Ca' Foscari
University
of Venice

Master's Degree Programme

in Comparative International Relations

Final Thesis

Brexit, Northern Ireland, and the Irish Border

Supervisor
Ch. Prof. Stéphanie Novak

Assistant supervisor
Ch. Prof. Kerem Öktem

Graduand
Serena Brugnaro
Matriculation Number 846704

Academic Year
2020 / 2021

INTRODUCTION 6

CHAPTER 1 9

HISTORICAL BACKGROUND 9
1.1 INTRODUCTION 9
1.2 THE PLANTATION 10
1.3 THE UNION 18
1.4 HOME RULE 24
1.5 THE EASTER RISING AND THE IRISH WAR OF INDEPENDENCE 28
1.6 THE FIRST YEARS OF THE NORTHERN IRELAND PROVINCE 33
1.7 N.I.'S CIVIL RIGHTS MOVEMENTS AND THE TROUBLES 37
1.8 A NEW PHASE IN THE TROUBLES 48
1.9 THE PEACE PROCESS AND U.S.' INVOLVEMENT 51
1.10 CONCLUSIONS 55

CHAPTER 2 57

THE EUROPEAN MEMBERSHIP REFERENDUM IN NORTHERN IRELAND 57
2.1 INTRODUCTION 57
2.2 BREXIT: BORN AND RAISED IN ENGLAND? 60
2.3 THE REFERENDUM CAMPAIGN(S) 62
2.4 NORTHERN IRELAND'S INTEREST GROUPS AND OTHER VOICES 66
2.5 THE REFERENDUM RESULTS IN NORTHERN IRELAND 70
2.6 THE MEANING OF BREXIT FOR THE REPUBLIC 74
2.7 CONCLUSIONS 75

CHAPTER 3 78

THE NEGOTIATIONS 78
3.1 INTRODUCTION 78
3.2 THE UK GOVERNMENT IN THE AFTERMATH OF THE VOTE 78
3.3 FACTORS TO CONSIDER FOR THE NEGOTIATIONS 80
3.4 ARTICLE 50 82
3.5 THE GOOD FRIDAY AGREEMENT AND EU'S ROLE IN N.I. 86
3.6 SOME ASPECTS BEHIND THE IRISH BORDER DILEMMA 89
3.7 ENTER THE BACKSTOP 96
3.8 THE (DRAFT) PROTOCOL ON IRELAND/NORTHERN IRELAND 99
3.9 THE LIGHT AT THE END OF THE TUNNEL? 105
3.10 CONCLUSIONS 109
CONCLUSION 112
112
PRIMARY SOURCES 116
SECONDARY SOURCES 120
RINGRAZIAMENTI 127

Introduction

The United Kingdom's decision to exit from the European Union came as a shock for both Europe and many countries around the world. Despite having a history of being a Eurosceptic and isolationist nation, not many expected the result of the 2016 referendum to be in favour of 'Leave'. This turn of events however happened in a context of populist politics, a revival of nationalistic sentiment, unsatisfaction with the state of the economy as well as with the EU's post-2008 politics of austerity and management of the refugee crisis of 2015, united with the desire of "taking back control" of the country's borders, trade policy and general decision-making independence.

Even though the referendum was non-binding, and both Scotland and Northern Ireland had voted to remain, the government decided to implement its result and put in motion the process of leaving the European Union.However, negotiations soon revealed to be much more complicated than expected, with two interconnected issues being particularly challenging: Northern Ireland and the border with the EU.The region's peculiar relationship with both the European Union and the Republic of Ireland soon made Northern Ireland and the Irish border the central issue in the withdrawal negotiations.

Using a historical approach to better understand the origins of the issue, I retraced Northern Ireland's history of ethno-national conflict to show how troubled the relationship between Catholic-Irish and Protestant-British has been, and in many aspects still is, as well as how important it is to maintain the socio-political equilibrium created at the end of the most recent conflict, the Troubles, through the Belfast Agreement. I then analysed how the UK-wide and Northern Irish Brexit referendum campaigns differed, taking into account the opinions and concerns of local 'voices' and interest groups, as well as the impact on the Republic of Ireland. To do this, I used newspaper articles, surveys, statistics, as well as literature on referendums and on Northern Ireland socio-economic fabric. Finally, using literature, official documents and news reports, I analysed

how the withdrawal negotiations with the European Union were handled by the British government, especially as regards Northern Ireland and the Irish border.

In my research, I tried to explain how and why Northern Ireland and the Irish border became the issue that almost led to a break in the talks between UK and EU. Much of the research on Brexit focuses on UK-wide data and referendum campaign, not recognizing the impact of England's both demographical and political weight, as well as on the choice of themes used in the Brexit referendum campaign. Such approach also fails to thoroughly analyse the Northern Irish dimension, making it difficult to understand why it came to play such a central role during the negotiations and in the shaping of the final agreement, as well as how the provisions adopted as a consequence of Brexit will affect the country and the region in the near future and in the long run.

My research shows how what seemed to many a superficial handling, uninformed, and unprepared handling of the Northern Ireland and Irish border issues on the part of the British government led the country to the brink of exiting the European Union without a withdrawal agreement, therefore also risking the return of a hard border in Ireland. What is more, I highlight how the decision to call a referendum on the matter was inconsiderate of Northern Ireland's special regime. In addition, my research shows that the final agreement's Northern Ireland Protocol alters the political equilibrium set by the Belfast Agreement at the expense of the Unionist section of the population.

CHAPTER 1

Historical Background

A HISTORICAL PERSPECTIVE ON WHY NORTHERN IRELAND BECAME A CENTRAL TOPIC OF BREXIT

1.1 INTRODUCTION

United Kingdom's will to exit from the European Union inevitably posed the dilemma of a border with the EU to allow for the control of movement of both people and goods, causing considerable challenges, stalemate, and delays during Brexit negotiations. Brexit created a seemingly unsolvable puzzle, as it was fundamental to maintain unchanged the fragile balance of Northern Ireland, a region tormented by an exceptionally long history of conflict that originated in the 17th century, the countless – and failed – attempts at solving the "Irish question", as well as the monumental effort made to achieve the 1998 peace agreement that ended the so-called Troubles.

Northern Ireland's sectarian animosity and complex social and political structure come from centuries of mistrust and violence between its 'two communities'. The last conflict, started during the 70s, provoked 30 years of open sectarian violence that devastated Northern Irish economy, infrastructures, and society. The conflict was eventually ended at the end of the 90s by the (seemingly impossible to reach) Good Friday Agreement, a peace agreement signed by the parties involved, as well as the British and Irish governments. What the peace accord established is a finely tuned balance of government based on power-sharing and free movement between the islands, as well as a deep interconnection between their governments and institutions. Fundamental for the free movement inside the island of Ireland was the absence of a border with Northern Ireland, already established with the accession to the EEC of the UK and Ireland, and brought back after the conflict was ended. The common membership in the European Union supported the structures created by the GFA both materially and ideologically, and

fostered the maintenance of good and equal relationships between them. However, the UK's departure from the EU meant that a new equilibrium had to be found.

1.2 THE PLANTATION

What we know as "the Troubles" were only the last violent escalation of a centuries-old, sectarian conflict. The antagonism that is at its basis may be dated back to 1609: it is in this year that the Plantation of Ulster began to put the seed of hostility between the Irish and English communities of Ireland's northern region. In Ulster, these plantations and their often propagandistic depiction of a civilizing and religious effort created a situation of hostility between the two main groups living in the region, two communities of different ancestry, culture, religion and language that see each other as a threat:

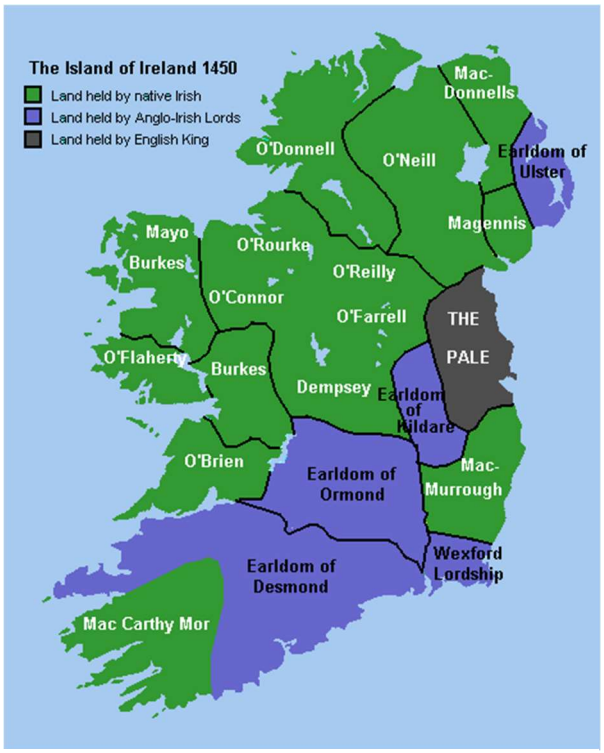

Figure 1 The Island of Ireland before English plantations

[wesleyjohnston.com]

one that sees their land as invaded and usurped by a foreigner, the other in constant fear of an upheaval from the counterpart(Dunn, 1995, pp. 15–23). The sectarian conflicts, rebellions and massacres that would characterize the successive centuries "were as much an effort by the native Catholic landowners to win back their land from the usurping English and Scots as they were religious wars, but they imparted to Irish affairs an all-pervasive tint of religion." [1]

Ireland was formally a kingdom of its own, but in practice the English Crown treated it as a colony whose interests were constantly ignored to advance England's interests instead [2]. This "plantation" was in fact a colonization scheme, an English attempt to

[1] (Coogan 1980) p.17

[2] (Bourke and McBride 2016) p.56 [Adobe Digital Ed.]

transplant a new non-Irish, Protestant and English society. These full-scale, intensive plantation actions such as the one attempted in Ulster were generally used after (and justified by) the advent of particularly worrisome rebellions of natives in English dominions in Ireland, and the one realized in the northern Irish region was not the first of its kind: since the end of the 16th century in fact, this pattern of action had already been seen in Munster after a violent rebellion and also in the region of the Pale to 'righteously' expand the territories for security reasons, and put them under English control when nearby Gaelic lords proved to be too hostile(Canny, 2001, p. 60). Besides security, such military subjugation of Irish territories was always depicted as an advancement of civility and Protestantism, even though who benefited from it was never interested in said crusade(Canny, 2001, p. 100).

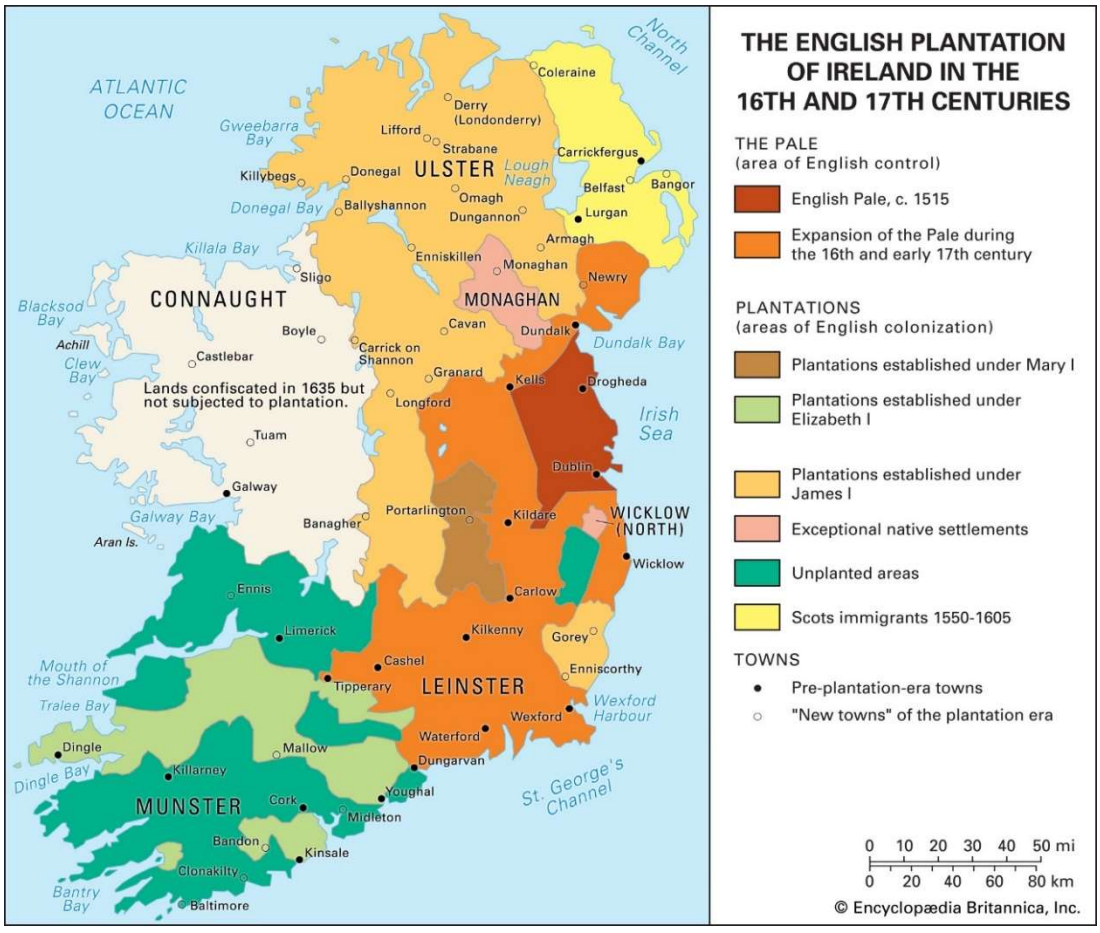

Figure 2 The English plantation of Ireland [Encyclopaedia Britannica]

In Ulster, after its difficult conquest in the war (Nine Years' War or Tyrone's Rebellion) against the rebellious Gaelic lords that had until then governed, their land was confiscated

by the Crown and offered to Protestant settlers from England, Wales and Scotland, while the native Catholic Irish would have been displaced. One of the objectives of the plantation plan for Ulster was that of displacing and scattering these natives in other parts of the country, parts that were already under firm English control where they would have not constituted a threat anymore, as the Munster or Connacht regions(Canny, 2001, pp. 203–204). A part of them was sent away to serve in Sweden to fight a Protestant war. Irish Catholic natives were excluded by law from the Planters' newly founded towns and relegated to the margins of both society and land. In reality, many Irish natives actually remained in the Ulster plantation as it was more convenient for the very same English planters to illegally keep them instead of bringing in Scottish settlers(Canny, 2001, pp. 227–232).

The plantation in Ulster was publicized as a relatively easy opportunity to advance one's social status and make a fortune on a naturally fertile and virtually "vacant land"(Canny, 2001, p. 221). The initiative thus attracted many settlers but mostly from Scotland and Wales: the majority of which was of low means and often failed to forge the English society, economy, culture and buildings that their pact with the English government had initially requested. The plantation also offered the chance to bring forward the morally elevated project of civilization of what was considered a lost and savage people through the imposition of English law, methods of farming and cultivating, infrastructure, towns, language, culture and religion. As a matter of fact, there was much prejudice against the people of Ireland, as they were often described by English contemporaries as savages who failed to progress towards civility, barbaric, living like beasts, and very clearly in need of civilization (or rather, anglicization) to counter the degeneration they were living in[3][4].

