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# The UK government's Northern Ireland policy after Brexit: a retreat to unilateralism and muscular unionism

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## ABSTRACT

Brexit has significantly altered the trajectory of UK government policy towards Northern Ireland. The peace process was implicitly built on a presumption of continued joint EU membership by the UK and Ireland. The EU model of interdependence and cooperation was explicitly stated to be an inspiration by its key architect John Hume. However, the history of British–Irish cooperation over Northern Ireland is long and complex and cannot solely be understood through the lens of Europeanisation. Despite this, the aftermath of the 2016 referendum has seen a retreat by the UK government from a bilateral and consensual approach towards Northern Ireland to unilateralism and a ‘muscular’ unionist ideology. This has affected their governance there, hampering their relationship with local parties and undermining the agreed role of the Irish government. The impact of Brexit on UK government policy towards Northern Ireland has undoubtedly contributed to the destabilisation of the political settlement.

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**KEYWORDS** Europeanisation; muscular unionism; Northern Ireland; UK; Brexit; Belfast/Good Friday Agreement

## Introduction

Brexit had a transformative impact on British policymaking in Northern Ireland. This article examines British policy towards Northern Ireland and its relationship with the Irish government in Dublin that became central to its policy. Assessing Brexit's impact on British policy to Northern Ireland necessitates also assessing the impact of European Union (EU) membership on that policy. In many ways, Brexit signified a ‘de-Europeanisation’ of UK government policy (Colfer & Diamond, 2022).

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Europeanisation is an amorphous concept with ‘the number of definitions straying well into double figures’ (McCall & Wilson, 2010, p. 12). Many argue that EU initiatives have had a significant potential impact on various aspects of domestic policy and on businesses in the EU. Some academics examined ‘how European integration affects domestic administrative practices and structures’ (Radaelli, 2003, p. 12). Some examined the EU’s impact on public policy (Richardson, 2006, p. 13). Others examined the EU’s impact on identity and on nationalist political discourse across EU member states – that is the EU’s normative impact (Meehan, 2000). Broadly speaking, the term attempts to capture the impact of European integration in terms of ‘statehood, regionalism, regionalisation, borders, constitutional law, public administration, political process, political ideology, conflict transformation, migration, society, culture, identities and citizenship, and economic, public and social policy’ (McCall & Wilson, 2010, p. 12). From the late 1980s onwards the positive impact of EU membership on Northern Ireland was emphasised by various academics and practitioners (Meehan, 2000).

Our particular choice of definition is governed by the emphasis placed by the late John Hume, the 1998 Belfast/Good Friday Agreement’s key political architect, on the EU as a model of reconciliation, whereby absolutist definitions of sovereignty are rejected. Hume’s view was that ‘the days of nation states are gone’, and instead, governance should be multi-levelled, shared among local, regional, national and supranational levels, operating by mobilising a large number of public and private actors to support new policy settlements (McCall & Wilson, 2010, p. 184; Richardson, 2015, p. 11). Hume’s belief in the relevance of this EU model of reconciliation was central in the strategy that underpinned the peace process and in influencing policymakers and officials in Dublin, London, the US, and the EU. Indeed, Hume saw the conflict in Ireland as ‘the last remaining zone of conflict in Western Europe ... not just a conflict between Britain and Ireland but a conflict that was linked to the Reformation and thus European in origin’ (Laffan, 2015, p. 157).

In the first section of this article, an overview of the UK government’s policy towards cooperation with the Irish government on its Northern Ireland policy prior to the 2016 referendum is provided. We highlight the benefits of EU membership to the peace process, including the institutional and normative lessons from the EU which are visible in the 1998 Belfast/Good Friday Agreement. In the second section, an overview of the relevance of Europeanisation is provided and the relevance of the concept to Northern Ireland in recent decades is identified. However, we also argue that joint-EU membership coincided with other key events that contributed to British–Irish intergovernmental cooperation. In the third section, the impact of the UK’s decision to leave the EU in 2016 is examined. We argue that this decision and the conduct of the UK government in delivering the referendum result have had severe implications for British–Irish relations and the UK’s

governance of Northern Ireland. At the end of this third section, we add our analysis on the impact of Brexit in Northern Ireland to the growing literature on the distinctive form of ‘muscular’ British unionism in the Conservative Party, which has impacted wider UK government policymaking since Brexit.

After this, we include a fourth section (discussion) offering a brief and tentative explanation for the UK government’s shift in policy and policy process to Northern Ireland from 2016 to 2022. In the conclusion, we discuss the latest developments in light of the newly negotiated Windsor Framework (2023), including the implications it has for relationships between London and Brussels, London and Dublin, and within Northern Ireland itself. The article contends that regardless of whether the role of Europeanisation in the peace process can be overstated, it was normatively important to changing UK policy to Northern Ireland and Ireland, and the de-Europeanisation process since 2016 has clearly and unambiguously negatively affected UK policy towards both.

### **British-Irish relations before Brexit**

From the foundation of Northern Ireland in 1922, until the outbreak of the conflict known as ‘the Troubles’ in the 1960s, the UK government had a hands-off approach to Northern Ireland, as did the Irish government in Dublin (McColgan, 1981, p. 12): ‘the Northern Ireland model was sustained by the centre’s indifference, not by its peripheral strength’ (Bulpitt, 1983, p. 146). Indeed, the UK policy approach to Northern Ireland was governed by successive governments’ tendency to ignore its problems, until they eventually exploded – the ‘pre-problem stage’ of policy-making (Mazey & Richardson, 2023), masking very severe underlying problems in Northern Ireland’s democracy. However, when the conflict eventually erupted – what Downs called ‘alarmed discovery’ (Mazey & Richardson, 2023), occurred and the British government became deeply involved. Initially, its policy approach was one of criminalisation and normalisation (O’Leary & McGarry, 1993, p. 202), dealing with Northern Ireland as if it was a law-and-order issue in any region of the UK, not a political or constitutional conflict. It was also treated as a sovereign issue in which the Irish government had no role. Thus, in 1969 it stated that the problem was ‘simply a matter of domestic jurisdiction’ (Arthur, 1999, p. 41). Policy was unilateral and reflected a traditional absolutist concept of sovereignty.

The Sunningdale Agreement in 1973 was the first example of a less absolutist approach to sovereignty. The Sunningdale Agreement provided for an Irish governmental cross-border dimension – a Council of Ministers – and a power-sharing devolved government in Northern Ireland (Bew and Gillespie, 1999, p. 73). The Council of Ministers had authority to deal with various policy issues on a cross-border basis, with Irish government representation on issues including policing. This first shift in the UK government’s approach was the

result of a realisation in London that their Northern Ireland policy before and after the outbreak of violence had failed, and there was therefore a need to form a partnership with the Dublin government in part to broker a settlement between unionism and nationalism.

