground" (*The Economist* 2018b). Some hardline republicans even welcome a hard border as it would be a useful tool for recruitment (Kingsley 2019a). Even in the Republic, the Irish are viewing Brexit as cause for increasingly suspicion of and defiance against British interests (de Freytas-Tamura 2019). The largest concern is of course that Brexit rekindles the kind of pre-1998 violence that Good Friday ultimately ended. Stevenson documents significant rekindling of republicanism in the wake of the Brexit referendum and suggests that while most analysis sees Sinn Fein and the republican movement as mostly "tamed", the conditions are

perhaps ripe for renewed militancy (Stevenson 2017). While this might be exaggerated, the border infrastructure itself would be viewed as a violation of the agreement and as targets by more radical nationalists (*The Economist 2018b*).

In Northern Ireland, increasing tensions and unhappiness in the sectarian communities correlates with economic and political woes exacerbated by Brexit. The recent shooting of journalist Lyra McKee in the Bogside neighborhood of Derry, while tragic, also reflects an increasing tension and distress in many Northern Irish communities. Economic pressures and slower growth since the Brexit referendum have hardened many whom now revert back to traditional republican and loyalist identities. In the Bogside, poverty is still a significant issue even though it had declined in overall numbers since 1998. The impacts of the 2007-2008 recession were still significant as well. Nonetheless, the threat of Brexit has seen significant increase in republican activities in areas of Derry and elsewhere (Kingsley 2019a). Even if the New IRA members and the shooter of McKee have been condemned by the mainstream republican movement, it is still a sign of problematic and incomplete peacebuilding (Kingsley, 2019a, *The Economist 2018b*).

#### *Institutional Challenges to the Good Friday Agreement*

The Good Friday Agreement includes many elements that are predicated on an open border and Irish and British membership in the European Union. As Stevenson suggests “an increasingly integrated Europe created economic incentives and political ideas compelling enough” to create will for peace (Stevenson 2017) Dual citizenship, the open border, increased trade, tourism, investment, and economic interchange of all forms are embedded elements of the agreement (Stevenson 2017, de Freytas-Tamura 2019). The creation of the NMSC and BIC

also are predicated upon increasing cooperation, coordination, and integration across the border that would be fundamentally threatened by Brexit (Todd 2015, 2016). In essence, the Good Friday Agreement has Irish and British membership in the EU as a foundational assumption for peace. Brexit would fundamentally weaken this major underpinning (Stevenson 2017, Todd 2015).

Todd notably points out that the most susceptible institutions of the Good Friday system to Brexit are the North-South bodies such as the British-Irish Intergovernmental Council as well as the special EU programs that are specifically set up to administer programmatic funding for reconciliation and development in Northern Ireland (Todd 2015, 2016). The weakening of British-Irish oversight of the Good Friday system would be traumatic and would increase the “vulnerability” of the region to destabilizing sectarian forces. The North-South institutions like the NSMC and BIC are fundamental to the Good Friday Agreement but also work more effectively within the confines of the EU. Todd argues that Brexit threatens the funding, foundations, and jurisdictions of the bodies as well as the special EU programmes that underpin them (Todd 2015, 2016).

Todd also argues that the Good Friday Agreement itself was never fully implemented and had had a certain informality that has actually made it far easier to manage. The combination of the lack of a specific British constitution and willingness to be flexible and nimble to some extent helped normalize Anglo-Irish relations and pave a way for the peace process (Todd 2015, 2016). However, this relationship was predicated upon highly integrated institutions within the European integration efforts of the EU as well as high prioritization of Northern Ireland issues by both the UK and Ireland. These diminished after the 2007-2008

recessions as both states had serious domestic fiscal and financial crises that monopolized resources. The EU-wide crises that emerged from 2010 further shifted attention away from Northern Ireland. In this vacuum, the splits between the DUP and Sinn Féin increased without moderation from the largest Good Friday actors (Todd 2015, 2016).

By many accounts, Brexit itself has become a significant obstacle to restarting the power-sharing executive and assembly in Northern Ireland. With Theresa May dependent upon DUP support to remain in power, the DUP- Sinn Féin chasm is only widened. (*The Economist 2018a, 2018b*). The issue of Brexit has stalled previous efforts by the Irish government to restart talks through the British-Irish Intergovernmental Conference (BIC) and has slowed the progress on numerous other cross-border areas of cooperation. May's reliance upon the DUP has limited her ability to directly work with the Irish government on many issues (*The Economist 2018b*). While some cross-border cooperation has continued, the impetus to expand or enlarge such efforts are held hostage by the impending Brexit process.