Various initiatives were put into action all around Ireland to advance this project of cultural reorientation, banning Irish language and clothes, prohibiting traditional agricultural, social, cultural and political practices, forcing people to convert to Protestantism and to adopt the English language, way of building houses and towns, etc. To promote the assimilation between the two peoples in a way that would advantage the advancement of English culture and religion, the marriage of English protestant women

[3] (Canny, 2001, p. 133)

[4] (Bourke and McBride 2016) p.41 [Adobe Digital Ed.]

to catholic men was supported, so that children would be educated with the 'right way'. A reform of land tenure had also been brought forward since the 1540s, when the Crown negotiated "surrender and regrant" agreements with Gaelic leaders: the leaders ceded their land to the Crown and this was thereafter "regranted" to its original owner with a title and tenancy conditions that conformed to English law, like primogeniture succession and the promise of promoting Protestantism in said territory.[5]

However, in many cases this kind of project did not give the expected results: from lack of funds, to corruption, to ill planning, but generally also because of "unrealistic expectations" of the benefits the Crown could gain from it. This was the case for the Ulster plantation, which apparently failed in all aspects of the plan. To cite a few reasons, its boggy terrains were often not suitable for agriculture and many settlers ended up giving their land to wealthier landholders, moving somewhere else or even returning back to their place of origin; in addition, the relatively few English settlers that were attracted to Ulster made it impossible to completely anglicize and convert the region as it was originally planned. The reality that was created in the plantation of Ulster, as in other parts of Ireland, was also very far from the alleged nobility of the civilization project's ideals: a militarized society often under martial law, widespread corruption of English officials, as well as the failure to build a civil, English Protestant society and a fruitful economic structure. Nevertheless, that the adopted policies of plantation might not have been ideal was never contemplated by the English government, and it remained on this track until mid-17th century. (Canny, 2001, pp. 238–242)

In the 1640s, a Catholic rebellion that involved all Ireland and saw extreme sectarian violence from both sides constituted the final step for the English to complete the military conquest, resulting in the imposition of an unprecedented level of authority on the island of Ireland and the finalization of the expropriation process of Irish Catholic-owned land[6]. After these events, a series of uncoordinated back-and-forth measures which restricted or conceded rights for Catholics in all sectors of economy, politics, and society shaped the next two centuries in Ireland. Initiatives such as the Penal Laws, symbol of the persecution of Catholics in Ireland for many, were actually not the product of a similar

[5] (Bourke and McBride 2016) p.45 [Adobe Digital Ed.]

[6] (Bourke and McBride 2016) p.62 [Adobe Digital Ed.]

plan. In fact, it can be said that these laws were mostly motivated by individual or lobby interests rather purely than religious ones, as it is demonstrated by the fact that the majority of these penal laws aimed at the Catholic elites specifically in order to limit their political and economic power, whereas common people, being in possession of neither, remained practically untouched by these laws. These laws were also scarcely effective in eradicating the practice of Catholicism, as masses and pilgrimages continued as usual: Catholics were "allowed to operate with impunity, apart from times of crisis or international tension, when rebellion or invasion seemed possible". Nonetheless, Penal Laws undoubtedly contributed to the affirmation and securing of a general supremacy of a minoritarian, Irish Anglican elite (the so-called 'Protestant Ascendancy') by significantly reducing, if not completely eliminating, the Catholic elite's political power and their landowning possibilities. Even though these measures were mostly the attack of an elite towards another, what they were very effective in producing is a dangerous religious rivalry in a strongly militarized society, a rivalry that remained present in the successive centuries and until our days. [7]

The victory of William of Orange against catholic forces in England and Ireland in 1688 brought "the longest peace Ulster had ever known"[8]. However, the equilibrium started to break down getting closer to the 19th century, when the influences of the Enlightenment brought an important ideological shift towards a national and patriotic sentiment, along with the rise of class consciousness and public opinion brought by industrialization. Restrictions to Irish trade as well as initiatives as the Declaratory Act of 1720, which declared Ireland a subordinate kingdom, contributed to the growth of tensions and the widening of the differences between the Irish idea of government for the island (particularly the lower and middle parts of society) and the British one. These changes posed the conditions for a new wave of sectarian violence in the northern region.[9]

In Ulster, the 18th century (as well as the 19th) has been characterised by fluctuations between famine and economic depression, emigration, popular unrest and sectarian violence, but also industrial progress and rising living standards in between different

[7] (Bourke and McBride 2016) p.84-87 [Adobe Digital Ed.];
(Bardon 1996) [Adobe Digital Ed.]

[8] (Bardon 1996) p.93

[9] (Bourke and McBride 2016) pp.88-93 [Adobe Digital Ed.]

turndowns. In the first decades of 1700, the linen industry started to rise from a simple local economy to an important part of the Irish exports. It remained a domestic industry for most of its life, but nonetheless managed to gain an important role in the British economy and later also in the First Industrial Revolution. However, during the century a series of very destabilizing events eventually brought to a new important escalation of the sectarian conflict in the region, namely the famine of 1741, the economic depression of the 1770s and the Anglo-French war of 1778, as well as that of 1798 as part of the French Revolutionary Wars. These events brought extreme levels of poverty and an incredible number of deaths, as well as mass emigration towards America (especially protestants) and deep popular unrest.

What these developments meant for Ireland became particularly evident and worrisome when the Anglo-French war began and French forces threatened to invade Ireland: there were not enough soldiers to defend the island. Groups of protestant Volunteer forces were created around Ireland, but half of them were only in Ulster. These militias grew rapidly, forty thousand men only in the first few weeks of initial recruitment, and the government, given the extreme situation, decided to provide them with weaponry. Their growth and power, united with the Irish government evident position of weakness in both financial and military terms, soon gave them great political influence. Volunteers started campaigning for a lift of trade restrictions on Ireland and to be able to trade freely with British colonies[10]. Accompanying this development, another political group was gaining strength: the Patriots, interest groups of particularly influential individuals that asked for a stronger and more independent parliament for Ireland. The requests of these groups were eventually granted by the new Whig government, however this stronger Irish parliament was still not a correct representation of the people of Ireland as, even though Protestants represented a minority (except for Ulster) and most Penal Laws were abolished between the 1770s and 1790s, Catholics were still excluded from many professions and rights[11]. However, the exceptional number of Protestants that emigrated to the American colonies during the 18th century exacerbated the rivalries in many protestant communities, as they feared that Catholics could become more powerful given

[10] (Bourke and McBride 2016) p.94-96 [Adobe Digital Ed.]

[11] (Bardon 1996) pp.93-108

their advantage in numbers, the recent concession of rights and the strengthening of the nationalist movement.

All these elements contributed to a destabilization in Ulster. In the 1780s, a sectarian confrontation of extreme violence started in County Armagh and continued for more than a decade: armed groups fought each other "with a ferocity not seen for more than a century"[12]. Sectarian animosity and violence soon spread to other counties in the region, showing that the wounds of Ulster's society were definitely still open and hurting. The conflict and destruction brought many to flee from the region, and the violence fuelled further rage against the other faction: armed groups grew in both numbers and ambitions, with the newly founded protestant Orange Order pledging to fight in defence of the King and Protestant Ascendancy and the catholic Defenders to fight for an Irish republic with the assistance of the French.

Surely, the French Revolution's ideals (and methods) had reached Ireland and contributed significantly to the revolutionary development of the Irish nationalist movement and, generally, of those who opposed the British government in Ireland. The United Irishmen, founded in 1791, was a liberal political organisation which aimed to have a parliamentary reform, a national government free from English interference, as well as equal rights and freedom of religion to obtain by "stripping the aristocratic elite of its political power and religious privileges"[13]. Originally a liberal organisation with protestants among its participants, it became more evidently close to the catholic emancipation cause, as it worked with the Armagh Defenders (now a secret organisation) and supported the Catholic Committee, a clerical-aristocratic organisation which fought to obtain political rights for Catholics. In the same year, the Catholic Committee was taken over by trading bourgeoisie and professionals, launching an intense campaign for political rights. In response, the British government issued the Relief Act in the following year, but it did not actually include the concession of political rights as was requested. The Catholic Committee thus decided to organise a democratic convention and to enlist a new republican Volunteer force based on the French example of the National Guard. Meanwhile, the United Irishmen tried to politicize the nationalist issue in public opinion

[12] (Bardon 1996) p.113

[13] (Bourke and McBride 2016) p.98

in order to pressure the government for reforms and for the emancipation of Catholics. Consequently, a radicalisation of public opinion was achieved especially in Ulster, where local United Irishmen were already preparing for a possible military confrontation. The attempted landing of the French on Irish coasts gave the final boost to the revolutionary movements, producing "a mass revolutionary underground movement, peaking at perhaps 280,000 members". [14]

This growth, which was particularly significant in Ulster, alarmed the Irish government. It was therefore decided to demolish the chances of a revolution in the north by weakening the catholic militant groups that were stronger there: in the so-called 'dragooning of Ulster' saw the imposition of martial law and the use of repressive tactics, rounds of military searches that managed to confiscate a great number of weapons, and many militants made prisoners and later executed. Sectarian divisions were unashamedly exploited by British forces: the enrolment of loyalist forces was boosted and loyalist paramilitary organisations as the "recently founded Orange lodges receiving (limited) elite and official patronage"[15]. In spite of this, in 1797 a rebellion started all around Ireland and later that year the French army finally reached Irish shores. Ulster groups managed to start an uprising as well, even if obviously much weaker than originally planned. However, with northern groups being unorganised and reduced in both number and power, the Irish insurrection was brutally stopped by the British army.[16] The insurrection had given way to sectarian violence everywhere in Ireland and, together with a forceful British repression, the conflict produced about ten thousand deaths of which "the overwhelming majority killed by the forces of the state, often away from the battlefield"[17].

In Ulster, the sectarian violence of the 1790s continued in the new century, even if with less intensity. Militant catholic groups had become stronger. The Unlawful Societies Act of 1825 had suppressed many groups of both protestant and catholic origin, but the movements remained strong as, in 1829, other episodes of sectarian violence took place. With the advent of industrialization of the northern region, the conflict emigrated

[14] (Bourke and McBride 2016) p.97-100
[15] (Bourke and McBride 2016) p.100
[16] (Bardon 1996) pp.114-120
[17] (Bourke and McBride 2016) p.101

alongside with the people that left the countryside looking to get out of the extreme poverty they were in after war, famine and sectarian conflict devastated their livelihoods. The industrialization of British economy brought the mechanisation of production, and the linen industry, traditionally a domestic and labour-intensive sector, was hugely affected by it. Ulster became central in the British industrial revolution. The industrial development brought by the production of linen, as well as that of the more recent engineering industry, was seen especially in Belfast which attracted masses of people coming from the countryside. Here, people settled maintaining the sectarian divisions of their counties and towns of origin, forming differentiated protestant and catholic areas around the city in which the animosity continued to live. Already in 1857, the city saw an important escalation of violence between the two factions that lasted for months, probably brought by a mounting feeling of insecurity in protestant communities in light of the once again growing Irish nationalist movement. In addition to this, Belfast's iron ships industry, which had greatly developed also thanks to the increasing demand of ships in light of Europe's economic growth and the migrations across the Atlantic, brought Ulster in contact with an American protestant movement of religious renewal at the end of the 1850s: this brought a new intensity in the northern region's Protestantism, soon matched by a catholic revival of the same strength[18].

1.3 THE UNION

The relationship between the English government and Ireland had been severely changed by the events of late 18th century. It was now clear, at least for a part of the English political elite, that Dublin Government was now powerless to successfully manage such a difficult situation, with the Irish parliament weakened and completely dependent on British troops and financial aid. Therefore, a Union with Ireland was thought to be necessary. In order to gain the needed support to pass the initiative in the Irish parliament, both the Irish catholic and the protestant elites were promised that it would bring them an advantage on the other: on one hand, emancipation for Catholics, whereas on the other was assured that the Catholics would have constituted an unsignificant minority, unthreatening for them; in reality, protestant elites were in favour of a Union mostly

[18] (Bardon 1996)

moved by the hope of rebuilding the status quo and by the fear of another popular insurrection or French invasion[19]. After a decade of turbulent events which seriously threatened British control on Ireland, on 1 January 1801, the Act of Union officially came into force and, what should have been a blow to Protestant Ascendancy after their failures in governing the island, became one for catholic elites. Overall, the Union failed to accomplish the majority of its objectives, eventually bringing even more damage to English-Irish relations. The first three decades of it are in fact described as "a missed opportunity" to conciliate and do "justice to Ireland" [20].

Originally, the Union had been conceived as an occasion to reform how Ireland was governed and to bring a final resolution to the Irish question, mostly moved by a need for stability inside the kingdom, in a time when England was facing a very powerful Napoleonic France, but with a different and more modern approach from the old imperialist and colonialist one. In order to secure Ireland, Westminster aimed to restructure the state to "decouple confessional interest groups and Jacobin ideology."[21] To do this, it was crucial that the relationship with the catholic religious entities in Ireland had to be 'cured', and they intended to do so with the concession of rights to Catholic people and the support of their elites. Catholic emancipation was also seen as security measure to avoid that discontent could create the chances for another alliance with the enemy. However, Irish elites were not always in favour of the changes planned for Ireland under the Union, like the reformation of its governing structure. In fact, "Irish peers and MPs sent to England to represent their country were often the greatest opponents of legislation created by English statesmen to improve the condition of Ireland."[22] What is more, as regards Catholic emancipation, the ultra-Protestant and Orange Order elites were the first major obstacles, as they used their influence to campaign against it even though they had guaranteed their support for the Union and its plans to reform Ireland. In addition, both Westminster and especially King George III turned out to be contrary to Catholic emancipation, and a Catholic Relief Act was reluctantly passed only in 1829.

[19] (Bourke and McBride 2016) p.101
[20] (Bourke and McBride 2016) p.113, 122
[21] (Bourke and McBride 2016) p.114
[22] (Bourke and McBride 2016) p.113

As the Union failed to deliver what was promised, the Irish catholic bourgeoisie felt betrayed and brought renewed passion behind the catholic cause, after the issues created by war and harvest failures had been the priority in the first decades of the 19th century. The discontent created by these shortcomings of the Union gave way to an important development for Irish politics: British policies had failed to tame the discontent of the Catholics in Ireland, especially the requests of the clergy, but his turned out to be a great mistake. Catholic clergy in Ireland had "unmatched resources of organisation and management", and once it moved into the political field, it became a successful and effective movement and "one of the main determinants of nineteenth-century Irish history."[23]

As a matter of fact, the catholic movement soon united to the nationalist cause behind the powerful leadership of Daniel O'Connell, a powerful demagogue capable of moving popular masses behind his cause, and who campaigned to repeal the Act of Union and in favour of a return of an Irish parliament in Dublin, as well as catholic emancipation[24]. Irish Catholic clergy were moved to side with O'Connell partly because they feared a Protestant resurgence given the recent revival originated in America[25]. The Catholic leader conceived the Irish struggle as one for liberty as well as equality. However, the events of late 18th century had deeply scarred the image of Irish Liberalism, and changed its relationship with nationalism from one of collaboration to one of hostility alongside sectarian and identity lines. O'Connell did in fact try to appeal to Irish Protestants as well but failing. Irish politics were becoming more and more divided by the fact of supporting the Union or not, giving final consolidation of the "Unionist" and "Repealers" factions[26]. However, the initiative started by O'Connell lost its momentum during the 1840s, as the crisis of the linen industry, a famine in the 1840s and consequent cholera epidemic, as well as new waves of emigration stole the limelight in the minds of Irish citizens.

[23] (MacDonagh 1977) p.53
[24] (Bardon 1996) p.118-126
[25] (Bourke and McBride 2016) p.120
[26] (Bourke and McBride 2016) p.120

"[…] Britain, the richest nation in Europe, handled its peasant dominions less effectively than did any other European state."

Bourke and McBride 2016 p.126

The Irish Famine of the 1840s brought major changes in the social, economic and political spheres. One million died and another million emigrated. The very significant growth in population happened in the first decades of 1800 and the scarce availability of good cultivable land made the Irish resort in mass to the cultivation of the potato, as it could easily be grown on poor land and little space. At the end of 1845 however, this crop was hit by a disease and, along with an exceptionally bad weather that had damaged other harvests as well, brought many into extreme poverty and hunger in a matter of months. The poor conditions of the population were soon further aggravated by a cholera epidemic that hit the country during the 1850s[27].