Although negotiated and supported by the UUP under Brian Faulkner, the Council was met with angry opposition from the Unionist Vanguard, whose members included David Trimble (later a signatory to the Belfast/Good Friday Agreement) and Ian Paisley, then leader of the DUP. In the wake of unionist protests and violent loyalist action, the UK government collapsed the 1973 Agreement, returning to a unilateral securitisation approach (O'Leary & McGarry, 1993, p. 202). Increased violence in Northern Ireland and Provisional IRA bombings in England then contributed to a new UK government approach in the 1980s that increasingly included an Irish government role in UK policy to Northern Ireland. This once again lessened the UK government's focus on traditional zero-sum sovereignty and emphasised institutionalised relations with Dublin to address the causes of the conflict within Northern Ireland.

1980 highlighted the start of a new era of British policy towards Northern Ireland. A landmark meeting occurred between the then Taoiseach Charles Haughey and his UK counterpart Margaret Thatcher (O'Leary & McGarry, 1993, p. 212). Steps by the governments increasingly became influenced by the nationalist Social Democratic & Labour Party (SDLP) leader John Hume, who referred to 'the totality of relations' – relations within Northern Ireland, relations between Northern Ireland and Ireland, and relations between the two islands and the governments of Ireland and the UK – as being crucial to resolving the conflict in Northern Ireland. Hume's logic was that the conflict was an identity one – a clash of two identities, each insecure – that could only be resolved by dealing with these three relationships. It was not simply a conflict over a 'border' or an internal UK 'conflict'.

Thus, for some observers, it seemed that although there were persistent strains between the UK doctrine of parliamentary sovereignty and EU membership long before Brexit (Schmidt, 2020, p. 782) as regards British policy to Northern Ireland, the EU, by providing a non-zero-sum pooled sovereignty and functional approach was significant for policy to Northern Ireland. The Anglo-Irish Intergovernmental Conference created by the 1985 Anglo-Irish Agreement, and the landmark 1998 Belfast/Good Friday Agreement, led to an argument that EU membership had caused better British–Irish relations that in turn led to a strong Irish government dimension to policy-making in Northern Ireland. The corridor talks in Brussels and the alliance between the governments on many policy issues was said to have oiled the wheels of the relationship:

Joint membership of the European Union provided British and Irish ministers and officials with a forum for continuing contact across the range of public policy

issues. EU meetings, particularly European Councils, provided British and Irish Prime Ministers with an informal arena to discuss Northern Ireland at the margins of EU deliberations. Bilaterals became such a common occurrence that officials began to prepare for them as a matter of routine (Laffan, 2003, p. 5).

The Anglo-Irish Agreement was a landmark in the history of Northern Ireland and British–Irish relations and was regarded by many as the first step in the peace process that culminated in the 1998 Agreement (Powell, 2008, p. 185). It engineered the conditions necessary to garner unionist support for power-sharing with nationalists and their support in 1998 for minority protections. The ‘coercive’ approach (the engineering of conditions), incentivised compromise because by resisting unionist protests, it was clear if they did not agree to power-sharing and a negotiated settlement, they could lose further influence and joint authority with the Irish government could occur (O’Leary, 2019). That realisation and the search for peace contributed to David Trimble leading UUP voters to support the 1998 Agreement. ‘The Union was no longer to be run with an Ulster unionist veto either on its structure or on its policy-making’ (O’Leary, 2019, p. 93).

Gradually British–Irish intergovernmental cooperation grew and by the 1990s unionist leaders and the paramilitary loyalists stated the possibility of agreeing to new political arrangements, for example devolution, on condition that the Anglo-Irish Conference be abolished (Tannam, 1999, p. 88). The Anglo-Irish Agreement also began a process of change in Sinn Féin. From the late 1980s on, in the face of opposition to their use of violence from electorates in Northern Ireland and Ireland and a joint stance taken by both governments that they could not use the ‘armalite and the ballot box’ to gain a seat at the democratic negotiating table or in any power-sharing government, Sinn Féin became increasingly willing to negotiate a peace process. (O’Leary, 2019, p. 103–106).

The changes wrought by the Anglo-Irish Agreement coincided with the Single European Market, EU regional policy, the EU example of post-war reconciliation, and the EU’s novel institutional design. Indeed, McCall and Wilson (2010, p. 182) note how the ‘spill over’ from increased European cooperation by the two governments can be seen later in the 1989 expansion of the conference’s areas for cooperation. However, as Tonge (2002, p. 127–139) notes, the conference operated on an explicit model of intergovernmental, not multi-level, cooperation to bypass unionist obstructionist tactics, pointing to a difficulty in drawing causal links between conflict resolution in Northern Ireland and Europeanisation.

Later, the Labour government’s Northern Ireland policy for the period from the signing of the 1998 Belfast/Good Friday Agreement to around 2007 was focused on stabilising the institutions established by the Agreement, which were prone to frequent collapses and suspensions in the early 2000s over unresolved security issues, including de-commissioning of the Provisional IRA’s arsenal and reform of the Northern Ireland police service. This was an

especially pertinent concern for the British government after 2002 when the Assembly and Executive entered what would become a 5-year absence. Ultimately, they were restored under the St Andrews Agreement in 2007, following inter-party talks involving both the British and Irish governments.

After this restoration of power-sharing, the UK government entered a prolonged period where Northern Ireland slipped from the forefront of ministers' minds and the governmental agenda (Kelly & Tannam, 2022). Funding from Europe continued throughout the post St Andrews Agreement period, and the impact of the single market continued to dilute the practical significance of the border. The peace process had taken hold, and the Assembly and Executive were relatively stable, remarkably under the stewardship of previously sworn adversaries the Democratic Unionist Party (DUP) and Sinn Féin. Periodic disputes arose between the parties throughout the late 2000s and 2010s which required input from the British and Irish governments, but Europe was not a key element of any disputes between the parties themselves, or between the parties and the UK government.

## **A Europeanisation of Northern Ireland?**

Hume's emphasis was on two main aspects of European integration: the uniting of people, not territory; and the role of functional practical institutionalised cooperation in helping unite people through communication and common problem-solving, exemplified by Franco-German reconciliation after the Second World War:

Is it too much to ask that we can do the same for Ireland, to create institutions which allow the people of Ireland to grow together at their own speed ... The framework in which that can take place ... is the British–Irish framework. It is the coming together of the two governments to create the dialogue and the process that will bring that about' (Hume, 1984).