### *Challenges to Anglo-Irish Relations*

Another facet of the Good Friday Agreement is the increasingly stable and productive ties between the governments of the UK and the Republic of Ireland dating back to the 1970s and 1980s. The Anglo-Irish Agreement of 1985, which became the starting point for negotiations that would eventually become Good Friday, reflected an increasingly productive, professional, and effective diplomatic relationship between London and Dublin (McKittrick and McVea 2012; Todd 2015, 2016). The Queen's visit in 2011 was a highpoint and demonstrated how relations between Ireland and Britain had changed in just a few years (Todd 2015, de Freytas-Tamura 2019). This "normalization" ended as Brexit has antagonized both sides and

sharpened rhetoric and tensions (Todd 2015, *The Economist* 2018b). Theresa May and the Conservative Party committed a sin by forming a governing alliance with the DUP following the disastrous elections of 2017. To Sinn Féin, and many other republicans, the neutrality and good standing of the UK as a partner in the Good Friday system was lost in this deal and has brought significant doubts about the system to the surface (*The Economist* 2018, 2018b). Pro-Brexit supporters in Britain have lambasted Irish demands for a soft border and exit while simultaneously downplaying economic and political costs (*The Economist* 2018b, de Freytas-Tamura 2019). This further exacerbates divisions between the Brexiters and Remainers in the North as well as between Britain and Ireland. One narrative of Brexit that has emerged in Ireland and the North is one of “narrow English nationalism” versus a “progressive Irish modernity” (de Freytas-Tamura 2019). The effects of Brexit will be difficult to mend even if the exit is soft or not at all.

The establishment of a “hard” border between Northern Ireland and the Republic of Ireland would create the largest barrier to any co-sovereign governance model but also would endanger the current Good Friday system (Todd 2015, Stevenson 2017). While the British have argued that a hard border would not be so onerous due to new infrastructure and technologies that would not require inspections and re-imposition of the kinds of border controls that typified the troubles-era boundary, few agree that such technology and practices currently exist. (*The Economist* 2018, 2018b). Even the creation of a soft border (backstop) with a maritime customs boundary between Northern Ireland and the UK is problematic and uncertain. Other options, such as a time-limited backstop or even a customs union of the entire

UK seem unsupported by many in the DUP, the UK, and Brussels as well (*The Economist 2018b, 2018c*).

### *Economic-to-Political Challenges*

The economic woes created by Brexit also have significant political consequences in both the North and the Republic. The Brexit referendum itself had economic consequences for both Northern Ireland and the Republic as investment and economic growth dropped significantly in the North, creating deteriorating economic conditions for the first time in a decade. Irish and Northern Irish firms lost significantly when the British Pound plummeted after the referendum in 2017 (de Freytas-Tamura 2019). Many citizens of the Republic view Brexit as an additional British insult that will also pose real economic injury (de Freytas-Tamura 2019). The agricultural sector in Ireland is particularly susceptible to the effects of Brexit as the UK is by far its largest market for a range of farm goods. Meat and dairy exports account for two-thirds of all agricultural trade, the largest shares going to the UK. Frustration felt by the Irish agricultural sector and the Irish government are themselves consequences of Brexit and the threats to the stability of the Good Friday system and cross-border enterprise (de Freytas-Tamura 2019). More discussion of unification, an issue rarely discussed publically by Irish political leaders, is now commonplace. A no-deal Brexit would be devastating to Irish agricultural exports to the UK where tariffs of nearly 70% could be imposed (de Freytas-Tamura 2019).

In Northern Ireland, increasing tensions and unhappiness in the sectarian communities directly correlates with economic and political woes exacerbated by Brexit as well as austerity budgets from 2007 onward. Economic pressures and slower growth since the Brexit



referendum have hardened many whom now revert back to traditional republican and loyalist identities (*The Economist* 2018b, Kingsley 2019a). Derry's economy is growing more slowly than any other UK city and has one of the highest unemployment rates. More than one third of children live in poverty and in the Bogside that number rises to nearly half. (Kingsley 2019a).