The British government implemented a series of relief measures with great investment, but the effects were not as beneficial as one would have expected as exports were not blocked, and the UK's taxes continued to be spent generously on the Crimean War. What is more, the government's reliefs were inadequate and were cut too soon for the population to recover, while landlords in Ireland continued to ask for rents to be paid, resulting in a quarter million of people evicted. This issue spurred the rise of a tenants' rights movement which saw the foundation of organisations all around the island during the 1840s, until in 1850 a national organisation, the Irish Tenant League, was formed. The peculiarity of this movement is that Catholics and Protestants, north and south of Ireland, found themselves working together for the common cause[28]. Aside from this occasion for cooperation however, divisions motivated by different positions on the Union prevented cooperation to grow further than that specific event. In fact, in correspondence with a Protestant and later also Catholic religious revival happening in the 1850s, growing sectarian tensions and a more and more divided political field were once again characterizing Ireland in the aftermath of the Famine. The failure of the British

[27] (Bardon 1996) pp.141-143

[28] (Bardon 1996) pp.148-150

government to “recognize the transformative effect that mass mortality and emigration had on the social and economic structure of the country”, along with the return of a time of relative well-being during the 1850s and 1860s, made the long-term effects of the Famine remain hidden until the end of the century.

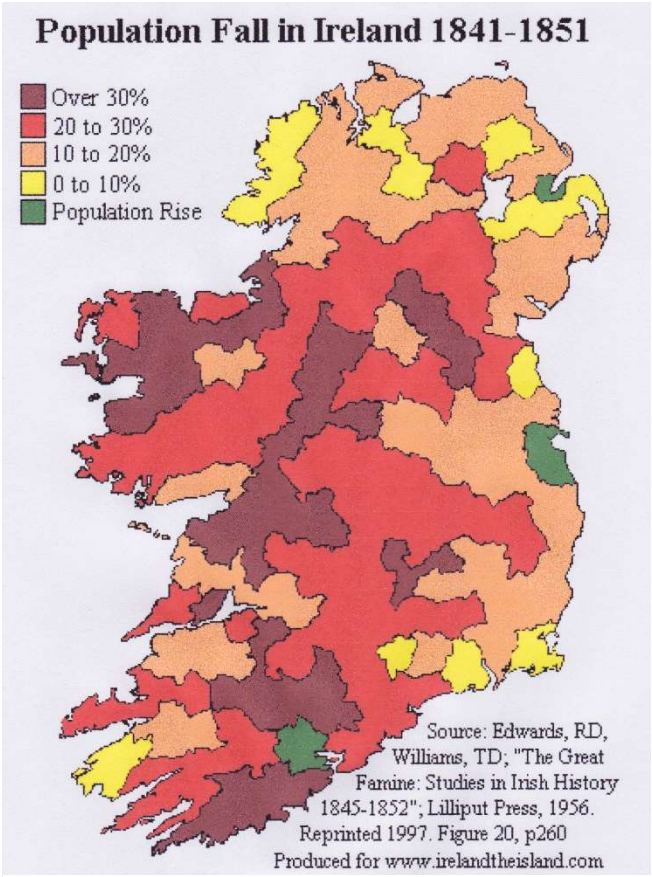

Figure 3 Population Fall in Ireland 1841-1851 [brilliantmaps.com]

In fact, the Famine is said to be the event which significantly shaped the Irish path outside British constitutional frameworks and towards separatism, not the experience of colonialism. This can be seen in the fact that Irish nationalism actually went through a period of renewal and reorientation after the crisis. The Great Famine started to be explained as a British-organized mass genocide in the rhetoric of Irish nationalism, a view which became very popular. The nationalist movement was able grew outside the elitist political arena as well: in 1858 the Irish Republican Brotherhood, a secret revolutionary organisation, was founded in Dublin and at the same time, a sister organisation was being created in New York, the Fenian Brotherhood. This connection would reveal itself to be of great assistance both financially and militarily thanks to the numerous Irish

communities in America and the presence of "willing Irish American ex-soldiers" from the American Civil War[29]. Already in 1865, a (more or less) coordinated rising of Fenians happened in Ireland and Canada, the latter organised by American Fenians. It was not a success in either country, but in Ireland the rising did obtain some political success: most of the Irish leaders were arrested, and some of them even sentenced to death. These imprisonments raised the attention of public opinion, as people in Ireland manifested against the execution of their death sentences which would eventually be cancelled[30]. The Fenian movement, criticized for lacking a complex ideology but, maybe exactly for this, capable to attract people beyond the elites, soon became a very popular and enduring political force in Ireland. Alongside this development, the Irish cause reached an important turning point when its leaders were able to converge their fight with that of Irish tenant farmers, allowing them to have more power in the English parliament[31]. The union of their forces, along with the parliamentarization of their cause through their resourceful leader Charles Stewart Parnell, were influential in obtaining the Land acts of 1869 and 1870. The land issue gradually became a very politicized source of agitation in Ireland, even described as 'criminal' by Unionist governing elites[32]. Nonetheless, in the 1880s the British government, pushed also by Unionists, decided to implement the Irish Coercion Act, coercive measures against these movements which contributed in making the governing classes become doubtful about the efficacy of the Union and more attentive to the Irish problem. This development also put further fuel in the engines of the Irish nationalist cause.

The renewed use of coercion during the 1880s, after it had been abandoned in the first decades of 1800, pushed the separatist sentiment to radicalize in a campaign for Home Rule: an autonomous parliament for Ireland that would govern with no intervention from the British. At the same time, "the real game-changer was the fraying of the pro-Union consensus in the British governing classes"[33]: sympathy towards Ireland and understanding of the 'Irish difference' among British leading elites was growing, and with

[29] (Murphy 2003) p.117
[30] (MacDonagh 1977) p.60
[31] (Bourke and McBride 2016) pp.126-130
[32] (MacDonagh 1977) p.60-61
[33] (Bourke and McBride 2016) p.138

it the realization that a policy of unity, assimilation and equalization as that of the Union was not the best solution for Ireland anymore. Prime Minister Gladstone's steps forward towards the requests of Irish nationalists after the new episodes of coercion represents the end of the consensus in support for the Union with Ireland. However, strong opposition was found both in England and in Ireland where unionists, especially those in Ulster, were decidedly not in favour of Home Rule, posing a very serious dilemma for British authorities[34].

1.4 HOME RULE

Dispositions towards Home Rule for Ireland changed during the 1870: from an assimilationist stance to one of recognition and acceptance of Irish difference. The changed attitudes of Prime Minister Gladstone are a reflection of this development which he saw in his own party. A shift, even if not as radical, occurred in the Conservative-Unionist wing as well, and was fundamental for the passing of land reforms for Ireland.

Along with Fenian leader Parnell's "English face", as well as his ability to have full control over the various forces in Ireland and disposition towards non-violent methods, the changed disposition of the British parliament allowed for the proposition of the first Home Rule bill to be advanced in 1886[35]. Besides the fact that Gladstone needed Home Rule MPs' votes to stay in power, he had become convinced that Parnell, former president of the rebellious (and later outlawed) National Land League, had truly changed towards more conservative and democratic methods, and was thus to be trusted in the pursuit of solving the Irish question[36]. As a matter of fact, the now-moderate (but at the same time radical when needed) Parnell became the central figure of Irish nationalism for a decade, inexplicably able to gain the trust and support of both extremist fringes and moderates in Ireland, as well as the trust of most of the British parliament. He was able to achieve a "leadership above the factions", while treating with British ministers "on equal and mutually comprehensible terms" given his British upper-class education and great political ability. His leadership constituted a watershed for Ireland and Irish nationalism,

[34] (Bourke and McBride 2016) pp.132-136
[35] (MacDonagh 1977) pp.60-64
[36] (L. McCaffrey 1995) p.94

as it "[…] profoundly changed the Anglo-Irish balance of power. It permanently changed imperial policy towards Ireland as well as the social fabric of the island." [37] Parnell was therefore able to give a more structured and democratic identity to the Home Rule movement in the British parliament. In addition, thanks to great floods of financial aid from American associations, it now had consistent resources at its disposal. These resources were well spent, and in the 1885 general elections the movement scored eighty-six Home Rule MPs in the British Parliament[38].

Prime minister Gladstone introduced the first Home Rule Bill in 1886. This move split Gladstone's Liberal party, and many voted against it. Some measures of the bill were criticised by Home Rulers as well, like British control over Irish customs or imperial contribution, but eventually gave their support. On the other hand, Unionists saw the Home Rule bill as "a concession to Irish extremism and a danger to British security" and argued that the Union had to remain intact in order for the British Empire to survive. With this kind of opposition, the bill did not pass the House of Commons. Gladstone thus decided to dissolve the Parliament and bring the issue to British public opinion. This move certainly contributed to a further politicization of the issue and to the move towards more populist stances by both Conservatives, who appealed to 'no-popery' and sectarian hatred to promote opposition to Home Rule. In Ulster, where the possibility of Home rule had already inflamed the situation since its first campaign in 1886, Unionism had begun to concentrate its efforts in the region focusing their forces in a campaign strongly against Home Rule. Conservative leaders even encouraged an armed resistance to Home rule in the region, creating the slogan "Ulster will fight and Ulster will be right". [39]

Figure 4 Unionist poster against Home Rule in Ulster [University of Leicester]

[37] (MacDonagh 1977) p.62,64
[38] (L. McCaffrey 1995) p.89-91
[39] (L. McCaffrey 1995) p.95-96

A second bill was proposed in 1893 during Gladstone's last mandate, in a government strongly dependent on the votes of Home Rule MPs, which had in the meanwhile split in two factions after a scandal on Parnell's personal life that undermined his leadership and thus the unity of the different nationalist currents. The bill, nationalist support nonetheless, failed to pass at the House of Lords. After yet another failure, Gladstone decided to retire, and Nationalists found themselves too demoralised and divided to bring forward another campaign for Home Rule. What is more, the next elections put a Conservative government in power in 1895, which proceeded to eliminate the Home Rule issue from its programme. The Conservative leadership of the country remained unaltered for a decade. However, already in 1906 general elections, Conservatives and Unionists lost significantly, whereas the new Liberal government, had obtained such a clear victory that was not in need Nationalist support. Home Rule thus remained outside of the new government's programme, but some concessions through a partial devolution were being taken into consideration nonetheless.

The possibility of similar concessions to the Nationalist side was sufficient to put Ulster Unionists on the move again[40]. We must also consider that, since the 1880s, Ireland saw the development of a new cultural movement for the revival of traditional Irish culture, language, sports and other practices which had already destabilized loyalist factions on the island, especially the factions in the North-East. The movement was also characterized by the formation of many associations and community groups such as the Gaelic League: although they did encourage people to think of Irish Gaelic people as a different people from the British, these associations were conceived as purely cultural and therefore non-sectarian and non-political. Even though they emphasized their cultural difference with the British, mostly in response to historical attempts at 'Anglicization' and a new and spreading modern tendency of uniformity, they did not conceive Irish non-Catholics to be of a different culture. In fact, they believed that "certain that the Nationalist leader Redmond would never accept a divided Ireland", and they often accepted Protestant leaders for the nationalist movement[41]. However, in a time when many disillusioned nationalist militants radicalized after the failures of obtaining Home Rule through parliamentary politics, the infiltration of extremist exponents was inevitable and soon

[40] (Bardon 1996) pp.170-171

[41] (L. McCaffrey 1995) p.118

directed the cultural organisations towards a less inclusive involvement in political acts, fuelling sectarian tensions and becoming "a sort of school for rebellion", as well as a way to unite low and middle classes behind the same cause. In giving "new point and precision to Irish self-identity", this cultural revival inevitably contributed to giving new strength to the movement, but it also contributed to the already growing conflictuality between Unionists and Nationalists, especially in Ulster.[42] As a matter of fact, Protestant Unionists feared a self-government of Ireland because, even if still under the Crown, they would become the religious and 'cultural' minority. Therefore, they believed that remaining in the Union was their only chance of surviving(Foy, 1996).

A third Home Rule bill, although moderate in its propositions, was presented in 1912 with yet another Liberal government dependent on Nationalist MPs, this time with Herbert Asquith as Prime minister. This political equilibrium had inevitably brought Home Rule back on the table. Northern Unionists leaders, uncertain of Conservative's opposition to possible devolutionary concessions for Nationalists, "embarked on an unconstitutional course" addressing Home Rule as a conspiracy against "free people" and declaring that loyalists were now in charge of preventing that Protestant and Unionist Ulster remained in the Union. These leaders, certain that the Nationalist leader Redmond would never accept a divided Ireland, were convinced that making Ulster fight to remain in the Union would shatter the possibility of Home Rule for the rest of the island as well. Displays of civilian and military Loyalism in Ulster were organized and saw great popular participation; in 1912 the Ulster Volunteers, later regrouped as the Ulster Volunteer Force, were founded to give military strength to Home Rule opposition and were growing rapidly in both numbers and power thanks to various episodes of gunrunning of German, Austrian and Italian weapons, and ammunition in great quantity, in a context of a brewing World War in Europe. Ulster Unionists were also taking full advantage of recent developments in the newspapers and advertisement industries: great financing and efforts went to their deeply populist propaganda campaign, with the objective of advancing their cause in public opinion both in Ireland and in Britain, as well as to attract other recruits and further compact their forces(Foy, 1996). On the other side, Irish Volunteers were experiencing a similar growth in all of Ireland but especially in Ulster. The situation in

[42] (MacDonagh 1977) p.72-74

Ulster was becoming more and more critical with time, and a full-blown sectarian civil conflict seemed to be inevitable. These worrisome circumstances, which became known as the Ulster Crisis, had the effect of convincing the British government that Ulster was a 'special case'; furthermore, the significant militarization of the Unionist and Nationalist factions would be a key factor in the Easter Rising and in the War of independence[43].

Meanwhile, the Bill did not pass the House of Lords, and Asquith, seeing what dangerous situation was forming in Ulster, started considering the partition of Ireland as a solution. The strong patriotism of UVF seemed to have consistently tied their hands to democratic measures in order to avoid losing public opinion's favour[44]. However, in 1914 the so-called 'Curragh Incident' exposed another problem: when ordered to intervene against the UVF in Ulster in light of their gunrunning, a mutiny of about 60 officers made evident the divisions in the British forces stationed in Ireland in relation to Ulster Unionist's militarization[45]. It was the beginning of World War I that prevented a further escalation of a conflict in the northern region by stalling the implementation of Ireland's Home Rule and of special provisions for Ulster, until after the war. The leaders of both factions, the Unionist Carson and the Nationalist Redmond called their followers to momentarily leave the sectarian conflict aside in order to serve in the war.[46]

1.5 THE EASTER RISING AND THE IRISH WAR OF INDEPENDENCE

> *We declare the right of the people of Ireland to the ownership of Ireland and to the unfettered control of Irish destinies, to be sovereign and indefeasible."*
>
> Proclamation of the Irish Republic, 24 April 1916

In this context of suspended tensions, the 1916 nationalist Easter Rising in Dublin came as a surprise for many. The different treatment of Irish nationalist forces involved in the

[43] Queen's University Belfast – Ulster Crisis https://www.qub.ac.uk/sites/irishhistorylive/IrishHistoryResources/Shortarticlesandencyclopaediaentries/Encyclopaedia/LengthyEntries/UlsterCrisis/ visited 25/03/2021

[44] (Bardon 1996) pp.172-177

[45] (Ferriter 2014)

[46] (Bardon 1996) pp.178-179

war effort, as well as the increasing casualties and the initiative of Prime minister Asquith to form a coalition government with Unionists, had pushed Irish nationalists towards anti-war stances. Initiatives like anti-recruitment campaigns, parades, and newspapers pushing for nationalists to become a neutral part to the war were enacted. However, the imprisonment or deportation of a number of Sinn Fein and republican militants, as well as the closure of what were considered extremist newspapers, pushed the Irish Republican Brotherhood to organize the armed 'resurrection' of Ireland which started on Easter Monday. They were also counting on reinforcements from Germany, enemy of the British in the war, but the promised weapons and ammunition never landed. However, the insurrection in Dublin started nonetheless, and Ireland was symbolically proclaimed an "Irish republic as a Sovereign Independent State"[47].