The Anglo-Irish Intergovernmental Conference institutionalised British–Irish cooperation according to Hume's strategy based in part on the EU model. The role of rational economic self-interest in overcoming obstacles to reconciliation on the island of Ireland and within Northern Ireland was also emphasised by Hume. The opportunities and the threats to two small peripheral regions of the Single European Market (SEM), as well as EU regional funding implied that a 'Europe of Regions' would lessen the salience of nationalism and enable greater cross-border cooperation on the island of Ireland, by creating economies of scale which gradually led to reconciliation. Each of these dimensions (the internal politics of Northern Ireland, North–South relations, and British–Irish relations) were directly incorporated into the 1998 Agreement as the 'three strands', linked to Hume's aforementioned 'totality of relations' logic, itself inspired by the EU model.



Indeed, a recently published book 'The Forgotten Tribe: British MEPs 1979–2020', edited by Dianne Hayter and David Harley lists 'sowing the seeds of peace and reconciliation in Northern Ireland' as 'perhaps the greatest of all the achievements of our MEPs, although in a category of its own and not open to members from the UK mainland'. The editors, and the author of the book's specific section on Northern Ireland, Dr Giada Lagana, credit the small cohort of Northern Ireland's MEPs (including Hume), particularly in the years and decades prior to the signing of the Belfast/Good Friday Agreement, for fostering cross-community political cooperation, establishing support for the EU funded 'PEACE' programmes aimed at aiding communities in Northern Ireland and the Irish border region, and a wider political culture of compromising-seeking (Harley & Hayter, 2022, p. 279; Lagana, 2022). Northern Ireland constituents gained from the Common Agricultural Policy (CAP) and regional funding. Indeed, the then leader of the DUP, Ian Paisley, the UUP's Jim Nicholson, and John Hume, as MEPs cooperated closely in Brussels, socialising together and securing benefits for Northern Ireland (Tannam, 1999).

From London's perspective, Murphy (2017) argues the UK government viewed EU membership as a mechanism to reconcile communities in Northern Ireland within a new post-Agreement multi-level governance framework. The administration of EU funds by the Northern Ireland Executive became routine, and the statutes establishing Northern Ireland's devolved authorities stipulated that they were bound by EU law in the same terms as Westminster, with the Northern Ireland Assembly at Stormont tasked with transposing EU directives and applying related policies (Keating, 2022, p. 494). Though political battles over Europe dominated the opposition Conservative Party throughout the 1990s, 2000s, and 2010s (see Fieldhouse, 2022), EU membership was not as prominent an issue during this period for the main parties in Northern Ireland.

However, there are various problems with assuming a strong causal relationship between EU membership in 1973, changes in British policy to Northern Ireland from the 1980s on, and the 1998 Agreement. British–Irish membership of the EU coincided with the collapse of the Sunningdale Agreement in 1973 and an increase in violence in Northern Ireland during the Troubles (Tannam, 1999). The British government was also increasingly embarrassed by the Troubles on the international stage as the conflict wore on (O'Leary & McGarry, 1993, p. 214). The key cause of British policy change to include an Irish government role was the failure of its unilateral traditional sovereignty approach to resolving the conflict more generally, rather than the direct result of EU membership. Scholars elsewhere have noted a variety of instrumental, normative, and institutional factors that drove the peace process (Ruane & Todd, 2007, p. 444).

In addition, as regards functional cooperation on the island of Ireland via the EU leading to political cooperation, there is little evidence of an explicit

connection (Tannam, 1999). In fact, until the 1998 Agreement, levels of cross-border cooperation between civil service departments and businesses and people were low (Tannam, 1999). The single market, although it removed barriers to trade, and despite emphasis on cross-border cooperation, had not altered political or economic behaviour on the island. In 1990, 3% of Irish exports went to Northern Ireland and 6% of Northern Ireland's exports went to Ireland (Tannam, 1999, p. 129). A report by Coopers and Lybrand in 1991 found that only 20% of firms in Northern Ireland intended trading in the next five years with Ireland (Tannam, 1999, p. 149). Business and civil service departments on both sides of the border viewed each other as competitors for foreign direct investment (FDI) and export markets and did not have the resources to engage in further cooperation (Tannam, 1999). Later, the 1998 Agreement obliged civil servants to engage in cross-border cooperation and by bringing peace to Northern Ireland contributed to increased cooperation, but the causality was top-down and again intergovernmental, not supranational. It was driven by both governments and did not develop organically.

Moreover, the British policy process to Northern Ireland seems to have differed from its general domestic approach in the post-war period. From the Thatcher era onwards, British domestic policy altered to a less consensual approach that increasingly weakened civil service inputs (Richardson & Rittberger, 2020, p. 215). Yet, as regards Northern Ireland, the Thatcher era marked the beginning of a consensual institutionalised approach with the Irish government that underpinned policy to Northern Ireland and was strongly influenced by key civil servants (Goodall, 2021). The simultaneous existence of two very different processes, underpinned by different concepts of sovereignty, implies changes in British policy to Northern Ireland from the 1980s were not caused by normative EU influence on policy processes alone, but also on perceptions of domestic interest in the face of paramilitary violence.

Overall, the argument that without the EU the Belfast/Good Friday Agreement would not have occurred is a counter-factual that is impossible to falsify, given the increased violence coincided with the development of joint EEC membership in 1973. While the EU's direct normative influence can be overstated, it did have an influence indirectly on British policy. The ideas underlying the EU's evolution as a model of reconciliation and its emphasis on institutionalised bargaining were an influence on Hume and therefore on the wider peace process (Hume, 1998). The North–South 'strand two' bodies contained in the Belfast/Good Agreement also share an integrationist logic which is closely connected to many different (positive and negative) understandings of Europeanisation's effects which were held by the different unionist and nationalist negotiators in 1998 (Meehan, 2000, p. 187). However, the impact of Strand Two of the Agreement on cross-border trade was disappointing (Bradley & Birnie, 2001).<sup>1</sup>

Although there is no evidence that EU membership directly caused closer British–Irish cooperation from the 1980s onwards, the EU’s impact on the intergovernmental relationship was significant in changing Ireland’s status as an ‘unequal sovereign’ to an equal player, not subservient to the UK (Keatinge, 1984). The development of Ireland as a strong diplomatic power punching above its weight (The Economist, 2021) was aided by its EU membership and enabled it to carry greater significance in the British–Irish relationship that governed British policy to Northern Ireland. Indeed, soon after the Anglo-Irish Agreement in 1985, in the midst of much unionist anger, one academic stated that the relationship was now asymmetrical in Ireland’s favour (Aughey, 1989). Therefore, a degree of EU influence can be seen in its enhancement of Ireland’s diplomatic status, in the ethos of the 1998 Agreement, and in its various political institutions.