### *Challenges to Reform & Revision of the Good Friday System*

The current conditions, with Ireland and the UK both in the European Union is far more amenable to co-sovereign governance for numerous reasons. Currently, there are no border controls between the Republic and the North and free-movement of goods and citizens is relatively seamless. If Brexit were to be of the hard variety in which Northern Ireland and Ireland were separated by a customs and immigration border, the possibility of co-sovereign governance becomes remote. Ending free movement of good and people would undermine any ability to consider the North as part of the UK and Ireland concurrently as dual citizenship of Northerners would nonetheless require passport control between distinct regions of the Republic. Further, creating a trade and commerce border would hinder or even negate efforts at cross-border investment, employment, and commercial enterprise. Even a soft border in which Northern Ireland remains in a customs union with the EU (and with the Republic) would likely still provide significant barriers to implementing and administering Northern Ireland as part of the UK and Ireland simultaneously. Clearly, maintaining British membership in the EU may be a necessary condition for a future co-sovereign governance model for Northern Ireland. Relations between Ireland and the UK have also been strained by the Brexit dispute. No agreement or reforms can be envisioned without the strong and direct leadership of London and Dublin in the process.

## Conclusion

The Good Friday Agreement has been tremendously successful at ending the violence of the Troubles and establishing a consociational, devolved power-sharing system of governance for Northern Ireland. While the Good Friday Agreement has been tremendously successful in transforming Northern Ireland, where violence and crime rates are lower than in the rest of Britain, it has simultaneously not solved many nagging issues (Todd 2015, 2017; Stevenson 2017, *The Economist* 2018, 2018b). The Protestant and Catholic communities still often lead segregated lives with less than 6% of children enrolled in integrated primary schools and a deadlocked executive and legislature that have not met in over two years (*The Economist* 2018, 2018b). Cross-community relations remain “flammable” (Stevenson 2017). The system has stalled and the polarization of the two major parties, the DUP and Sinn Féin, illustrate that the agreement solved only some problems leaving others open-ended. Many argue, and this research agrees, Good Friday has reached its effective limits, to some extent a victim of its successes and omissions (Todd 2017; *The Economist* 2018, 2018b). Change has slowed and the threat of Brexit heaps additional economic, social, and political pressures onto an already wobbly system.

The recent killing of journalist Lyra McKee has motivated leaders to restart negotiations to revive the executive (Kingsley 2019). While the killing of a young journalist may have appear to be the event that has reignited talks, more properly it should be understood in a larger context of increasingly tensions and unease in Northern Ireland that threatens to not only upend the Good Friday system but the hard won peace. McKee’s death has certainly focused attention of the political leadership in Dublin, London, and the Catholic and Protestant

communities of Northern Ireland that over two years of political stasis has led to deteriorating social, economic, and political conditions (Kingsley 2019). It remains to be seen if these recent talks will lead to any renewal of the power-sharing executive. Even so, this development would be within a context of highly dysfunctional and polarized politics that fails to fundamentally address underlying dilemmas of Northern Irish governance (Todd 2017, *The Economist* 2018b).

The next step is to build upon Good Friday and fundamentally address the largest of the open-ended questions, what is the future of Northern Ireland? The limitations of traditional conceptions of Westphalian and legal sovereignty have delimited options to just two – remain in the UK or unification with the Republic of Ireland. Yet, these options satisfy few of the citizens and their preferences and would likely increase tensions and disputes over time leading to a collapse of the existing peace. Hence, the solution must be one not confined by the narrow choices that traditional conceptions of sovereignty proffer.

By considering a form of co-sovereignty, bolstered by devolution and consociationalism, Northern Ireland could find a more permanent model of governance that is preferred by more of its citizens and addresses the fundamental questions of sovereignty that currently hold the system hostage. Any system in Northern Ireland will also need to account for the idiosyncratic nature of the politics, culture, and historical development of the region to be sure. Integrating the devolutionary and consociational aspects of governance created by Good Friday is paramount. In late 2012 and early 2013, protests broke out at Belfast City Hall over a new policy that would fly the Union Jack or Irish tricolor only certain days per year (Melaugh 2013, Stevenson 2017). Rather than cause rioting and protest, flying both the Irish tricolor and the Union Jack simultaneously over Belfast City Hall is not without possibility.

## Bibliography

Adams, P. (2018). A Year of Stalemate in Northern Ireland's Government: The Specter of Direct Rule. Utica College Center of Public Affairs and Election Research. February 5, 2018.

<https://www.ucpublicaffairs.com/home/2018/2/5/stalemate-in-northern-irelands-government-one-year-on-the-specter-of-direct-rule-by-paul-adams>

Adams, P. (2017). And Now for Something Entirely Different: Confounding UK Election Results. Utica College Center of Public Affairs and Election Research. June 12, 2017.