Figure 5 Ulster Rising rebels [irishtimes.com]

The rebellion lasted from Monday to Sunday, when the rebels surrendered: it was a complete failure, or so it seemed. British forces had quickly intervened to crush the insurrection. Irish people did not bring their help to their rebels, and many Dubliners used the chaos in the city to steal from shops instead. At the end of the conflict, seeing the destruction of the city and death of many civilians, captured rebels were considered mere 'hooligans', and were cursed and spat at by people in the streets. However, Britain's reaction to the Irish treason was one of forceful coercion, of executions without proper trials under military law. Fourteen rebel leaders were tried in military tribunals and executed shortly after, and more than two thousand exponents of Sinn Fein and the republican movements were jailed often without trials. The incivility of this treatment brought a deep change of direction in people's minds: the 'hooligans' soon became worshipped martyrs and national heroes, and Irish nationalism decisively went towards more radical objectives. Republicanism, the most extremist but less popular current in nationalism until before the insurrection, now

[47] (Proclamation of the Irish Republic, 24 April 1916 n.d.)

became the predominant one. Disillusioned by Home Rule and democratic means, an Irish republic was now to be achieved through violent means[48].

The 'blood sacrifice' had instilled new passion and unity in the nationalist cause, and Westminster understood that a change in its strategy was needed. The new liberal Prime Minister, Lloyd George, decided to immediately apply the third Home Rule bill to Ireland, excluding six counties of Ulster until after the war, when the Parliament would make the final decision on such partition. Neither Unionists nor Nationalists approved of the plan. Meanwhile, Eamon de Valera, the only surviving rebel leader, had come back from exile and was welcomed back in Ireland as the righteous leader of republicanism. He reorganized the Irish Volunteers under the emblem of Sinn Fein and challenged the Irish Party: Sinn Fein triumphed in 1918's elections but refused to take the gained seats in the British parliament. Instead, the Sinn Fein MPs decided to meet in Dublin and found an autonomous Irish Parliament, the Dail Eireann, from which to govern the Irish Republic. This parliament even sent delegates to represent the cause for Irish independence to the Versailles peace conference. [49] The post-war context in which this happened was one in which power had shifted to nation-states instead of empires and in which legitimacy now came from democracy and self-determination of the people. This profoundly contributed to important changes in the aims of Irish nationalists[50].

Towards the end of the war, England found itself in a critical situation at the warfront. In 1918 the Parliament decided to open army recruitments to Irish people as well. This initiative however opened a "Conscription crisis" and contributed in the formation of a more unitary front of the different political currents: in fact, the Irish party left the Parliament to unite with Catholic clergy, trade unions, and Sinn Feiners against conscription. It strengthened nationalist sentiment and popular sympathy, while also pushing for a reorganization of the Irish volunteers to which British authorities responded with further coercion and deportations of Sinn Fein militants, including de Valera[51].

The passive resistance of Sinn Feiners against British forces had turned into a violent conflict. Mostly led by the IRA against British forces, it became known as the Irish War

[48] (L. McCaffrey 1995) p.128
[49] (L. McCaffrey 1995) pp.129-131
[50] (Bourke and McBride 2016) p.159
[51] (L. McCaffrey 1995) pp.130-131

of Independence or Anglo-Irish War, or even the Irish Revolution: the reason behind the different names lays in the fact that there is disagreement on the nature of this 'war'. It cannot be defined as a 'revolution' and it cannot be said that it was English against Irish, as the majority of the fighters on both sides were Irish; furthermore, much of the violence was internal to the two factions, with their own minorities as their target for being "disloyal" or "deviant". [52] The conflict made necessary the reinforcement of both the army stationed in Ireland and the RIC, the Royal Irish Constabulary, which had become the principal target of the nationalist rebels' attacks. Recruitments in the British army serving in Ireland continued for all 1920. However, British authorities' methods, through their ruthless reaction of court-martialling and torture, eventually shocked people's conscience and therefore lost the favour of public opinion in Britain. Furthermore, a number of nationalist prisoners decided to go on a hunger strike, and some even died. This gave an important boost to the republican propaganda campaign both at home and abroad, and consequently also political power against the British. Furthermore, important sections of the Anglican Church, as well as Labour and Liberals, accused Britain's extremely violent methods against such militarily inferior enemy and pushed for negotiations to happen. Public opinion had clearly steered towards Home Rule for Ireland, but the republican movement was already past that.[53]

In 1920, Prime Minister Lloyd George tried solving the situation by creating two Irish parliaments through the Better Government of Ireland Bill, one for the six partitioned Ulster counties and one for the rest of the island, as well as a Council of Ireland with representatives of both. The measure intended to be a passage towards a united Ireland once a solution for Ulster had been found. However, nationalists were not aiming for Home Rule anymore, so the conflict continued. The prime minister had to pursue negotiations with republican leaders, which brought to a truce in 1921. The negotiations eventually brought to a treaty proposal which would have established an Irish Free State with a constitutional status similar to that of Canada, still inside the Commonwealth and with the Crown as head of state, but with an independent parliament that could legislate for Irish affairs[54]. Having been drafted by a government supported by anti-Irish Unionists,

[52] (McGarry 2008)

[53] (L. McCaffrey 1995) p.133

[54] (The Anglo-Irish Treaty, 6 December 1921 n.d.)

the proposed treaty asked republicans to abandon the six Ulster counties and to accept, in light of its status of 'dominion', an oath of allegiance to the Crown. Northern Ireland was thus not included in the new Irish state and remained under the 1920 Better Government of Ireland legislation, but the debate in the Dail hardly focused on this matter: "Irish republicans were more concerned about the metaphysics of the oath of allegiance than they were about the harsh reality of a divided Ireland".[55] As a matter of fact, even though under the proposed treaty the Irish State would have been virtually independent, a part of the republicans was not willing to accept said symbolical declarations towards the Crown, therefore leading to the creation of two opposed factions of pro-treaty and anti-treaty.[56]

Figure 6 Historical Ulster counties and Northern Ireland [themaparchive.com]

[55] (L. McCaffrey 1995) p.136

[56] (L. McCaffrey 1995) pp.132-134

The Dail eventually voted in favour of the Treaty. The leader of the more radical faction, De Valera, walked out of the parliament with its supporters, also leaving his role as chairman of the Provisional Government of the newly established Irish Free State. In June, a general election revealed that the 80 percent of Irish voters had chosen pro-Treaty candidates for the Dail. However, the minority of opposers to the treaty, among whom was De Valera, started threatening a civil war. These political tensions, as well as other divisions in society, resulted in a multifaceted and chaotic civil war in the 1920s. Violence in Ireland had begun already in 1919, but when the approval of the treaty was reached in the Dail (although barely so) in January 1922, a more defined and intense guerrilla campaign started in 1922 and lasted until the following year between republican forces and the British Army. The approval of the treaty had created strong divisions among nationalists[57].There were divisions and clashes also between those who believed in the use of violence (the formerly Irish Volunteers now known as Irish Republican Army) and those who didn't (Sinn Féin).

Republicans heavily contested the separation of the six northern counties from the rest of Ireland with a devolutionary government under the UK. The IRA thus decided to pursue an armed campaign in the newly formed Northern Ireland. This gave way to a new wave of sectarian violence along Republican-Unionist, Catholic-Protestant lines. What the beginning of World War I had stalled now found the ideal conditions to start: with violence spreading from the South to Northern Ireland through IRA attacks, the region soon fell into what was described as "the most terrible period of violence the province had experienced since the eighteenth century."

1.6 THE FIRST YEARS OF THE NORTHERN IRELAND PROVINCE

Soldiers coming back from the war were being recruited by the opposing factions. Burning of houses and businesses, intimidations, raidings, shootings, rioting, reprisals and assassinations characterized many parts of Ulster during the crisis, especially Belfast. Unionists feared that they would soon fall under the Irish Free State's jurisdiction as well. An IRA campaign, aimed at destabilizing Northern Ireland to achieve the end of partition, started in January 1922. By April of that year, the situation had become so precarious and

[57] (Bardon 1996)p.191

dangerous that the Parliament of Northern Ireland issued the 'Special Powers' Act was issued, "giving the minister of home affairs authority to detain suspects and to set up courts of summary jurisdiction": these special courts could detain suspects without a trial and for undefined periods of time, as well as sentence to death, use torturing methods and impose corporal punishments such as whipping. [58]

> *"Protestants believed that Catholics were aiming for nothing less than the destruction of the state."*
>
> Bardon 1996 p. 196

However, as the conflict in the South became more internal to nationalist factions, the IRA militants progressively retired from the fight in Northern Ireland and directed its effort against its former allies. For Northern Ireland, this was a relief: by 1923 the region was practically at peace. On the other hand, the conflict had taken hundreds of lives, thousands of people displaced from their homes and forced out of their job[59].

The peace reached in 1923 gave the newly formed Northern Ireland government the chance to find a sustainable equilibrium for the different factions in the region. On the contrary, the defensiveness and extreme conservatism of Unionists made it impossible for the government to make significant progress towards an equal (or at least acceptable) treatment of the Catholic minority. During the 1920s and 30s Catholics were truly persecuted in the new province, as "Protestant mobs physically assaulted Catholics, burned their homes, and drove them out of shipyards and factories"[60]. The political field was no different: discrimination and gerrymandering soon characterised local politics, giving almost complete power to Protestant Unionist elites. With the passing of time, the monopoly of Unionists in Northern Ireland became more and more evident as well as pervasive. The governing system installed by the Anglo-Irish treaty had allowed the Unionist majority to gradually exclude the Catholic minority from all aspects of government, and at the same time to implement sufficient discriminating measures in order to keep the balance in their favour. What is more, even though the region was financially dependent on London because of the NHS, the devolution had practically

[58] (Bardon 1996) pp.193-194
[59] (Bardon 1996) p.196
[60] (L. McCaffrey 1995) p.145

isolated it from both Irish and English pressures, therefore allowing Unionists to have an unprecedented freedom of action. The severance from the British and Irish parliaments had also drastically reduced the leverage of Northern Nationalists, as they could no longer appeal to the support of Southern nationalists or Westminster alliances to advance their interests and protect their rights. This context was thus heavily unbalanced in favour of Northern Unionists, who implemented more and more blatant forms of discrimination towards Catholics with no repercussions from London.[61]

> *"Constant, often violent, Protestant persecution, poverty, and second-class citizenship discouraged Catholics from participating in the system. Most retreated into ghettos of the mind as well as of place. Sectarian cultural separateness in Northern Ireland has been even more pronounced than racial segregation in pre-civil rights American South."*
>
> L. McCaffrey 1995 p.145

Already in 1922, the proportional representation in N.I. government elections was abolished, and although the principal aim of the initiative was that of blocking the expansion of the Labour party, Catholics were nonetheless seen as "enemies" and severely affected by it. By 1927 Unionists had conquered all 12 councils of the region, and in 1929, parliamentary proportional representation was also abolished. In the 1930s, a new and grandiose parliament building at Stormont was inaugurated by the Prince of Wales, but Nationalist factions did not attend its opening: Unionists' initiatives to obstacle them caused the nationalists to make vast use of parliamentary abstentionism for the following ten years. To add to the quality of the Northern Ireland parliamentary debate, local MPs were described as "often embarrassingly inarticulate, badly informed, and concerned only with petty local matters".

Meanwhile, Westminster seemed to be blind to what was really happening in Northern Ireland politics, and the same was true also regarding education. In the 1930s, state schools were strongly pushed towards Protestant teachings, clearly in contradiction with the 1920 Government of Ireland Act that made the endowment of a specific religion illegal. However, it was only 15 years later that the illicit was denounced, clearly showing that the British Government had turned a blind eye on it. On the other hand, even the few

[61] (Bourke and McBride 2016) chapter 5

top-down attempts at convergence were generally ostracized by one or both factions: the minister of education Lord Londonderry, probably one of the few openminded thinkers in the local government, had proposed a common system of elementary education, erasing the traditional religious divide. Both communities expressed their strong dissent. The bill was quickly amended to allow the clergy to choose state school's teachers, and Lord Londonderry resigned shortly afterwards. [62]

The economic conditions of Northern Ireland in its first two decades of life were no better: the region was going through a long economic depression. The incredible growth of the shipbuilding industry started at the end of the 19th century had continued into the 1900s, especially during the war effort. The war had also benefited the linen industry, whereas the great demand of food both at home and in the continent during the post-World War boom had brought great prosperity to Irish farmers. However, already in the 1920s, this growth stopped. The 1929 depression was on its way and Northern Ireland, having an economy almost completely dependent on a small number of export industries, and being the poorest region of the Kingdom, began experiencing the effect of the crisis way before other regions. Endemic unemployment, workers' protests, poverty and sickness was widespread in both rural and urban areas; the latter became characterized by slums. Meanwhile, partition and devolution had left the local government with far less funds than before, thus unable to ensure proper subsidies and help to those in need. [63]

Once again, war was getting closer, and Northern Ireland found itself extremely underprepared for it. Belfast was heavily bombarded by the Germans in 1941 and the lack of military weaponry to defend itself from aerial attack, as well as the capacity for basic interventions became evident, along with the incapacity of the current Unionist government. Help from both the Irish Free State (neutral in the war) and the Americans was needed for both military and civilian interventions, such as extinguishing a fire. Even so, Northern Ireland participation in the war effort was substantial. Especially after 1942, the region and Belfast in particular were able to participate in the UK's military

[62] (Bardon 1996) pp.198-203

[63] (Bardon 1996) pp.206-208

production with aircrafts, tanks, naval ships, etc., although in smaller amounts than the rest of the kingdom[64].

Right after the war, the newly elected Labour government implemented a free and comprehensive welfare system, the NHS, which was soon extended to Northern Ireland as well. The introduction of medical assistance for everyone, as well as state housing and help for the unemployed or poor, dramatically changed the living conditions in the area and set it apart from the rest of Ireland in which this kind of assistance was not present at the time. However, the introduction of the NHS to Northern Ireland (state housing in particular) also created the conditions for the rise of new causes for sectarian hate and conflict, in addition to the discriminations that were already present in all areas of the Catholic minority life.