Thus, in the Northern Ireland context, many who espouse the Europeanisation of British policy towards Northern Ireland refer to a change in the 1980s whereby British governments included Irish governments in the policy process and new institutions were established to manage that relationship. They also emphasise the role of functional cross-border economic cooperation in bringing about reconciliation between North and South, as in the case of France and Germany in the EU. As the above section shows, the evidence suggests that the direct impact of Europeanisation can be exaggerated, but indirect normative influence was significant – on Hume’s strategy and on the development of Irish diplomatic power. Brexit reversed much of the progress made in British–Irish relations and in policy to Northern Ireland, as the next section shows.

## **UK government Northern Ireland policy since 2016**

### ***UK-Irish relations during the withdrawal negotiations***

A core impact of the Brexit referendum result was a sharp decline in British–Irish cooperation. Since the referendum, the absolutist definition of sovereignty adopted by the Conservative government (Keating, 2022), has contradicted the 1998 Agreement’s multi-level and shared approach. The unilateralism of the UK government from 2016 to 2022 directly contravened Strand Three as a pillar of the British–Irish partnership which protects the 1998 Agreement. It also created a reciprocal (lasting at least until 2020) adversarial response from the Irish government. The Dublin government under Leo Varadkar was clearly appalled at the reversal of bilateralism and at the British bargaining approach to UK-EU negotiations (O’Brennan, 2019, p. 167; Tannam, 2017). Thus, a cycle of adversarial relations occurred, similar to the early Troubles and a core pillar of the peace process was undermined.

UK withdrawal from the EU undermined the functional logic underpinning the 1998 Agreement. The Single Market and peace itself facilitated the

removal of security and customs checks on the Irish land border. The open land border was of immense symbolic and practical importance to nationalists and to many business people. Practically it enabled increased cross-border travel and trade, although currency differences, small market size, and economic differences also affected cross-border cooperation (Bradley & Birnie, 2001). As the Brexit debate grew, it was feared that in the event of a Leave victory, the UK government would have to install security at the border in the event of a customs border being created, and therefore the likelihood of a return to conflict would be increased. Indeed, the Irish government was warned by the Police Service of Northern Ireland (PSNI) and by the UK intelligence services that any sign of physical infrastructure would become a target for dissident republican violence (BBC Newsnight, 2018). It was also argued that a return to a hard border would cause inconveniences to many livelihoods, including for the communities who lived along the 300 km border and crossed over to work or attend school.

Therefore, the referendum result in 2016 immediately threatened to reverse progress made from creating an open border, and protecting the open border became the Irish government and the EU's priority in the early UK-EU talks. The UK government publicly agreed with the Irish government as early as 2016 that a solution would need to be found which negated the need for checks to take place on the Irish land border, for fear of undermining the Belfast/Good Friday Agreement settlement (Kroet, 2016; Staunton, 2016; Keating, 2022, p. 502). However, for the EU, if the UK was not aligning with EU standards of the single market, and a trade border on the island of Ireland was not possible, some sort of trade border between Great Britain and Northern Ireland would be necessary. The latter option was, of course, deeply opposed by Northern Ireland's unionists, who wished to maintain the existing arrangements within the UK's political and economic Union.

Despite these negative prospects should a new customs border be created, the Brexit referendum campaign paid little attention to Northern Ireland (Dooley, 2022, p. 12) and a joined-up British-Irish policy approach to manage the possible impact of a Leave result did not occur (Tannam, 2017). In 2016, the former Taoiseach Bertie Ahern stated that bilateral British-Irish discussions in advance of triggering Article 50 to leave the EU were necessary (House of Lords Inquiry, 2016). Once Article 50 was triggered, the Irish government, as an EU member state would not be free to enter into a bilateral arrangement with the UK. However, the EU task force's Michel Barnier made clear to the Irish government that no bilateral agreement could be signed at any stage – the Irish government had to make clear it was on the EU team (De Rynck, 2023).

In April 2017, the then-Irish Minister for Foreign Affairs, Charlie Flanagan, expressed frustration at the UK government's failure to communicate directly

with the Irish government (Tannam, 2017). Though Theresa May was committed to no return of a hard border on the island of Ireland, her Lancaster House Speech in January 2017 proposed a version of Brexit whereby the UK would leave the customs union and the single market. This again appeared to give little consideration to Northern Ireland's divided polity, the border issue, and the sensitive post-conflict situation (UK Government, 2017). Thus, Brexit and specifically the UK government's choice of a 'hard Brexit', created significant problems for its policy to Northern Ireland and directly affected British-Irish cooperation. It created a series of conflicts of interest with the Irish government which would remain an EU member state, but also specific conflicts regarding Northern Ireland, ending decades of a joint approach to policy there.

Matters were worsened by Theresa May's gamble to hold an election in June 2017 with the aim of consolidating her position with Brexiteers in her party at a time when the Jeremy Corbyn-led Labour Party were polling poorly. A decisive Tory victory in the June 2017 election may have led to a clearer approach to Northern Ireland and cooperation with all parties there (see Murphy & Evershed, 2022, p. 25 for cooperation in the period prior to the election). However, the result left the Conservatives short of a majority, and dependent on DUP MPs via a Confidence and Supply Agreement (2017). This deal raised concerns for potentially undermining the commitment in the Belfast/Good Friday Agreement that the UK government should exercise power 'with rigorous impartiality' (Belfast/Good Friday Agreement, 1998, Constitutional Issues, V). Thus, London-Dublin tensions were further exacerbated.

The first significant attempt to square the circle of post-Brexit trading arrangements vis-à-vis the Irish border was May's 'backstop' proposals. In essence, this deal committed the UK to remain aligned with aspects of the single market and customs union after departure from the EU if no other solution to the Irish border issue could be found (Institute for Government, 2018). However, this bill was defeated three times in Parliament as May could not secure support from various wings of the Conservative Party supporting different versions of Brexit, or support from the DUP who believed the finer detail of the deal would isolate Northern Ireland from its position within the UK (TheyWorkForYou, 2022).

The second significant attempt to resolve this issue came via Boris Johnson's government reaching a new draft Agreement with the European Commission. The 'Protocol on Ireland and Northern Ireland' (2020) essentially moved the focal point of the customs and single market issues related to withdrawal from the Irish land border to the Irish Sea, between the island of Ireland and Great Britain, and therefore within the UK itself (between Northern Ireland and Great Britain). The deal essentially leaves Northern Ireland in the EU's single market for goods as the rest of the UK departs the EU. A particularly contentious effect of this is the need for customs

checks on goods moving from Great Britain into Northern Ireland. After the 2019 General Election landslide victory for the Conservatives, a majority for this proposal was secured in the House of Commons, though without the support of the DUP who argued it undermined Northern Ireland's place in the Union. More moderate voices in unionism, including former UUP leader and Nobel laureate, the late David Trimble, also criticised the Protocol's potential for political and economic disruption in subsequent years (Trimble, 2021).