<https://www.ucpublicaffairs.com/home/2017/6/12/and-now-for-something-entirely-different-confounding-uk-election-results-by-paul-s-adams>

Belfast Telegraph (2018). Michelle O'Neill: Vote on united Ireland within five years. April 1, 2018. <https://www.belfasttelegraph.co.uk/news/northern-ireland/michelle-oneill-vote-on-united-ireland-within-five-years-36764386.html>

Coakley, J. and Gallagher, M. (2018). *Politics in the Republic of Ireland*. Routledge. Oxon.

de Freytas-Tamura, Kimiko. (2019) Amid Brexit Strains, Anglo-Irish Relations are Fraying. *New York Times*, February 23, 2019.

Dixon, P. (2018) What Politicians Can Teach Academics: 'Real' Politics, Consociationalism and the Northern Ireland Conflict in Jakala, M. et al. (2018) *Consociationalism and Power-Sharing in Europe: Arend Lijphart's Theory of Political Accommodation*, Palgrave Macmillan.

Dorney, J. (2015) The Northern Ireland Conflict 1968-1998 – An Overview. February 9, 2015. *The Irish Story*. <http://www.theirishstory.com/2015/02/09/the-northern-ireland-conflict-1968-1998-an-overview/#.W93kCzNRcdV>

Duggan, J. (2017) Q&A: Ireland's Leo Varadkar on Brexit, Trump and Keeping Ireland 'At the Center of the World'. *Time*. July 13, 2017. <http://time.com/4856193/ireland-leo-varadkar-interview-brexit-trump/>

*The Economist* (2017) Northern Ireland is Pitched into Crisis by the Resignation of Martin McGuinness, January 14, 2017.

*The Economist* (2018) Identity Theft: Britain Underestimates Brexit's Damage to Northern Ireland, March 31, 2018

*The Economist* (2018a) Past and Future Collide, twenty Years After a Peace Deal the Mood is Sour in Northern Ireland, March 31, 2018

*The Economist* (2018b) Brexit and Customs: Theresa May's Irish Stew, May 24, 2018.

*The Economist* (2018c) Britain is heading for a Soft Brexit, June 16, 2018.

Elango, L. (1985). The Anglo-French “Condominium” in Cameroon 1914-1916: The Myth and Reality. *The International Journal of African Historical Studies*, Volume 18, Number 4, pp.656-673.

Gad, U.P. (2016). Could a ‘reverse Greenland’ arrangement keep Scotland and Northern Ireland in the EU? July 7, 2016. [Blogs.lse.ac.uk/europpblog/2016/07/07/reverse-greenland-arrangement](https://blogs.lse.ac.uk/europpblog/2016/07/07/reverse-greenland-arrangement)

Gordon, G. (2017). Put border poll off 'for generations', says DUP's Foster. BBC Online. May 31, 2017. <https://www.bbc.com/news/uk-northern-ireland-40104316>.

Institute for Government (2018). May 22, 2018. Irish Reunification. <https://www.instituteforgovernment.org.uk/explainers/irish-reunification>

Kingsley, P. (2017a). “A New Street Was Meant to Bridge Belfast’s Sectarian Divide. Then the Doorbell Rang.” in *The New York Times*. October 11, 2017.

Kingsley, P. (2017b). Northern Ireland Is Sinking Into a ‘Profound Crisis’ in *The New York Times*. November 29, 2017.

Kingsley, P. (2019). Journalist’s Death Jolts Northern Ireland Politicians Back to Negotiating Table in *New York Times*. April 26, 2019.

Kingsley, P. (2019a). Things Stopped Changing: Why Conflict Still Flares in Northern Ireland in *New York Times*. April 30, 2019.

Krasner, S. (1999). *Sovereignty: Organized Hypocrisy*. Princeton University Press, Princeton, NJ.

Krasner, S. ed. (2001). *Problematic Sovereignty: Contested Rules and Political Possibilities*, Columbia University Press, New York.

Krasner, S. (2004). Sharing Sovereignty: New Institutions for Collapsed and Failing States. *International Security*, Volume 29, Issue 2, Fall 2004, pp. 85-120.

Krasner, S. (2005). The Case for Shared Sovereignty. *Journal of Democracy*, Volume 16, Number 1, January 2005, pp.69-83.

Landow, C. and Sergie, M.A. (2018) The Northern Ireland Peace Process. Council on Foreign Relations. <https://www.cfr.org/background/northern-ireland-peace-process>

Lijphart, A. (1968). *The Politics of Accommodation: Pluralism and Democracy in the Netherlands*, University of California Press, Berkeley.