1.7 N.I.'S CIVIL RIGHTS MOVEMENTS AND THE TROUBLES

The 1920s partition had allowed Northern Unionism to establish a monopoly of power which lasted, virtually unchallenged, for fifty years. From the very beginning, Northern Ireland was an 'Orange state': the imposition of the most populist and sectarian current of Unionism, the Orange Order, created a system in which membership – and religion – was the regulatory basis for every activity in the new state. Blatant discriminations towards the Catholic minority were ordinary and systematic since they were deemed necessary for Protestant's dominance to continue. The Orange Order was able to prey on the ancient fears of Ulster Protestants and to convince people that the only way for surviving Catholic oppression was by resistance, opposition and separation, instead of mutual accommodation. The discriminations encompassed every aspect of life in the region, from school, to work, politics, civil service and housing. Catholic unemployment was double the Protestant one, and they were especially excluded from certain sectors of regional industry. Justice and politics, as well as police were all almost completely controlled by members of the Order. The police, especially some groups like the so-called 'B Specials', in addition to being almost exclusively Protestant (and Orangemen in great part), it was also heavily armed, and had little degree of autonomy from the political sphere: in fact, it "had no real operational independence, responding directly to directions

[64] (Bardon 1996) pp.220-228

from ministers, with senior police officers sometimes attending cabinet meetings." Discriminations against Catholics permeated Stormont politics as well, with Protestant MPs often making openly insulting anti-Catholic affirmations. Being divided along religious lines, politics were also absolutely stagnant, as the absence of a significant opposition made the Unionist side the only winner in every election or vote. Culturally, the Orange Order made a tradition of the new state to hold marches and parades in July of every year, marches that reinforced the alleged superiority of Protestants over Catholics, while nationalist parades received very strong limitations. [65]

On the other hand, the second post-war brought important political changes that would deeply influence the Northern Irish context during the 60s, eventually leading to what we know as The Troubles. Certainly, the participation of Northern Ireland to the war effort made sympathies for Unionists rise in Westminster, as did its strength in the region,

> *Throughout this period, Britain, a self-proclaimed champion of liberal democracy, […] gave tacit approval to the apartheid policies of Northern Ireland government, one that it sustained and preserved with welfare-state subsidies.*
>
> L. McCaffrey 1995 p.145

whereas the attention for the nationalist cause decreased given Ireland's neutrality. However, it is the introduction of welfare that eventually made tensions rise. In fact, the NHS brought along an important building programme to improve the housing conditions in the region, which were very often in awful conditions. However, housing also determined voting in local government elections. As a consequence, this building programme was used by Unionists to ensure that every community had the 'right' housing allocation: the "right people", namely Protestant and Unionist, had to be assigned the new houses with the objective of ensuring that every community would result Unionist in local government elections. This was especially evident in Derry, where a minority of Protestants held the local council despite the town was clearly of Catholic predominance. [66]

[65] (McKittrick and McVea 2001) Chapter 1

[66] (McKittrick and McVea 2001) Chapter 1

During the 60s, the principles of the African American movement for civil rights and equality reached Northern Ireland as well, and from 1964 a similar movement started to take shape. Its participants were educated Catholic moderates, as well as middle-class, socialists, republicans and Protestants, and radical student groups. British post-war reforms had brought ameliorations to education as well, forming a larger but also more educated and conscious Catholic middle class that reached a good level of education but realized that their advancement in society was stopped by a discriminating structure.

Although during the 60s Catholics started to ask for more participation in the Northern Irish state, this new middle class also thought that it was time to divert from the outmoded methods and rhetoric of the Nationalist party, Sinn Féin and the IRA, abandoning the fantasy of a United Ireland and deciding to obtain their legitimate rights inside the UK[67]. Discontent and restlessness for the state's discriminating structures were rising, and the not so minoritarian Catholic minority was large enough to pose a threat to Unionists' 'perfect monopoly' of the state. In 1967, the Northern Ireland Civil Rights Association was formed, and soon provided the centre to Catholic mobilization against common issues. The first march was organized the next year and collected the number of two thousand marchers. Among the demands of this association were to have non-discriminating laws, to end gerrymandering, a reform of housing allocations, the dismissal of the B Specials along with a reform of the RUC, and one vote per person. The latter, "one man – one vote" became a powerful slogan for the movement. [68]

O'Neill, leader of the Unionist Party from 1963 to 1969, had tried to move towards reconciliation with the Catholic half of the population, also pushed from the new Labour government in London to do so. He was different from his predecessors in that he tried to steer his government away from sectarian and fundamentalist positions typical of the past decades of Unionist government, with a rhetoric of Protestant-Catholic reconciliation. In a context in which J.F. Kennedy was elected in the US and a Labour government with Harold Wilson had taken power in Westminster for the first time, the time seemed ripe for change in Northern Ireland as well. However, resistance from Unionists and Loyalists proved very strong, and the distrust from Catholics was hard to

[67] (L. McCaffrey 1995) p.148-149

[68] (McKittrick and McVea 2001) Chapter 2

heal in so little time after long decades of discrimination. In the end, his reforms did not change much in the Northern Ireland context. Meanwhile, the extremist wing of his party, that would be later captained by Reverend Ian Paisley, was growing in response to O'Neill's stance towards Catholics. Reverend Paisley gained great popularity in very little time, pushing Protestants towards even more defensive and extremist stances and away from O'Neill, 'the traitor' that was tending a hand towards the "enemies of the state" [69]. Besides his charisma and political opportunism, Paisley was able to use the media to spread his rhetoric and was able to steer a good portion of Unionists towards more violent stances. He was also associated with a UVF bombing in Kilkeel, County Down in 1969, staged to seem an IRA attack, with the aim of forcing O'Neill out of his seat as Unionist leader and thus to stop concessions being granted to Catholics. O'Neill did in fact resign that year, and the relationship between Catholics and Protestants in Northern Ireland only worsened after that[70].

Figure 7 Civil Rights march in Northern Ireland [cain.ulster.ac.uk]

Advancements in media technology had brough television to testimony the first marches of the N.I. Civil Rights Movement. As soon as 1968, it also became a testimony for police's unmotivated brutality against civil rights activists during the second march (far smaller than the first) in Derry. A direct confrontation ensued, and the footage shocked the conscience of the public at home, bringing Northern Ireland and its sectarian character back on London and Dublin's political priorities. Another march, organized by a radical student association, was attacked outside Derry in 1969 when passing a Protestant area. The attackers were local loyalists and off-duty B Specials, but the official force escorting the marchers, the RUC, did little to stop it. The confrontation became rioting that lasted for days. The protesters barricaded a Catholic predominant area, the Bogside, and managed to keep the RUC outside for three days, in what would be a watershed event for Northern Ireland: rioting had spread to other parts of the region, and especially Belfast where the two

[69] (McKittrick and McVea 2001) Chapter 2

[70] (BBC Northern Ireland 2019) Episode 1

factions lived right next to each other. People had realized that the local government's control over its territory was very weak, easily outpowered by these masses of activists. In fact, it was Stormont which called for the intervention of the British Army in N.I. to keep order where they could not[71].

After Derry, the British Army became consistently involved in local affairs, as it became necessary for day-to-day policing in Catholic working-class areas. The British army was initially welcomed with great warmth by Catholics, seeing the soldiers as coming to protect them from the attacks of the Loyalists. The reason for the presence of the army was to give the RUC time to implement reform in its ranks, as it was clearly not capable of keeping order in the state. Nevertheless, Unionists were able to resist the reforms imposed by London thanks to the acts of dissent of loyalist forces like the B Specials, which used violence against British troops in an act of resistance to reform. The threat of loyalist violent escalations in the streets significantly curbed an already limited British authority over Northern Ireland, limits that had now become very evident to all. Loyalists were not the only ones to use violent methods: the constant presence of heavily armed British forces patrolling Catholic areas, the very different treatment of Protestant areas and loyalist marches, along with the accidental killing of a nine year old boy, and imprisonments and violence on many as 'IRA suspects', soon gave way to a deep antagonization of Catholics and British Army, which started to see each other as enemies[72]. Afterwards, 'Provisional' IRA attacks under the "Brits Out" cry started to be carried out. The Republican organization had recently split in two currents, one in favour of armed struggle and one against it, namely the new 'Provisionals' and the old 'Officials'. The latter eventually became involved in the confrontation with British forces as well, but in consistently minor scale with regards to its more extremist counterpart.[73]

During the 70s important developments occurred in Irish nationalism. The Civil rights movement went into the backseat to leave space for a new group, the SDLP (Social Democratic and Labour Party), basically an anti-Unionist party which became the most important voice of nationalism in Northern Ireland. Meanwhile, Unionists were calling for harder measures to control republican rioting, namely internment without trial. The

[71] (Bourke and McBride 2016) pp.197-198
[72] (BBC Northern Ireland 2019) episode 1
[73] (Bourke and McBride 2016) pp.198-200

killing of three off-duty Scottish soldiers outside a pub in Belfast by the IRA had set for a further escalation of violence, one from which the region would not turn back for a while. Internment was introduced in large-scale in 1971 through 'Operation Demetrius', which saw thousands of soldiers and policemen in search for IRA suspects, arresting people mostly without real suspicion. This change of strategy of the Unionist government only worsened nationalist radicalization and violence in the streets: the operation was a complete failure, first of all because it did not capture many IRA members; secondly, because the randomness of the arrests along with the violence inflicted during house searches and to captured prisoners, only created an infinite availability of potential IRA members; and thirdly, because it contributed to the idea that British forces were an enemy for Catholic people, whereas the IRA was their real protector. Furthermore, seeing the violent reaction of republicans after the introduction of internment, many Protestants lost trust in the effectiveness of security forces, thus spurring them too to join paramilitary groups in great numbers. Nonetheless, internment was used until 1975.[74]

After this last failure of the Stormont government to keep the situation under control, direct rule from Britain was underway. 1972 began with the tragedy of Bloody Sunday, when 14 people participating in a large illegal civil rights march were killed in Derry by the Parachute Regiment and other army departments. The image of a catholic priest, Father Daly, waving a bloodied handkerchief to signal that his group was carrying a wounded young boy, shocked people's conscience around the country and pushed many among the peaceful factions of nationalism to join paramilitary groups. Flows of guns and recruits started to be directed to Northern Ireland more than ever before.

[74] (McKittrick and McVea 2001) pp.68-70

Anglo-Irish relations were in difficult waters, and the British embassy in Dublin was set on fire after the events of Derry. The British government decided to intervene with direct rule in Northern Ireland in March of that year, intending for it to be a temporary measure while a cross-community form of government was planned. Curiously enough, this further galvanised Unionists as they saw the independence of Stormont as the only thing saving their country from Catholic nationalists. However, these three events together, internment, Bloody Sunday, and the end of Stormont, triggered "the worst violence ever seen in Northern Ireland".[75]

Figure 8 Masked armed man during the Troubles [HistoryCollection.com]

The British government, in order to have room for negotiations about a possible power-sharing agreement, tried to create better relationships with nationalists by making a few concessions, among which the concession of 'special category status' to paramilitary groups members in prison. The reason behind this was primarily that of avoiding creating martyrs for the republican cause by stopping the hunger strike protest of some nationalist prisoners. The first talks with IRA leaders were a failure. However, this created a special channel of communication between the British government and the republican paramilitaries which remained open in the following years.

[75] (McKittrick and McVea 2001) pp.79-82

A first document for a new constitutional system for the region was that of William Whitelaw advanced in 1972, the British Secretary of State for Northern Ireland appointed that year. Even if it was inconclusive as neither party involved accepted its conditions, it was able to establish what would later become central for successive agreements: while it stated Northern Ireland's financial dependence from Britain and the consequent obligations and allegiance to London that came with it, it affirmed the inevitable 'Irish dimension' of the question, meaning that the Irish state had to be involved in a possible agreement. It also considered a solution that included Irish unity. The proposal included a power-sharing system of government that would allow for a wider and more balanced representation of sections of the population, assuring that they all had a voice in the government, thus ending the era of Unionist majoritarian monopoly. Whitelaw's proposal, however, was rejected by both nationalists and unionists.

Figure 9 Burned down houses in Belfast during the Troubles [theirishhistory.com]

In light of the necessity to find a solution to the conflicts happening in Northern Ireland, a change in Anglo-Irish relations was clearly underway, but a great kickstart to achieve that arrived at the beginning of 1973: the accession of both the United Kingdom and Ireland in the European Economic Community, laid the basis for new and better relations (at least at the elite level) between the two countries. After decades of 'disengagement' policy from the UK with regards to Ireland and general suspension of channels of communication between the two countries, the EEC now provided a more neutral setting for discussion, with plenty of chances for informal communication between English and Irish representatives. The membership in the same organization also allowed Ireland to find a place where discussion with the UK could happen as equals, as they were both

members of the same organization with no difference in their role in it. As a member of a large community of states, Ireland's entry in the EEC allowed it to gain greater international standing and consequently also more weight in talks with the British. What is more, the controls on the border with Northern Ireland were abolished to allow for free movement between the members of the Community. [76]

In March of 1973, the concepts of the Green Paper were reaffirmed in a new proposal, this time called White Paper (officially "Northern Ireland constitutional proposals": it once again affirmed the concept of power-sharing with proportional representation as the solution for a balanced government of Northern Ireland; it reaffirmed its role inside the UK but at the same time recognized that Ireland had to participate in whatever settlement was decided for the region, thus foreseeing the creation of new Anglo-Irish channels of communication. The proposal, which would be finally defined and settled as an official agreement during the Sunningdale conference in late 1973, led to the formation of a power-sharing executive and the definition of the 'Irish dimension' in Northern Ireland under the new structure of government, and also expressed the will to form an institution for North-South cooperation and communication, the Council of Ireland[77]. The new power-sharing executive took office in January 1974, but from the beginning it was evident that the most extremist factions had become so radicalized on their positions, that an agreement based on equality could not resist their pull for too long. The executive parties soon found themselves one against the other in local councils and in government, going back to the old relationship patterns. A massive strike of Protestant workforce cut petrol and oil supplies to the rest of the country to which Wilson, who had come back as Prime Minister in March, responded with the intervention of the British Army, in light of N.I.'s government incapacity to curb the strike. It was the end of the Sunningdale power-sharing executive, which had lasted only five months[78].

Things were in the hands of the power-sharing parties now. A decision to legalise the extremist wings of the two factions, Sinn Féin and the UVF, was taken to facilitate dialogue with them. The informal talks did not bring immediate benefit, as violence continued, but eventually led to IRA ceasefires later in 1974 and continued in 1975,

[76] (Harris 2018)
[77] (McKittrick and McVea 2001) pp.90-91
[78] (McKittrick and McVea 2001) pp.102-106

although it was often violated. Already towards the end of that year, the ceasefire was just a formality. During the rest of the 70s, an alternation of strikes, informal talks that ended in stalemate, and times of extreme violence led by paramilitary groups characterized the region. In just two years, 1975 and 1976, six hundred people were killed in the conflicts. New, brutal security provisions were implemented, only bringing to further escalations of the conflict and violence against police and army forces[79].

After Sunningdale, and on the political front, Unionism was in the hands of the extremist wing captained by Reverend Paisley, whereas on the nationalist side, the SDLP was trying a new strategy. One of its leaders, John Hume, decided it was best to shift the focus from trying to find a power-sharing agreement, to convincing London and Dublin to cooperate in finding a new solution to the issue. He also put great attention to the relationship with the American political and media fields, succeeding in bringing some important political exponents to side for their cause and unite their efforts. Furthermore, another important change occurred in nationalism towards the end of the 70s: the new leadership of Sin Féin with northern exponents Gerry Adams and Martin McGuinness, believed that the victory of the republican war would not happen soon. Instead they had to prepare for a 'long war', a years-long war based on the concept that perpetuated violence, political stalemate, pressure from international partners, attacks in Britain, would all eventually constitute such an unsolvable and expensive dilemma for London to sort, that they would abandon Northern Ireland altogether. In addition to this, Adams argued that the IRA campaign effort had to be accompanied by great emphasis on political action, as it was no less important than the military part of the struggle.[80]

During this time, especially towards the end of the 70s, concerns about the treatment of nationalist prisoners were attracting more and more attention. Amnesty International denounced the situation and an official investigation was conducted. Even though the report practically advised to revise all methods of prisoner's interrogation and treatment, no direct accusation to Northern Irish police were made[81]. It was only later that this situation gained great political weight: in 1976 'Special Category Status' for nationalist prisoners was ended, and a number of prisoners around Northern Ireland decided to

[79] (McKittrick and McVea 2001) pp.109, 114
[80] (McKittrick and McVea 2001) pp.127-128
[81] (McKittrick and McVea 2001) p.131

protest in what were called the Blanket Protest and later the Dirty Protest. Special Category Status was important for republican paramilitaries as it gave prisoners more freedom and dignity, but most importantly it allowed imprisoned leaders to continue to exercise command on their men on the outside and to continue the propaganda campaign. The demonstrations did not attract much attention inside the republican factions until the Cardinal leader of the Catholic Church of Ireland visited the prisoners and denounced their conditions. During the 80s, however, the protests turned more serious with two hunger strikes of several prisoners in different prisons. The protest became a confrontation between republican prisoners and the newly elected Margaret Thatcher. While the first strike obtained some concessions but did not gain much politically, the second one had a different outcome: through the sacrifice of the strikers, some of which would later die were able to use their protest to mount an important propaganda campaign. Bobby Sands was the initiator of the second strike and the 'young and innocent' face of the protest in 1981. During his strike, he was elected as MP to Westminster in April. Thatcher and the British were depicted as cruel and inflexible, bringing more and more support behind the nationalist cause.