Despite this turmoil in Westminster, the 2018–2019 period saw a brief improvement in British–Irish relations. Theresa May and Leo Varadkar met nearly every month between February 2018 and February 2019, and in November 2018, the Withdrawal Agreement between the UK and the EU was finally announced amid tributes to May from both Leo Varadkar and Irish Foreign Minister Simon Coveney. Similarly, under Boris Johnson's leadership following the defeat of May's deal, Johnson and Varadkar held a private, productive meeting in the Wirral in Cheshire in October 2019 (Irish Government, 2019) laying the basis for what became the new Withdrawal Agreement. Both governments were also able to broker the New Decade, New Approach deal (2020) that restored the devolved government in Northern Ireland in January 2020.

However, since the signing of the Withdrawal Agreement in early 2020 and the UK's subsequent exit from the EU soon after, there have been three episodes which further underlined the tensions created by Brexit for the UK's governance of Northern Ireland: the non-implementation and suspension of aspects of the Protocol arrangements, the Internal Market Bill (now an Act of Parliament)<sup>2</sup>, and the Northern Ireland Protocol Bill.<sup>3</sup> Each controversy centred on allegations that the UK government negotiated the Protocol in bad faith, is responsible for non-compliance with the terms of the Protocol, and criticism that they are willing to violate international law whilst using the issue of Northern Ireland as leverage in the negotiations with the EU (Marshall & Sergeant, 2021; Constitution Unit, 2022, pp. 16–17; Brandon Lewis, 8 September 2020, Hansard, Volume 679, 509).

This situation was not aided when in December 2020 the European Commission itself fleetingly seemed to miss the rationale of the soft border it had helped protect when it announced that it would trigger Article 16 of the Protocol to impose checks to protect the supply of Covid-19 vaccines. Following unionist uproar and an immediate intervention from the new Taoiseach Micheál Martin, the Commission reversed this decision. However, the Commission's mistake arguably acted as a further catalyst for an outpouring of loyalist anger over the Protocol in recent years, which at times seemed to be encouraged by the UK government's divisive rhetoric.

The core demands of the UK government in the Protocol period have been for greater flexibility in the implementation of checks and for an end to the

jurisdiction of the European Court of Justice (ECJ) as a final adjudicator (UK Government Command Paper, 2021). Thus, these demands precipitated a collapse of the UK government's bilateral approach to policymaking towards Northern Ireland once again. This move was accompanied by unilateralism in various other policy issues, where it had previously acted in partnership with the Irish government. The most prominent example was when the UK government unilaterally announced, without consulting with the Irish government, that it intended to grant an amnesty to all those accused of murder during the Troubles – including both UK security forces and paramilitaries – thereby reneging on the legacy agreement reached under the Stormont House Agreement in 2014 (Kelly & Tannam, 2022). We should note that in addition to Dublin's opposition, a variety of human rights organisations and all of Northern Ireland's political parties oppose these amnesty plans (Amnesty International, 2023; Carroll, 2021).

Overall, from 2016 to Autumn 2022, Brexit precipitated a regressive zero-sum UK policy approach to Northern Ireland that prioritised traditional sovereignty, not the pooled and consensus building approaches of the peace process and the 1998 Agreement inspired by the EU. The British policy style was one 'characterised by an adversarial, positional approach and unrealistic demands (Dooley, 2022, p. 14). In response, although its approach to the EU was the opposite of the UK's (Dooley, 2022), the Irish government particularly from 2017 to 2020, adopted a more traditional response and reverted to a more emotional nationalistic language (Holden, 2020; Tonra, 2021). Crucially however, the British traditional sovereignty turn was welcomed by many political unionists, some of whom never supported the Agreement and prioritised a more traditional concept of sovereignty (along with many unionists who supported the Agreement in 1998 but now feel disappointed by its operation in practice).

The emphasis on traditional sovereignty, exemplified by Brexit, as well as a return to megaphone diplomacy, highlighted an end of bilateralism in British policy to Northern Ireland. The entire period has exacerbated tensions in Northern Ireland, culminating in a loyalist bomb scare when Irish Foreign Minister Simon Coveney attended a peace event in Belfast in March 2022. Therefore, these tensions in British–Irish relations have clearly contributed to heightened inter-community tensions in some sections of society in Northern Ireland. Thus, while the causal impact of the EU on UK–Irish cooperation over Northern Ireland can be overstated, Brexit's impact simply cannot be.

### ***The UK government, Brexit, and politics within Northern Ireland***

The UK's decision to leave the EU in the 2016 referendum has profoundly destabilised the political settlement in Northern Ireland itself (Cochrane, 2020). A majority of voters in Northern Ireland supported Remain (56%).

However, one of the most challenging aspects of the referendum debate was the manner in which it further polarised people along existing community divisions. Nationalists voted overwhelmingly to Remain (around 88%), whereas the unionist community voted more narrowly, but decisively, in favour of Leave (around 66%) (Garry, 2016, p. 2). Beyond this, the UK-wide decision to Leave opened highly contentious questions around identity and the Irish border (Gormley-Heenan & Aughey, 2017) which the 1998 Belfast/Good Friday Agreement had attempted to make less salient.

Shortly after the Brexit referendum, the Stormont institutions collapsed in 2017. Though they had been relatively stable for over a decade prior to the 2016 referendum, the referendum result in itself did not create this situation which was to last for three years. A variety of factors, most notably including a local botched renewable heating scheme, led Sinn Féin to refuse to nominate a deputy First Minister to co-lead the Executive. In the same period, the DUP found itself in a uniquely powerful position to influence the UK government in Westminster via the Confidence and Supply Agreement. As part of that Agreement, the DUP committed to 'support the government on legislation pertaining to the United Kingdom's exit from the European Union'. Partially to address the concerns (outlined above) regarding the UK's impartiality in the governance of Northern Ireland, the Agreement also stated that 'the DUP will have no involvement in the UK government's role in political talks in Northern Ireland' (Confidence and Supply Agreement, 2017).

Beyond the rule of law issues listed above, the Brexit episode has highlighted several emerging trends in Westminster's governance of Northern Ireland, including a tendency to centralise power in London (an accusation emanating from Edinburgh and Cardiff as much as Belfast), a retreat to unilateralism after decades of bilateral cooperation with Dublin and multilateral cooperation on the EU level, and the emergence of a 'muscular' unionist ideology in the Conservative Party's policy towards the devolved nations and the constitutional future (Kenny & Sheldon, 2021A; Martin, 2021). These trends towards centralising power run against extremely low levels of trust and performance satisfaction across all of Northern Ireland's communities in the Conservative government's leadership, as evidenced in opinion polling and a recent series of academic focus groups (Lucid Talk, 2016–2023; Renwick & Kelly, 2022).