Lijphart, A. (1969) Consociational Democracy. *World Politics*, Volume 21, Issue 2, January 1969, pp. 207-225.

Matthews, N. and Pow, J. (2017) A fresh start? The Northern Ireland Assembly election 2016, *Irish Political Studies*, Volume 32, Number 2, pp. 311-326

McCrudden, C., McGarry, J., O'Leary, B., and Schwartz, A. (2016). Why Northern Ireland's Institutions Need Stability. *Government and Opposition*. Volume 51, Number 1, pp. 30-58.

McKittrick, D. and McVea, D. (2012) *Making Sense of the Troubles: A History of the Northern Ireland Conflict Revised & Updated Edition*. Penguin/Viking, London.

Melaugh, M. (2013). Note on the protests related to the Union Flag at Belfast City Hall, December 2012 - January 2013. *Conflict Archive on the Internet*. Ulster University. <http://cain.ulst.ac.uk/issues/identity/flag-2012.htm>

The National Archives (UK) (2018) The Northern Ireland Act of 1998. Accessed November 4, 2018. <https://www.legislation.gov.uk/ukpga/1998/47/contents>

Ó Dochartaigh, N., Hayward, K., and Meehan, E., eds. (2017) *Dynamics of Political Change in Ireland*, Routledge, Oxon.

O'Leary, B. (1998). The British-Irish Agreement: Power-Sharing Plus. University College London. June 1998.

Pike, L.J. (1988) Condominium. *Encyclopedia of Disputes Installment 10*, Elsevier, Amsterdam.

Plant, C. (1978). New Hebrides: Year of Crisis. *The Journal of Pacific History*, Volume 13, Number 4, pp. 194-204.

Raymond, C. (2017). The 2017 Westminster election in Northern Ireland: towards two-party politics? Queen's University Belfast. <http://qpol.qub.ac.uk/two-party-politics-ni/>

Rodman, M.C. (1999) Portentous Splendour: Building the Condominium of the New Hebrides. *History and Anthropology*, Volume 112, Number 4, pp. 479-514.

Samuels, J.H. (2008). Condominium Arrangements in International Practice: reviving an Abandoned Concept of Boundary Dispute Resolution. *Michigan Journal of International Law*, Volume 29, pp. 727-776.

Serhan, Y. (2017). Will Brexit Reopen Old Wounds Between Ireland and Northern Ireland? *The Atlantic*. August 3, 2017.

Shannon, W. (1986). The Anglo-Irish Agreement. *Foreign Affairs*, Volume 64, pp. 849-870.

Social Democratic & Labour Party (2017).

cain.ulst.ac.uk/issues/politics/docs/sdip/sdip210305unity.pdf

Stevenson, J. (2017). Does Brexit Threaten Peace in Northern Ireland? *Survival*, Volume 59, Number 1, pp.111-128.

Todd, J. (2015) The Vulnerability of the Northern Ireland Settlement: British Irish Relations, Political Crisis and Brexit. *Etudes Irlandaises*, Volume 40, Issue 2, pp. 61-73.

Todd, J. (2016). Contested Constitutionalism? Northern Ireland and the British-Irish Relationship Since 2010. *Parliamentary Affairs*, Volume 70, pp. 301-321.

Tonge, J. (2008). From Sunningdale to the good Friday agreement: Creating devolved government in northern Ireland. *Contemporary British History*, Volume 14, Issue 3, pp. 39-60.

Tonge, J. (2016). The Impact of Withdrawal from the European Union upon Northern Ireland. *The Political Quarterly*, Volume 87, Number 3, July-September 2016, pp. 338-342

Violi, F. 2018. 'Condominiums and Shared Sovereignty'. *50 Shades of Federalism*. Available at: <http://50shadesoffederalism.com/case-studies/condominiums-shared-sovereignty/>

Whysall, A. (2018) The Good Friday Agreement at 20: What's next for Northern Ireland? University College London. April 11, 2018. <https://constitution-unit.com/2018/04/11/the-good-friday-agreement-at-20-whats-next-for-northern-ireland/#more-6626>

Whysall, A. (2018) The Good Friday Agreement at 20: what went wrong? University College London. April 10, 2018. <https://constitution-unit.com/2018/04/11/the-good-friday-agreement-at-20-whats-next-for-northern-ireland/#more-6626>