Sands died in May of that year, quickly becoming one of the most revered republican martyrs. Around 100,000 people attended his funerals. His protest, election and death, however, were fundamental for the political growth and centrality of Sinn Féin in successive years. On the other hand, it significantly worsened the Anglo-Irish relationship. In the end, a total of ten strikers died in the protest. The strikes were called off seeing that they were not bringing the expected results, namely that of making the British government yield on the prisoners' demands. The Special Status was not technically reinstalled, but the hunger strikes were definitely a display of the political motivation of these prisoners, thus making their political status clear at least in international public opinion. Support for both Sinn Féin and the IRA grew consistently after the events, but the popularity and political impact of Bobby Sands and the hunger-strikers, along with the electoral successes that came as a consequence, pushed Sinn Féin more and more towards the political dimension of the struggle rather than the military

one, and later also towards more moderate stances for the resolution of Northern Ireland's conflict.[82][83]

1.8 A NEW PHASE IN THE TROUBLES

During the strikes, Anglo-Irish relations had worsened given Britain's mostly inflexible stance on prisoners' demands, but already in the mid-80s, proposals were advanced from the moderate parts of Irish nationalism to work together in finding a common solution for Northern Ireland. Happening in between more and more violent attacks that claimed the lives of an incredible number of innocent civilians, momentarily ceasefires, and various IRA bombings in London, during the 80s and 90s, the Republicans (later also a part of Unionism) and the Irish and British governments developed a more open and collaborative attitude towards negotiation and the understanding that a solution for Northern Ireland had to be found through cooperation of all parties involved, Republicans included. It was a moment of great importance for Anglo-Irish relations, as they realized that their interests were no longer in conflict. Because of IRA and Loyalist violence, people's opinion had moved decisively past the old rhetoric that wanted Irish Unity on one side, and Northern Ireland firmly in the UK on the other: instead, the governments realized that peace in Northern Ireland was the primary concern in everyone's mind and that it was a common problem to manage together.[84]

Through Sinn Féin, republicanism in Northern Ireland had become a political force that could no longer be excluded from negotiations. Apart from becoming very popular in N.I.'s local councils, its leader Gerry Adams had been elected MP at Westminster, allowing him to become closer with British Labour and other important political exponents. On the other hand, constitutional nationalism had been continuously renewing itself since the Civil Rights Movement and was now abandoning the old argument by which British presence in Northern Ireland was the major problem of the region also thanks to its forward-thinking leadership: Hume, FitzGerald and others contributed to a change of direction, allowing for a better relationship with London. Instead, they argued

[82] (McKittrick and McVea 2001) 140-143
[83] (English 2003)
[84] (McKittrick and McVea 2001) pp.159-162

that the root of the problem was the Protestant community and its seemingly unchangeable defensive stance. In the meanwhile, the IRA continued its military campaign that involved Britain as well, with an increase in extreme violence and civilian casualties that significantly cut the support of nationalist public opinion over time. Attacks in London directed at two British prime ministers were also perpetrated: they were all unsuccessful in their principal aim, but many others died or were injured. A message to Margaret Thatcher was delivered after the attack directed at her: "Today we were unlucky, but remember, we have only to be lucky once."[85]

IRA violence nonetheless, Anglo-Irish channels of communication and negotiations on Northern Ireland were never interrupted and kept moving forward, even if at a slow pace. In 1985, a historic advancement was made: Thatcher and FitzGerald, the Taoiseach or Irish Prime Minister, signed a joint document, departing from Sunningdale's separate statements, that established a consultative role for Ireland in the management of Northern Ireland. It also determined that any change in the status of Northern Ireland could happen only after the majority of its citizens had given its consent. The joint agreement opened a new chapter in Anglo-Irish relations and, even though it had no executive power over Northern Ireland, Irish involvement in the process was now made official through the creation of an intergovernmental conference chaired by both governments. The notion of consent was also significative and was meant to soothe Unionist worries, which had been basically bypassed as Britain moved independently to make the agreement. However, it was not seen this way: Unionists of all kinds rejected the agreement and started a protesting campaign on various levels that lasted for years, with the intention of bringing down the agreement. Violent confrontations between loyalist paramilitary groups and the police left destruction and many injured, if not dead. Houses of police officers were targeted by petrol-bombs. An intimidation campaign against the RUC was also launched. This attitude continued into the 90s, and without proposing an alternative solution to the agreement. If progress had been made possible by the agreement, the necessity to soothe this violence became primary in Thatcher's agenda, holding her back from developing

[85] (McKittrick and McVea 2001) p.162

reforms for Northern Ireland with Dublin. Therefore, the Anglo-Irish accord was not developed in its full potential. [86]

Republicans rejected the agreement as well, as it reasserted Northern Ireland as fundamentally British territory, but the constitutional faction of nationalism soon realized that Thatcher's change of mind towards an agreement that was clearly nationalist in tone, meant that London could be moved towards their demands if republican approach was also one of accommodation and cooperation. Thatcher's decision had been mainly motivated by security concerns (some also say, even if in small degree, by American pressures[87]), but certainly a part of the British establishment had come to trust and appreciate the changed approach of constitutional nationalism since the Civil Rights Campaign[88]. In the meanwhile, the IRA was rearming itself thanks to Libyan Colonel Gaddafi. While putting great effort in its political wing, hard republicanism remained sceptical of the new-found Anglo-Irish relationship and feared it would eventually be excluded from negotiations if its weight was not increased. To do so, the IRA decided to extend its campaign to Britain and Europe as well, and to remain a stable presence in both. Several shipments of weaponry were sent form Libya. The traffic went on for years starting in the mid-80s, without neither government's intelligence discovering it. Their violence however, especially after the 1987 episode of Enniskillen where a civilian Protestant reunion for Remembrance Day was bombed, became increasingly criticised both nationally and internationally. IRA bombings continued well into the 90s.[89]

In this tense atmosphere where violence continued from both sides of the conflict, Sinn Féin did not abandon the political field, quite the contrary: the leaders of the main factions of northern nationalism, SDLP's Hume and Sinn Féin's Adams, had been engaging in secret talks to find a common approach in the pursuit of peace since the end of the 80s, but it all became public knowledge only in 1993. However, it was not just the two leaders who were communicating with each other, it was a web of contacts: in the secret talks, nationalists, republicans, as well as the Catholic Church, and the Irish and British governments were all involved. The discovery made quite a bit of clamour in public

[86] (McKittrick and McVea 2001) pp. 156-168
[87] (Kelly 2020)
[88] (McKittrick and McVea 2001) p.164
[89] (McKittrick and McVea 2001) pp.170-173

opinion and in the political field, as it revealed that both constitutional nationalists and especially the British government, had been talking to violent republicans in secret back-channel negotiations. The end of the secret talks did not mean the end of the peace process, but rather its transferring to a public one, and the common membership and frequent meetings of ministers in the European Union's summits helped the two governments overcoming the tensions[90]. Towards the end of the year, however, violence in Northern Ireland rose to levels that had not been seen for years, bringing many to think that any hope for peace was lost.

Even so, the violence had the effect of accelerating the peace negotiations: in December, Prime minister Major and Taoiseach Reynolds signed a joint declaration at Downing Street that set the terms for the beginning of a peace process to which both governments committed themselves with the objective of achieving a satisfactory political settlement for all parties involved in the conflict, and in the sole interest of Northern Ireland's peace. The declaration drew heavily on the document previously produced by Hume and Adams as a result of their negotiations, but included the role of the European Union as well: it highlighted the fact that the shared membership would enhance the relationship between the two countries, which would have to consider also the European dimension of certain matters(Berberi, 2017). The agreement established the right of the people of Northern Ireland to self-determination, as well as the principle of consent for any constitutional change. In addition, it affirmed that Northern Ireland could become part of Ireland and exit from the United Kingdom, if the majority of the people voted in favour of such initiative.[91] Even if the agreement had taken inspiration from Adams and Hume's document, the agreement did not satisfy the Republicans, bringing the negotiations to an obvious stalemate. Nonetheless, 1994 saw the involvement of another party in the process which would be central from this point on.

1.9 THE PEACE PROCESS AND U.S.' INVOLVEMENT

In 1994 U.S. President Clinton decided to become involved in the process of achieving peace in Northern Ireland, also pushed by important Irish American lobbies to do so.

[90] (Harris 2018)

[91] (Joint Declaration 1993 (Downing St. Declaration) n.d.)

Nationalists had developed strong links with the Catholic Irish American lobbies already in 1994, and in 1992 these lobbies had supported Clinton in his campaign for the presidency. In reality, the first U.S.' intromission into northern Irish affairs dates back to 1977, when President Carter started this trend by criticizing English lack of substantial political initiative in Northern Ireland and by vowing a U.S. involvement in the event a settlement on the conflict. Clinton, seeing that an agreement was close to be found, and seeing economic opportunity in a peaceful Northern Ireland, decided it was time to act more decisively on the conflict issue: he first eliminated the ban that prohibited Adams to enter the country, causing quite a lot of diplomatic distress in the UK. Clinton in fact sided with Dublin and the SDLP in prosecuting a softer strategy in negotiations with the IRA. Allowing Adams to visit him, he believed, would be 'the carrot' to attract the republicans towards more cooperative positions and keep them on board for fruitful negotiations, on the condition that they abstained from violence. (MacGinty, 1997)

Clinton's influence is seen as central in the achievement of IRA's ceasefire of 1994 and that lasted until 1996. It is in that year, when both the British government and President Clinton asked the IRA to decommission some of its weaponry before the beginning of peace negotiations, that the talks reached an impasse. Lack of trust between the parties was at the basis of this stall: the Democratic Unionist Party demanded decommissioning before the talks started because they refused to negotiate with terrorists and feared for their security, whereas the refused to decommission before the talks began because they feared it would diminish their negotiating power and allow Unionists to take advantage of their diminished military strength[92]. With an imminent visit from Clinton in the UK programmed for late 1995, London and Dublin were able to agree on the creation of an independent organism, the International Body on Arms Decommissioning, with the objective of producing an independent report to help with overcoming the impasse, and later to oversee the decommissioning of paramilitary group's weapons as part of the peace process. The body was chaired by important international political figures, but most importantly by the American senator and diplomat George Mitchell, a figure very close to Clinton and of great political and diplomatic standing that would later become central in the peace negotiations. The report produced by the organization in 1996 advised the

[92] (Democratic Progress Institute 2013)

governments to proceed with decommissioning during the negotiations, not before as the British were asking. It also pointed out that the parties involved lacked trust between them, a fundamental condition for peace negotiations; but Mitchell went even further, and included also "six principles of democracy and non-violence that we believed the parties could be invited to adopt if they were to take part in the talks" [93], for example only committing to democratic and peaceful means, as well as the complete disarmament of paramilitary groups. [94]

Besides what the report advised, Prime Minister Major remained firm in his idea that for republicans to participate the IRA had to decommission some of its weaponry first. What is more, in June of that year, talks were convened in Belfast with SDLP, the DUP and the UUP, as well as the British and Irish governments. Sinn Féin was not invited. Consequently, the IRA ended the ceasefire in February 1996 by making a lorry explode in London, provoking two deaths and very serious damage. Violence and bombings characterized the rest of the year. The episodes of Drumcree happened in July, when thousands and thousands of Orangemen were allowed to march and destroy property (especially Catholic) and block traffic for days, further damaged community relations towards more and more distrust and hate. Luckily, paramilitary groups decided to not escalate violence further. The talks continued nonetheless, once again also thanks to the continued informal contacts of the British and Irish governments through European meetings[95], and towards the end of the year, Senator Mitchell was appointed chairman of the negotiations, along with the other two major diplomats of the decommissioning body. The American diplomat immediately acted to move over the deadlock in the negotiations by visiting Belfast and Stormont to meet the major parties, and by reopening the dialogue with Sinn Féin. However, he demanded that a ceasefire was declared before they could enter the talks, and Sinn Féin rejected that, creating another impasse. It was Tony Blair as Prime Minister that brought things to move forward again, as he pushed for allowing everyone, Sinn Féin included, to participate to the talks. Together with Dublin, it was

[93] (Benton 2003)
[94] (Gilligan 1997)
[95] (Harris 2018)

decided to allow for decommissioning to happen during the talks, and that Sinn Féin could participate independently of this. A second ceasefire was then declared in July 1997.[96] [97]

Mitchell quickly became a central piece of the negotiations for both his experience and humanity. As an independent third-party and outsider of the conflict, he tried to design a participative peace process, and to directly get to know the parties involved and gain their trust by listening to all their concerns and demands. In addition, seeing the mutual diffidence in the two communities, he tried to build trust between the parties during the negotiations. As soon as he was appointed chairman to the talks, he developed a document with his "Ground Rules of Negotiations", that would be accepted by all parties involved. These rules were general, allowing the parties to discuss on them and find a common agreement on the rules, but were fundamental in directing the negotiations towards progress. Afterwards, when the matters of the conflict started to be discussed, he developed another guideline document that included the requests and concerns of all parties, dividing the issues in three groups or "strands" on which each party or government could express its opinions independently: Strand 1 concerned the intra-community relationships; Strand 2 regarded 'North-South' political relationships; and finally, Strand 3 focused on 'East-West' relations, namely those between England, Northern Ireland, and Ireland. All Strands proposed the creation of institutions to promote said relations. [98][99]

By early 1998, the negotiations had covered all facets of the issues at hand, but still no agreement could be made, as the parties remained firm in their positions and petty arguments. At this point, in March 1998, Senator Mitchell decided that the parties had to be remembered of the urgency of finding a compromise: Mitchell decided to impose a deadline to the Easter festivities of that year, after which the talks would have been shut down with or without an agreement. Again, Mitchell's impulse was decisive to secure progress: he drafted a schedule for a final round of two weeks of non-stop negotiations on the contents of an agreement. All parties agreed on both schedule and deadline. Getting

[96] (Corry 2018)
[97] (Democratic Progress Institute 2013)
[98] (Democratic Progress Institute 2013)
[99] (McKittrick and McVea 2001) pp. 206-218

closer to the deadline, a draft was produced to be discussed in the very last few days before the Easter festivities.

The final days were the most decisive and fast progressing, demonstrating that imposing a deadline had worked. After "700 days of failure", the "one day of success" finally arrived[100]: compromise on an agreement was reached and accepted by all parties involved in the afternoon of Good Friday, 10th April 1998. An all-island referendum to accept the agreement was then convened in May, and it passed with 85% majority.[101]

1.10 CONCLUSIONS

We can certainly say that what the Good Friday/Belfast Agreement was able to build was a historic achievement, but it remains a very fragile equilibrium to this day. Centuries of conflictuality between the two communities can hardly be suddenly and completely erased by an agreement that, even if undoubtedly an essential starting point, would not be followed by sufficient initiatives to build a new society on the ruins of the Troubles and all the violence of the past. It is therefore an equilibrium that lacks many fundamental steps towards a truly cohesive social fabric finally free from the torment of sectarianism.

Conscious of this, we can understand how the recent events of Brexit pose a serious threat to this delicate balance, especially in relation to the deep level of complex interconnection between UK, Ireland and Northern Ireland's governments, institutions, societies and economies, but also the importance of European initiatives and funds for the region, and the benefits, both material and ideological, of a common and equal membership of the UK and Ireland in a supranational and multicultural organization such as the EU. Particularly relevant (and worrisome) for Northern Ireland's public opinion in relation to Brexit has been the discussion over UK's border with the EU. The issue also constituted one of the most difficult points in UK's Brexit negotiations with Europe, causing deadlock and delays in finding an agreement.