In terms of the UK government's relations with political parties in Northern Ireland since the Brexit referendum, the result has undoubtedly altered the governing Conservative Party's relationships with them. The result of the Confidence and Supply Agreement in 2017 was to bring the formerly isolated DUP party into the political centre. The relationship between the May and later Johnson governments with the leadership of the DUP soured after the debates over May's deal and Protocol dispute respectively, but it also allowed the DUP to forge a close affinity with the European Research



Group (ERG) of Conservative Eurosceptic backbenchers, even after the ERG voted in favour of the Protocol. Though the relationship between the Conservative Party and the DUP is now frayed, it has meant that the UUP, formerly the political party in unionism with close historic links to the Tories, has been further isolated in UK politics.<sup>4</sup> That party has struggled to regain a significant foothold electorally, moving through several leaders in recent years and struggling to articulate an alternative Brexit vision to the DUP.

Therefore, the UK government's actions on Brexit and later their 'betrayal' through the Protocol have contributed to a fundamental destabilisation of political unionism in recent years (Kelly & Tannam, 2022). This has culminated in yet another collapse of the Stormont institutions in early 2022, this time at the behest of the DUP, another unintended consequence of Brexit

I must say I feel vindicated today in not voting for the protocol. I must ask: what did we do to Members on the Government Benches to be screwed over by this protocol? Ask your hearts, every single one: what did we do? (Ian Paisley Jnr, 13 January 2021, Hansard, Volume 687: 310).

The debate over the terms of EU exit, and more recently London's attempts to placate the DUP and ERG have also led to an extremely acrimonious relationship with political nationalism in Northern Ireland, which had improved significantly since the peace process. This was evident in the questioning of UK chief negotiator Lord Frost by Sinn Féin MLA and former MEP Martina Anderson in a Stormont committee in July 2021

Those of us who come from the North of Ireland from the republican/nationalist community believe that the next agreement that you honour in full will be your first. There is a lot of scepticism in relation to some of the things that you say, particularly as the Brexit chief negotiator ... I ask you not to use this place in any agreement or exchange that you have with the EU, because people here do not trust you and do not believe you. (Martina Anderson, 9 July 2021, Executive Office Official Report [Hansard]).

### ***The implications of a 'muscular' unionist ideology for Northern Ireland***

Michael Keating (2022), in this journal has outlined two views of how European integration relates to British sovereignty. One vantage sees that in a state with an uncodified constitution, the ultimate constitutional authority is the Monarch in Parliament, with the UK government merely lending powers to the EU which could be taken back at any time. Under this view, powers were also lent to Cardiff, Edinburgh, and Stormont under devolution along much the same terms. The second view is that the UK is not a unitary state, but instead a union of nations, where sovereignty is an unresolved question. Devolution and EU membership under this view has created new

constitutional norms, expectations, and principles of consent partially to manage this unresolved question (Keating, 2022, pp. 491–492; McHarg & Mitchell, 2017). This latter view seemed to prevail from the 1990s on as the modern devolution settlement was created and expanded. In linking devolution and EU membership, the emerging multi-level settlement increasingly came to resemble the model of interconnected political relationships outlined by Hume during the peace process.

However, the faultline in British politics that Keating identifies has had profound implications for the swift change in British government policy toward Northern Ireland since 2016. Many other scholars have also noticed this tension spilling over into open political contestation. Within the Conservative Party, Kenny and Sheldon (2021A) have identified a ‘more assertive and muscular strain of unionist sentiment’ in a recent article examining the party during the Brexit period. This ‘hyper-unionism’ they argue, has ‘displaced the more pragmatic, and largely unspoken’ (Kenny & Sheldon, 2021A, pp. 966–967) form of unionism which was more comfortable, or at least less vocally opposed, to the sort of union of nations model that Keating identifies:

The new, more assertive, unionist discourse espoused by many Conservative politicians is distinctive less for its substance, and more for its performative character and connections to a distinctive policy agenda. There is considerable uncertainty about whether it includes an authentic commitment to Northern Ireland, or is in essence promoting a British territorial imaginary ... we have sought to shed light upon some of the disruptive dynamics and political circumstances that the Brexit crisis engendered, and which rendered this model of unionism increasingly appealing and salient within the Conservative Party at Westminster (Kenny & Sheldon, 2021A, p. 979).

In essence, there has been a growing ideological challenge within the governing Conservative Party which sees the changes in governance brought about by EU membership and devolution as a threat to the British constitutional order. In response, there has been a corresponding growth in favour of curtailing the devolution settlement in tandem with ending EU membership, and thus re-concentrating power at the political centre in Westminster. This has happened alongside renewed calls for an independence referendum in Scotland and more active discussions around the constitutional future of Northern Ireland, ironically spurred on by Brexit. The response from ‘muscular unionism’ has been to argue that the problems faced by unionists stem from the Union not being robustly defended in recent decades, and ‘just as Eurosceptics point out the Eurofederalists’ solution to all of the EU’s problems is more Europe, it seems that the solution to the Union’s problems is more union, and, consequently, less devolution’ (Martin, 2021, p. 37). The COVID-19 pandemic has also played a significant role in this rethinking within British unionism, as the crisis laid bare the scope of devolved power and the limitations Westminster had on

coordinating efforts to combat the virus in different parts of the Union. In response to these different challenges, there has been ‘an aggressive strategy to curb the forward march of devolution and compete with the devolved government as a way of shoring up the Union’ (Martin, 2021, p. 37).

While this clearly has implications for all three nations’ devolution settlements, it has particular effects with respect to Northern Ireland. Kenny and Sheldon (2021B) identify two, seemingly contradictory, modes of thinking about Northern Ireland within the Conservative Party; the notion that it ‘constitutes a “place apart” from Great Britain, and the belief it remains integral to the UK’. While the party had accepted in the decades before Brexit that some distinct and unique political governance arrangements were necessary for Northern Ireland, this has since been in conflict with the retreat towards re-centralising Parliamentary sovereignty. The ‘extended episode’ of Brexit ‘puts into stark relief the ambiguous place of Northern Ireland in the British Tory imagination – framed variously as the object of a reluctant claim to sovereignty, and as a more wholehearted one, and sometimes as a mixture of both’ (Kenny & Sheldon, 2021B, pp. 309–310). These ‘unresolved lines of thinking about Ulster within Britain’s major governing party’ are likely to have profound and unpredictable consequences for London’s policymaking towards Northern Ireland in the future according to Kenny and Sheldon (2021B, p. 311).