[100] (Corry 2018)

[101] (Democratic Progress Institute 2013)

CHAPTER 2

The European membership referendum in Northern Ireland

CAMPAIGNS, RESULTS AND LOCAL VOICES

2.1 INTRODUCTION

In Chapter One we saw how Northern Ireland's history was characterized by conflict and sectarianism, with the last decades of the 20th century seeing the region fall into an extremely violent civil conflict once again. The 1998 Good Friday Agreement symbolised the end of this last conflict and the beginning of a process of pacification and reconstruction of the region, economically and socially so. In this process however, the common membership in the European Union of United Kingdom and Republic of Ireland played an important role, allowing for a regime of free movement of people, services and goods. However, the peace process in Northern Ireland is certainly not completed, and many issues are still present today.

Reached after deeply troubled decades of conflict and violence, the Good Friday/Belfast Agreement established a series of complex structures of government and institutions based on the principles of consent, participation, equality, and power-sharing, which involved all the political relationships of Northern Ireland, from the intra-communitarian, to those with Ireland, and those between Ireland and Britain: a popularly elected assembly, composed of ninety members, legislates on matters such as education, health, agriculture, and requires the support of both nationalists and unionists to make important decisions, with the objective of maintaining equality between the parts. Northern Ireland remained part of the UK, but as a devolved government this assembly and its executive now had a great degree of autonomy. What the GFA established is devolved, cross-community power-sharing government, with two equal and interdependent First

Ministers and a multi-party executive, as well as a proportional electoral system endowed with special voting arrangements to protect the minority by allowing it to veto certain decisions.

On the other hand, the agreement addressed nationalist fears through the principle of self-determination, allowing Northern Ireland to become part of the Republic if the majority of its citizens gave their consent. It also built the basis for a deeply interconnected relationship between the English, Irish and Norther Irish governments in managing the region through common institutions such as the North-South ministerial Council (NSMC), the North-South Implementation Bodies, as well as the British-Irish Council and the British-Irish Intergovernmental Conference: these bodies were designed to foster cooperation, but also the development and maintenance of good relations between the two countries through the common management of matters that are not the responsibility of N.I. Assembly. Furthermore, signing the agreement also meant for the beginning of the process of decommissioning and destruction of paramilitary groups' weaponry.[102]

Even though a peace settlement had been reached, episodes of violence continued to happen throughout the years after the agreement was signed, with the Omagh bombing happening in the very same year, but they generally involved a small part of the population. All in all, we can say that since then Northern Ireland has been able to enjoy a long period free from conflict that allowed for the development of the region in all aspects of life. However, harsh political divisions and tensions remain unresolved to this day, and old rhetoric often characterises the elections and parliamentary debates (and referendum debates, as we will see further in this chapter). Differently from other sectarian conflicts around the world, achieving a peace agreement did not give way to a formal process of reconciliation between the communities involved, a process that "requires a community development strategy that addresses human needs and encourages people to participate and build democracy together"(White, 2014).

On the other hand, the European Union, already before the agreement in 1989, implemented various programmes to help Northern Ireland through economic aid and peacebuilding initiatives through EU-funded NGOs, as well as with initiatives in the social and educational fields(Byrne, 2021). EU's assistance was certainly not the main

[102] (McKittrick and McVea 2001)

contributor to the peace process, but it was an important psychological factor in helping Nationalists and Unionists to work together: being inside a supranational organisation with free movement of people and goods, made the concept of national sovereignty lose some of its importance. European support for Northern Ireland involved the economic sphere as well: the region strongly benefited from the European Structural and Investment Programmes, as well as the PEACE and INTERREG cross-border cooperation programmes, which allowed for the funding of infrastructure, businesses, but also civil society projects for reconciliation and collaboration. The EU was fundamental in the creation of a soft border as well, a factor of primary importance for free movement inside the island of Ireland, and therefore also the maintenance of the peace between the communities.(Berberi, 2017)

Some degree of change in Northern Ireland's communities certainly occurred through the years, a change that is especially evident in younger Protestant generations among which Loyalism has hardly any attraction nowadays(White, 2014). However, it is evident that much work still must be done, as the old sectarian tensions persist in today's Northern Irish society, often around issues such flying of a flag instead of a Union flag or parading(Armstrong, Herbert and Mustad, 2019). The region also lacks a united civil society, which is considered important in building trust and durable peace in conflictual societies, making the region vulnerable to the influence of spoiler groups that can feed sectarian tensions again to undermine the peace agreement in order to promote their cause or interests. This is why voluntary and community organizations that bring forward peacebuilding and inter-communitarian projects are and have been central in Northern Irish society.

Considering all this, we can certainly see how the UK's government move of calling a referendum on European membership represented a threat for Northern Ireland's fragile equilibrium, and possibly a problematic matter to solve in case of a 'Leave' vote: being the only part of the UK that physically confines with a European country, exiting the Union could mean bringing back a physical border with Ireland (and with it the risk of sectarian conflict erupting again), or at the very least some important changes to the regime of free movement that was designed with the peace agreement. Notwithstanding these factors, neither the UK government nor the pro-Leave campaign really presented a clear plan on how to tackle this issue in case of a Leave vote victory. During the

referendum campaign Northern Ireland was not among the most discussed matters in neither the 'Leave' or 'Remain' camps anywhere outside of Ireland: in fact, it was barely mentioned, even by those who advocated a 'hard Brexit' or 'no-deal Brexit' that would inevitably bring back a physical border on the island. (Menon and et. al., 2019, pp. 50–51; O'Rourke, 2019, chaps 8–9; Phinnemore, no date)

In this chapter we will briefly analyse the referendum campaigns in Britain and Northern Ireland, as well as the vote in Northern Ireland. Then we will focus on Northern Ireland's 'voices' (civil society, economic sectors, politics, newspapers, etc.) after the referendum to see what the most prominent anxieties and requests to the government for the negotiations were.

2.2 BREXIT: BORN AND RAISED IN ENGLAND?

The UK has historically been more Eurosceptic than other countries on the continent, and its various opt-outs to EU treaties demonstrates that. The UK had always been an 'awkward partner' of the EU: when the European Economic Community was created in 1957, the UK refused to join it. It decided to do so only many years later in 1973, together with Ireland. Then came the time of the European Union and the United Kingdom, being mostly motivated to join for economic reasons[103], it joined it but on some 'exceptional' conditions that allowed it to remain with a foot outside the door and retain a greater degree of independence from EU's treaties and institutions, at least on some matters.

While the historical Euroscepticism is to be taken account of, Brexit was motivated by a wide range of factors, some internal and others external. The austerity measures adopted by the EU after the 2008 crisis (especially as regards the Greek debt, but also the Troika interventions in Ireland and Portugal), and later the refugee crisis of 2015, certainly did not help the EU's case in a time when populism and nationalism were growing tendencies in virtually all European countries, United Kingdom included: even though it was not touched by most of these measures, a sentiment characterised by a desire to take back the national sovereignty was growing. In fact, many felt that this sovereignty had been taken away by supra-national organisations and companies.

103

Economically speaking, the United Kingdom was able to recover sooner than the rest of the EU. As a matter of fact, starting from 2010, it took a different path in reaction to the economic crisis: while the European Union tried to come out of the crisis through more debt and taxes, the UK decided to cut welfare state services. The result of the different policies was that the rest of the European Union (with the exception of Germany) stopped growing after an initial period of recovery, and it was able to reach pre-crisis levels of growth only in 2016(O'Rourke, 2019, chap. 9). While the United Kingdom's economy was able to recover quicker, poorer sections of the population were severely affected by the cuts, leading to anger and dissatisfaction towards the government's decisions. The decrease in public spending concerned different areas of the social welfare such as unemployment, housing, disability-related benefits. Millions of British families were damaged by these measures(Fetzer, 2019). On the other hand, the growing and seemingly unstoppable globalization of the markets affected more than a few economic sectors in Britain, creating a space for anti-globalization tendencies to grow in the country. On top of this, 2015 was the year of the refugee crisis in Europe that showed an image of the European Union where its members seemed to not be fully in control of the emergency, as well as not sufficiently cooperative and organised. Certainly, the fact that Europe had been seeing Islamic terrorist attacks for more than a decade, and especially in 2015 and 2016, did not help the case, and the public was becoming increasingly concerned with security and immigration. It was an extremely difficult period for Europe, but all in all we can say that most of these issues did not directly touch the United Kingdom: as we have seen, the UK adopted different measures to counter the post-2008 economic crisis than the rest of the EU; the refugee crisis involved the continent most of all, both because the UK is not in the Schengen Area and because it is physically detached from the rest of Europe, making it more difficult for migrants to cross the UK border illegally and without competent authorities noticing.(Clarke, Goodwin and Whiteley, 2017a; O'Rourke, 2019, chap. 9)

We can say that these issues contributed to the growth of an anti-European, anti-globalization, nationalistic sentiment in many parts of the UK (but especially so in England(*The Eurosceptic map of Britain | YouGov*, 2016)) and across many sections of the population. The welfare state cuts especially were at the centre of the discontent and have been fundamental for the growth of UKIP, the right-wing populist and eurosceptic party

that would become the main leader of the pro-Brexit side in the referendum campaign. As a matter of fact, it had been exploiting these themes since 2010 to mobilize anti-immigration and anti-European feelings in British voters. While being all valid, these motivations did not take into account the effects that an exit from the EU would have brought to the only part of the UK that shares a land border with another European country: Northern Ireland. In fact, the UK-wide referendum campaigns failed to acknowledge Northern Ireland's peculiar position and regime and, most importantly, it failed to provide safe and concrete solutions that could be adopted in case of a Leave vote before calling a referendum on European membership.

2.3 THE REFERENDUM CAMPAIGN(S)

The national referendum campaign was focused on a series of themes connected to the issues that we mentioned earlier. While the Leave side organised a campaigned focused on the benefits that exiting the EU would bring, Remain campaigners tried to emphasize the major risks it would bring to virtually all sectors of the country's economy. Besides politicians rallying against a Brexit, the campaign months saw an infinite number of academics, economists, business leaders, international organizations' spokespeople, along with other important national and international figures, warn about what kind of damage Brexit would bring to their sector of work and expertise. A decade (at least) of uncertainty and declining economy was pictured: damage to the livelihoods of many families, a consistent increase in inflation, a sharp decrease in the value of sterling, travelling made more costly and difficult, a reduction of imports and exports, an economic recession, the potential dissolution of the United Kingdom, threats to national security, etc.(Clarke, Goodwin and Whiteley, 2017b; Henderson *et al.*, 2017; O'Rourke, 2019, chap. 9)

The Leave campaign used a different approach, highlighting the potential benefits of Brexit to convince voters. Particularly relevant for the Leave side of the campaign were trade and health services, as well as immigration later on in the campaign which quickly became the one of the most relevant matters for public opinion. Pro-Leave campaigners argued that exiting the European Union would allow the country to "take back control" of its borders and of its finances, which would allow the UK to control immigrant fluxes that, they vehemently claimed, were both putting a strain on the NHS and bringing in the

country economic migrants and terrorists. Some Leave campaigners, especially UKIP representatives such as its leader Nigel Farage, were accused of racism and xenophobia after especially controversial statements. The UKIP leader in particular was heavily criticised for a shocking poster that depicted a long queue of migrants with the words "Breaking point"(*Nigel Farage's anti-migrant poster reported to police*, 2016). Exiting the Union, they said, would also save the UK the billions of pounds paid to the EU that could be invested in research, welfare services, schools, and other areas. They also argued that their international stance would not change after Brexit and that the UK could strike 'better deals' with singular countries once outside of the European Union. (Clarke, Goodwin and Whiteley, 2017b; Henderson *et al.*, 2017; O'Rourke, 2019, chap. 9)

What is striking, considering both the country's history and the most recent developments, is that the Leave campaign seemed to completely ignore Northern Ireland's deeply troubled history and the importance of the European Union for its peace process and economy. Local newspapers' coverage of British politicians' campaign visits to Northern Ireland highlights that the region's public opinion was aware of this behaviour, and tired of being ignored. As a sort of poetic justice, almost all local newspapers ignored British politicians and their declarations when they visited Northern Ireland in occasion of the referendum campaign. In general, newspapers did not cover the referendum campaign with the enthusiasm one would have expected with such a delicate and 'personal' matter. This might be due to the clear lack of interest for Northern Ireland from virtually all British political parties (except Northern Irish ones of course) that the referendum campaign had made even more evident(Baker, 2018).

At the national level, Northern Ireland's interests in the referendum debate were poorly represented even by those who had the right position to do so: Theresa Villiers, the then Secretary of State for Northern Ireland, was criticised for "taking a narrowly English view of the EU" and for not acknowledging that Northern Ireland was probably better off in the European Union given its peculiar form of government and institutions, economic relations and population. She only stated that the UK would have prospered once outside of the Union, avoiding mentioning Northern Ireland directly despite her particular role in the government. What is more, only three of fourteen Northern Ireland's MPs (those who do attend Westminster – Sinn Féin boycotts it) favoured to remain in the EU.(Burke, 2017)

This lack of engagement with the membership question was seen in public opinion (and later also voting turnout) as well: despite being a strongly politicised region, the referendum in Northern Ireland was not felt as in other parts of the United Kingdom. Before the vote, the majority of NI's citizens supported Remain fearing a return of the border with Ireland for both political and practical reasons, seeing the level of connection and interdependency that the two parts of the island have reached(Menon and et. al., 2019, pp. 50–51). The referendum debate in Northern Ireland inevitably took a different path than the national one, especially as regards the themes of the Remain side. All in all, the traditional political and identitarian divisions certainly shaped the Northern Irish campaign, with some arguing that the polarised stances taken by pivotal political actors such as Sinn Féin and the DUP produced a referendum campaign full of strong rhetorical declarations, but devoid of cooperation and trust that would have allowed the region to have a substantial plan in case of Brexit. What is more, it was argued that the Northern Irish referendum campaign was generally "lackluster, limited in depth and late to develop"(Murphy, 2016), and that neither side of the campaign in the region supported their statements with solid information on Northern Ireland coming from research or analysis.(Murphy, 2016b; McCann and Hainsworth, 2017)

> *"[…] it is the legacy of the Troubles, the persistent breakdown of trust and institutional co-operation in the Stormont executive and Assembly that most seriously hinders a serious cross-party policy discussion of the UK's membership of the EU in Northern Ireland."*
>
> Burke, 2016

While pro-Leave Unionists argued that Brexit would not affect UK's unity, the Northern Irish Remain side warned of the consequences for the region in case of Brexit. All major nationalist parties like Sinn Féin and the SDLP, as well as pro-European Green Party and centrist Alliance, supported

Figure 10 Pro-Remain campaign posters in Northern Ireland [irishtimes.com]

remaining in the European Union. Their main concerns regarded the destiny of the border with the Republic of Ireland in the event of an exit from the EU, the European economic aids to Northern Ireland and North-South structures of cooperation, as well as the loss of access to the Single Market. Criticised by Sinn Féin in particular, the Union was not seen as perfect, but nationalists argued that change could only be brought from the inside. They also feared that exiting the EU would bring back a hard border with customs posts and trading tariffs, something considered extremely damaging for the all-island economy and activities, and especially for the peace process and political stability in Northern Ireland. Furthermore, they thought it could lower both human and unemployment rights in the region.(Murphy, 2016b, p. ; McCann and Hainsworth, 2017)

On the other side, Unionists parties were not all of the same mind on the matter. The DUP strongly criticised the EU for being undemocratic and for taking away national sovereignty, as well as the contributions that weighted heavily on UK's budget. The party's referendum campaign was very similar to that of pro-Leave parties in the rest of the UK, with 'take back control' as the main motto. As regards the special position of Northern Ireland, the DUP rejected and condemned the rhetoric by which Brexit was a danger to the peace process, defining it as an attempt to scare voters into voting Remain. The UUP took a different stance: although critical of many aspects such as the EU's approaches to security and immigration, the UUP argued that deciding on European membership through an emotionally charged referendum was not the best idea. As a matter of fact, the party sided with Remain but left its supporters free to decide their position. However, the party was actually split on the inside, and important former UUP

members such as David Trimble openly called voters to not fear an exit from the EU's 'dictatorship'.(de Mars *et al.*, 2016; McCann and Hainsworth, 2017)

Figure 11 DUP's campaign message on Metro newspaper [bbc.com]

2.4 NORTHERN IRELAND'S INTEREST GROUPS AND OTHER VOICES

During the referendum campaign (as well as after) a number of local voices expressed their concerns and their hopes for the referendum vote. In this section I will take in consideration Northern Ireland's local interests' opinions on the referendum matter: from people living close to the border that cross it daily for work, school or health-related reasons, to those relying on European funds such as farmers and the civil society sector, to fishermen and businesses.