The impact of this new ‘muscular unionist’ ideology in the Brexit and Protocol periods is linked to the diminishing of the UK government’s commitment towards multilateral cooperation with respect to Northern Ireland discussed earlier in this article. The pushing back against the new constitutional ideals of devolution and EU membership is a deliberate attempt to return to a more unitary and Westminster-centric constitutional order (Martin, 2021, p. 37). It is evident in relations with the Dublin government, relations with the local parties in Northern Ireland, the approach to governance there, and indeed in the way it has approached EU relations since 2016. The push to ‘take back control’ at the political centre runs directly contrary to both the multi-level model of shared sovereignty advanced by ‘union of nation’ devolutionists, and indeed Hume’s vision of institutionalised cross-border relationships across the three strands outlined earlier in this article.

This tendency has also clearly carried over into the UK government’s approach to the principle of consent in a ‘voluntary Union’, particularly in Scotland, where the UK government has not accepted a majority in the Scottish Parliament being in favour of a second referendum as grounds for holding one (Martin, 2021, pp. 38–39). The motivation to curtail the Scottish independence campaign runs into difficulty in Northern Ireland’s case as the principle of consent and the right for Irish self-determination in deciding whether to create a united Ireland are embedded within the Belfast/Good Friday Agreement and the Northern Ireland Act (1998). Indeed, another

inadvertent and ironic consequence of Brexit has been to ‘Europeanise’ Northern Ireland’s right to leave the Union and reunite with the rest of Ireland. What’s more, there are growing calls within the Eurosceptic ranks of the Conservative Party to replace the UK’s legal obligations under the European Convention on Human Rights (ECHR) with a British ‘Bill of Rights’ (see Keating, 2022, p. 494) despite the application of the ECHR being another clear commitment within the 1998 Agreement (Belfast/Good Friday Agreement, 1998, United Kingdom Legislation, 2).

All of these steps run against popular opinion in Scotland and Northern Ireland, most notably in terms of support for devolution and EU membership. However, rather than attempting to accommodate these differences in political and constitutional outlook, it is clear recent governments have instead pursued an approach where devolution will be tolerated ‘because of the present political climate, but [its] powers are to be checked and contested, and, should the opportunity arise, clipped’ (Martin, 2021, p. 37). Crucially, the current government are dependent on a parliamentary majority predominantly built on English seats when delivering this policy (Martin, 2021, p. 39). There are clear implications for Northern Ireland in particular, where the peace process and the relative political progress since 1998 have been built on cooperation and inclusive dialogue. The breakdown in relations between London and Dublin, and the sharp, often unpredictable, nature of the UK’s governance of Northern Ireland in recent years are a direct result of this new ‘muscular unionist’ approach by Conservative governments. What the long-term implications of this new approach will be for devolution and the Union will ultimately depend on ideological battles that will take place within Westminster, and the different wings of the Conservative Party, over the coming years.

### **Discussion: explaining how these shifts in policy were allowed to occur**

Brexit precipitated very serious unintended consequences for Northern Ireland and for British–Irish relations, leading to many miscalculations by the British government in its Northern Ireland policy. There are various possible reasons as to why these miscalculations occurred. For example, accounts of the Brexit referendum highlight Cameron’s misplaced confidence that Remain would win, on foot of his successful campaign in Scotland’s independence referendum in 2014. The Brexit referendum campaign itself was a miscalculation, emphasising the economic benefits of the EU and underestimating the emotional attraction of populist anti-EU sentiment (Tonra, 2021). The UK government have appeared unaware of the emotionally fragile state of politics in Northern Ireland, a post-conflict society, and particularly of politically vulnerable unionists who are shrinking in number, but also hardening in attitude (McBride, 2022).

By 2008, both governments had become complacent about Northern Ireland (Kelly & Tannam, 2022), but in 2016 the Irish government were well aware of Brexit's threat to stability. The UK government was clearly not. Institutional memory and knowledge of the peace process and the 1998 Agreement was weak in Britain, with some politicians admitting to never having read the Agreement. This in itself reflected an apathy to Northern Ireland, which was not electorally important to the Conservative Party. It is also clear that some members of the Conservative government have not fully supported the Agreement since 1998, including leading Brexiteer Michael Gove (Geoghegan, 2016; Gove, 2000). Such attitudes reflected long-standing traditional unionist beliefs within the Tory party (O'Leary, 2019) and traditional approaches to sovereignty which have comprehensively failed in the past.

The sub-section immediately above also highlights the role of ideology and muscular unionism in policy to all the devolved areas of the UK and its connection to Brexit. British policy to Northern Ireland since 2016, including the abandonment of core principles of the peace process, and ERG policy towards the EU, are ideologically similar and interconnected. A striking feature of the Brexit process is that those who adopted the most muscular unionist stance appeared to know least about the Agreement or have the advantage of expert civil service advice on Northern Ireland policy. The downgrading of the role of the civil service, particularly the Foreign Office, was obvious from 2016, but it also reflected a longer-term trend in Northern Ireland policy. Even in the early 2010s, at the height of cordial British–Irish relations, it was noteworthy that British–Irish civil service links had begun to wane. Many of the old guard who had heavily influenced policy in the 1980s and 1990s had retired and newer generations were less focussed on Northern Ireland in the post-peace context. To an extent this was also the case in Dublin.

Thus, Alan Whysall, a former senior official in the 1998 Agreement's negotiations has emphasised that for the future stability of Northern Ireland, the British government must foster compromise and widespread consultation. He has argued it is advisable that it works in partnership with the Irish government: 'In the past, the role of developing ideas, fostering debate, and promoting and brokering compromise has been taken by a close partnership of the British and Irish governments' (Whysall, 2022, p. 6). A key method of avoiding crises in Northern Ireland is to return to a long-term partnership approach to policy. The 1980s onward demonstrates that institutionalised British–Irish cooperation helps policy learning, whereby appropriate lessons are 'drawn about the specific type of failures involved in past, present, and future policies and policy proposals' (Howlett, 2012, p. 50). In future, partnership with the Irish government in creating policy in Northern Ireland and using the Agreement's bilateral institutions fully will be required to prevent more crises like the Irish border or Protocol disputes. Particularly if there is

a referendum on unification, but also to deal with the many aspects of Brexit that will continue to affect practical life on the island.

## Conclusion

This article has shown how Brexit reflected and caused a reversal of British policy to Northern Ireland away from the EU's model of multi-level governance and shared sovereignty and away from partnership with the Irish government. This policy shift had significant implications for devolution generally in the UK and the future of the Union (Gillespie, 2023), but in Northern Ireland especially, seeds of deep division were sown that added to an enduring sectarian divide.

The resentment felt by the majority of political unionists about the UK (and Irish) government's perceived role in negotiating new trading arrangements is unlikely to dissipate soon. Brexit, in signifying and causing a UK policy shift to unilateralism and traditional sovereignty, has had a significant impact on its policy to Northern Ireland and on political stability there. The divisions within unionism have deepened partially because of the Brexit turmoil, but also in response to the growth of Sinn Féin (now the largest party in the Assembly) and the rise of the cross-community Alliance Party, who were both equally incensed by the Brexit process (Kelly & Tannam, 2022). Hume's vision of an era where nation states are less relevant is clearly no longer the path these islands are on. Indeed, an inadvertent and ironic consequence of Brexit and muscular unionism has been to 'Europeanise' many of the disputes over Northern Ireland's governance in a partisan sense, the precise opposite effect the 1998 Agreement intended European integration to have.

At the time of writing, the new leader of the Conservative government, Rishi Sunak, has however, appeared to return to a more conventional international bargaining approach. Faced with economic turmoil and the war in Ukraine, it seems Sunak has little appetite to continue wrangling with the EU and did not revive the unilateral Protocol Bill which has been stalled in Parliament. His government have instead prioritised getting the issue of the Protocol off the political agenda, and successfully negotiated a new solution to the impasse with the EU via the new Windsor Framework in February 2023. Interestingly, this also represents a further appreciation from the EU side that a flexible and pragmatic approach is needed in Northern Ireland with respect to upholding EU laws and objectives. The agreement, among other things, seeks to minimise disruption to trade going into Northern Ireland by creating new 'Green' and 'Red' lanes for goods remaining in Northern Ireland and those that are 'at risk' of travelling on to the Republic respectively (Sargeant et al., 2023; Windsor Framework, 2023). The new framework also creates a new 'Stormont Break' mechanism in the Assembly that

allows a minority of MLAs to initiate a process that could end with the UK government not applying new EU law to Northern Ireland, though how this will work in practice remains unclear (Murray & Robb, 2023; Sargeant & Savur, 2023).

This reaching of a negotiated outcome with the EU came against the backdrop of a significant improvement in bilateral UK-Irish relations in recent months. Both governments have agreed to hold British–Irish Intergovernmental Conference (BIIGC) meetings four times a year, implying a return to the institutionalisation deemed essential by Hume, which had formerly taken place organically when both states were EU members. In January 2023 a seemingly positive meeting also occurred (Irish Government, 2023) between the new Minister for Foreign Affairs, Micheál Martin and the Northern Ireland Secretary of State, Chris Heaton-Harris. Northern Ireland Office (NIO) minister Steve Baker was also in attendance, a few weeks after he publicly apologised to the Dublin government for the UK government’s conduct during the Brexit negotiations (O’Carroll, 2022). The fact that this thawing of relations between Dublin and London has occurred under these two UK officials is significant, as both are ERG veterans.

The Labour Party leader Keir Starmer has also been keen to stress the need for a return to cooperation, listing normalising and strengthening relations between London and Dublin as a first priority for a future Labour government in a recent speech at Queens University Belfast (Labour Party, 2023). At the vote in Parliament to legislate for the new Stormont Break mechanism Labour backed the government, who were facing down threats of a backbench rebellion over the terms of the Windsor Framework. Many Brexiteer MPs had said they might oppose the new deal, in part at least because the DUP (who are the UK government and EU’s primary political audience) might refuse to support it. Ultimately however, only 22 Conservative MPs voted against the government, though former Prime Ministers Liz Truss and Boris Johnson were among them (UK Parliament, 2023). The DUP Westminster group also opposed the deal but have not yet given a definitive answer on the question of whether it constitutes enough progress for them to re-enter the power sharing bodies at Stormont, despite the clear rejection of their criticism by their Conservative allies in Westminster. More moderate unionist voices, including UUP leader Doug Beattie, have urged the DUP to return to those institutions, however imperfect the Windsor Framework might be (Tunney, 2023).

It therefore seems possible that the unilateralist period of 2016–2022 is ending with respect to British policy to Northern Ireland and we may see a return to a policy process which is more similar to the period during the peace process. The Conservative Party, particularly its new leadership, appear to have once again realised that the London-Dublin axis is crucial to creating political stability within Northern Ireland. However, the period

from 2016 to 2022 has created a deep mistrust between the governments that will take time to rebuild, and it is unclear if lessons of recent policy failures and indeed of past successes have been fully learnt. The new era of cooperation could well be a short-term crisis management reaction and only extend to the need to secure agreement with the EU. What's more, the influence of 'muscular unionism' remains in the wider Conservative Party, which will have many unclear implications. What the DUP decide to do next, and how London reacts, will be crucial for the medium and long-term functioning of the current settlement. Northern Ireland faces a myriad of important socio-economic challenges that are not currently being dealt with (Whysall, 2022).

In sum, the UK policy approach to Northern Ireland and British–Irish relations in recent decades coincided with joint-EU membership and while a causal link between the influence of the EU and the peace process in Northern Ireland is difficult to prove, it did have indirect normative influence. That influence is visible in the content of the Belfast/Good Friday Agreement and the shared multi-level approach adopted by the British government with its Irish counterpart. Although peace endured, Brexit reversed much of the progress of past decades and it is clear that the UK's decision to leave the EU has deeply destabilised the political settlement in Northern Ireland.

## Notes

1. Brexit has led to an increase in cross-border trade because exporters in Northern Ireland seek to avail of Irish ports and retailers seek to avoid delays from suppliers in Britain. For example, in 2021, goods imported into Northern Ireland from the Republic of Ireland increased by 77% in value since Brexit, with exports the other way up 43%' (Barns-Graham, 2021). Brexit, an example of 'de-Europeansiation', has caused increased North-South trade and Northern Ireland trade divergence away from Britain.
2. The Internal Market Act contains a provision that affirms the powers of the UK government to spend money in devolved areas, setting it up as a competitor with the devolved administrations themselves (Martin, 2021, p. 38). The Bill's passage through Parliament was controversial because of this, and for draft wording which would, in the words of Northern Ireland Secretary Brandon Lewis, 'break international law in a specific and limited way' by disapplying parts of the Protocol (8 September 2020, Hansard, Volume 679: 509). The latter wording was dropped in the final draft.
3. At the time of writing the UK government is no longer attempting to pass the Northern Ireland Protocol Bill, which would have unilaterally change the operation of the Protocol, including by giving UK ministers broad powers to launch a 'dual regulatory regime' (Sargeant, 2022). This threat of unilateral action had drawn sharp reproach from Irish, European, and American political figures, as well as internal critics in UK politics.
4. The 2017 General Election saw the UUP lose its last two remaining seats in the House of Commons.



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