Besides Northern Ireland's peace and socio-political stability, an open border with Ireland is also essential to maintain the all-island economy, which has reached extremely high levels of interconnectedness and of amount of goods that passes the frontier every day. A consistent portion of border crossings are supply-chain activities: many activities and firms on one side of the border often rely on the other side for one or more steps in the production of a product or service, especially for businesses located near the border and those in the dairy, meat, and food sector in general. To make an example, milk collected in the Irish Republic is often transported to Northern Ireland where is treated and packaged, and is then sent back for sale in 'the South'. The common membership in the European Union had also eliminated the differences in regulation. Nowadays, many workers, businesses and even entire regions both North and South of the border depend

on this open and common regime for daily activities, especially for those living and working in the border areas, in which it is common to cross the border daily for working or studying purposes, but also for health services. It was estimated that around 30.000 workers are 'cross-border' workers. It can thus be said that Northern Ireland is very dependent on the other side of the border, especially for exports, as it was registered that around 37% of services and 25% of manufactures are directed to the South, and more than half its exports are directed to the EU.(Connelly, 2017; Tonge, 2017; de MARS *et al.*, 2018; Clarke, Levitt and Gutiérrez, 2019)

A joint statement of various interest groups of Northern Ireland, from the voluntary and community sector to agri-food, as well as business and manufacture, declared the sectors' conviction that the region's prosperity was strongly connected to European Union membership. Trade unions, with the protection and advancement of workers' rights in mind, were largely in favour of voting Remain. Those that operated on a cross-border basis in particular were also concerned about how a Brexit would affect farmers' incomes (in many areas consistently supported by EU funds), EU peace projects, human rights, and community development programmes.(McCann and Hainsworth, 2017)

Civil Society Organisations in Northern Ireland were especially concerned about the possibility of an exit from the European Union given their great reliance on European funds and programmes. Besides their historically important role for Northern Irish society during the 1900s, when the Irish Catholic minority was often treated very differently from the English Protestant dominant majority, CSOs in the region greatly developed their action thanks to European programmes and funds like PEACE and INTERREG. Losing access to these programmes would mean losing millions of economic aid each year(*Belfasttelegraph,* 2016b). Besides the economic support, this kind of European involvement helped CSOs develop a more 'vertical' working approach that saw them engaging directly with the EU, but also with the Irish and the British government. This enabled them to more effectively lobby for their region's interests and needs, as well as to develop independent communication channels with European institutions.(Duibhir, 2021)

On the other hand, the particularly influential agri-food sector was more divided, and in the end, it was decided to leave the decision to individuals. In spite of this, it is safe to

say that the agri-food sector is strongly dependent on the all-island economy that the common European membership of the Republic of Ireland and the United Kingdom allows. Northern Ireland needs to import great quantities of dairy and meat from Ireland. Brexit also puts at risk the Northern region's European financing of agriculture on which it is heavily dependent due to difficult climate conditions and, even though the British Treasury has reassured it will give its support to the sector after Brexit, some doubt that it would match the Common Agricultural Policy funds: in season 2014-15 it was registered that the 60% of farming income in the region came from CAP payments. Northern Ireland would also lose access to foreign labour, and it accounts for 7% of its employees. Finally, Britain is not self-sufficient for food and depends on Ireland for it.(*Belfasttelegraph*, 2016b; Connelly, 2017)

The UK fishing sector was particularly relevant in the referendum campaign through the movement "Fishing For Leave", despite being relatively small. In Northern Ireland (as well as that in Scotland), the fishing sector was in favour of a Brexit with the hope of taking back control of 'their' waters, get rid of European heavy bureaucracy, and hopefully gain a good slice of the post-Brexit reallocation of catch quotas(McCaffrey and May 2019, 2018). As a matter of fact, the UK possesses a great quantity of waters and these, under EU regime, were accessed by other European countries as well. Exiting the Union could mean the full reappropriation of these waters, that could then be allocated to local fishing areas around the UK. Northern Irish fishermen in particular felt that the available quotas they had under European membership were unfair. The sector is not an economical heavyweight in absolute terms (0.02% of UK economy in 2019)(*4. Fisheries*, 2021) but it is fundamental for some specific areas in which it is also an important part of local culture and identity.(Gallic, Mardle and Metz, 2018; Phillipson and Symes, 2018; *BBC News*, 2019c)

Figure 12 'Fishing For Leave' campaign poster [apnews.com]

It might be useful to analyse in more depth the requests of Northern Irish fishermen in particular, as some elements are contradictory. First of all, the European Union: it is the most important export market for the local fishing economy, amounting to a 36% of the total value of products sold, and the imposition of tariffs on imports could therefore sink

many businesses; it also financially supports Northern Ireland's fishing industry(*Brexit and the future of fisheries policy in Northern Ireland*, 2018). Secondly, the sector is heavily dependent on extra-UK labour, with people coming from Eastern Europe and Africa to work on deck, as local labour is hard to find because of the danger that this kind of work inevitably brings; a hard Brexit would certainly make things difficult for employers in search of manpower(McCaffrey and May 2019, 2018). Thirdly, people employed in this industry generally have low financial resilience, meaning that their income is highly variable: this makes it difficult for people working in fishing to find a different job and financing their retirement, for example. In addition, many workers in the sector do not possess high levels of education(*Fisheries and Brexit*, 2020).

We can see how a sudden and major change in the perspectives for the economy (as it was foreseen in some Brexit scenarios) has the potential of bringing many into unemployment, and severely affect the wellbeing of fishing areas(Allen and Hull, 2016, p. 7). The destiny of this industry was also dependent on another border's future in case of Brexit, the maritime one. Fishing in Northern Ireland is particularly reliant on the Irish Sea for its most profitable catch, which consists of prawns and shellfish in general, and that account for almost half of the region's total catches of fish products. Prawns are fished mostly in the Irish Sea and especially in Dublin Bay. However, after Brexit this might not be possible for Northern Ireland's fishermen: the area in which these products are fished, correspondent to ICES (International Council for the Exploration of the Sea) Area VIIa, is not entirely covered by the British Exclusive Economic Zone (EEZ) and might not be accessible for Northern Ireland after Brexit.(Allen and Hull, 2016; Phillipson and Symes, 2018, 2018; *Fisheries and Brexit*, 2020)

In summary, we can say that the referendum debate in Northern Ireland did not develop as much as one would have expected, probably obstructed by the usual identitarian oppositional dynamics. On the other hand, it was also argued that "the claims of both sides were not informed by detailed research or analysis pertinent to Northern Ireland, and nor were they forensically interrogated by the media."(Murphy, 2016b) In general, the campaign was focused on the risk of a hard border coming back to the island of Ireland in case of Brexit, as well as the consequent and inevitable social, political and economic effects that this would have brought. Central topics were the future of European aid funds, the peace process, the future of trade and many industries, and border areas. In spite of

this, a part of Unionism strongly advocated for voting Leave, arguing that no great negative impact would be brought by Brexit, especially on the peace process which they said was independent of the European membership. Instead, they argued that being outside the European Union would have brought more control over both borders and waters, more money, more freedom and independence for the UK in trade and other matters, as well as a stronger and closer Union between the four nations of the country.

2.5 THE REFERENDUM RESULTS IN NORTHERN IRELAND

The referendum results in Northern Ireland were consistent with the (very few) opinion polls on voting intentions in the region, although with a turnout figure that was lower than was expected. While the UK vote was in favour of Leave, Northern Ireland voted to remain in the European Union with the 55.8%. The turnout was low in comparison with that registered in the whole of UK, and it may have been in part due to the decision of some nationalists to not participate to the vote in the hope of letting 'Leave' win and call a border poll immediately afterwards (which they later did(*Belfasttelegraph*, 2016a)): as a matter of fact, public opinion polls at the time showed that there was a majority of citizens in favour of joining the Republic of Ireland. More in general, prospective 'Remain' voters were mobilized less than their 'Leave' counterpart, which showed up in greater numbers.(Murphy, 2016b, 2016a, 2016b; *Irish reunification*, 2018)

The contraposition we saw in the referendum campaign between Nationalist and Unionist (DUP especially) parties was reflected in the vote results, although not perfectly so: two thirds of those who identified as Unionist voted to leave the EU, whereas the 85% of Nationalists voted to remain. Other factors shaped the referendum's voting patterns: those who voted to remain in the EU generally had a higher education and good occupational skills, whereas those who voted for Leave possessed less educational qualifications, limited sought-after occupational skills. The effects of globalisation were also important in determining voting choices, as was in the rest of the UK, as those who felt they were 'losing' in a globalized economy voted to Leave: for example, those who did not possess the right skill-set and therefore could not find a job or the job they wanted, could not benefit from the advantages of globalisation like free movement, and were at a higher risk of being exposed to economic changes. These factors are also associated with a tendency

to hold more conservative political views as is being against immigration or being distrustful of politics and supra-national organisations. The European Union, promoting free movement of things and people, was the perfect scapegoat for these voters and the pro-Leave politicians that influenced the vote.(Garry, 2016; Murphy, 2016b)

Besides the physiognomy of the vote, the victory of the Leave side at the UK level, with no evidence of a plan for implementing a Brexit, was a shock for all the country. The Leave vote was especially strong in England, both in terms of percentage and in light of it being the most populous part of the UK. Therefore, besides Leave winning in Wales as well, we could argue that the decision to leave the European Union was predominantly English, given that neighbouring Wales has a significantly smaller population, as does the rest of the UK's regions(*EU Referendum Results - BBC News*, no date).

The result of the referendum was especially alarming for Northern Ireland: for many, with the coming back of hard border being now a realistic scenario, Brexit could represent the loss of a job or a business and great changes in the lives of many. Citizens, organisations and businesses worried about the return of customs posts, and the end of the passport and visa free movement regime of the Common Travel Area. Among these fears, the phantom of political violence erupting once again. Polls showed that the majority of NI's businesses had not formulated a plan in case of Brexit.

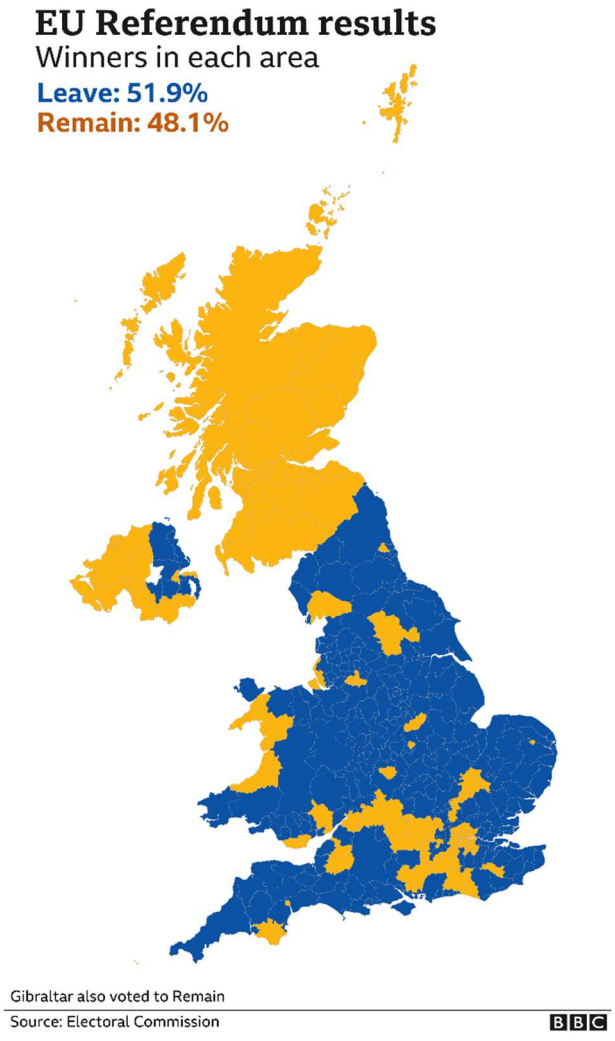

Figure 13 EU Referendum results - BBC

As soon as it was realized that the British government intended to act on this result, the reaction of nationalistic parties and the broader Remain voices of Northern Ireland was that of trying to obtain a degree of recognition and accommodation of the region's interests in the context of a withdrawal from the EU, given that Northern Irish citizens had voted to remain. The same happened in Scotland, where its First Minister Nicola Sturgeon defined "democratically unacceptable" the fact of proceeding to the withdrawal on a simple majority basis, therefore without the full consent of all UK's nations. On the same line, both Sinn Fein and the SDLP: Sinn Féin's Martin McGuinness stated that the vote of the people of Northern Ireland had to be respected, and Immediately after the vote, on the basis that the region had voted to remain in the European Union, Sinn Féin called for a border poll under the Good Friday Agreement's rules. The proposal was almost immediately archived, at least for the moment, to deal with more pressing issues related to Brexit. In general, what was asked by all 'Remain' parties in Northern Ireland was to take in consideration the local will in the incoming withdrawal negotiations.(Murphy, 2016; McCann and Hainsworth, 2017)

Figure 14 Pro-Irish unity poster by Sinn Féin [latimes.com]

As regards NI's Executive, it soon became clear that dealing with a Brexit would have been complicated for Stormont: with the DUP and SF being their main protagonists, and with the same parties having the First and Deputy First Minister, it incorporated two very different views on Brexit and on how to proceed with it, and there were no signals of finding a common stance on the issue. Because of this internal conflictuality, Stormont seemed to be stranded, while the rest of devolved governments worked to formulate a

plan for the incoming changes. However, what kind of Brexit would be implemented was still a mystery, with some pushing for a clear cut under the 'Brexit means Brexit' banner, and other hoping for a softer withdrawal that allowed Northern Ireland to maintain the special relationship it had with the Republic.

Among those who argued for a 'one' Brexit for all the UK were DUP's Arlene Foster and Ian Paisley Jr., which also refused the idea of participating in an all-Ireland forum aimed at working together for a smoother passage during and after the withdrawal. As it was in many occasions, DUP's statements continued to be conflicting, with Foster saying that there could be a "continuous special relationship" with Ireland, as well as hoping to maintain the one with the European Union. The only example of cooperation is representer by a joint letter signed by First and Deputy First Minister for the British Prime Minister, which highlighted what they considered the most prominent concerns for Northern Ireland in the context of Brexit. In particular, it outlined five points on which the region might have been more at risk, among which were the land border with Ireland, access to EU market and labour, EU funds and the effects on the agri-food and fishing sectors.(Murphy, 2016; McCann and Hainsworth, 2017)

In the letter, Northern Ireland's highest representatives asked to be fully involved in the negotiations, especially those regarding the border. However, given the absence of SF in Westminster, we can see how the representation of Northern Ireland's interests and will in the British parliament was mostly constituted by Leavers and hard-Brexiteers. What is more, in January 2017 Northern Ireland's executive fell and left the region with no possibility of contributing to the negotiations from that moment on. Seeing that it was the time for the British government and Parliament to formulate a plan for Brexit, these was a particularly worrisome factors for Northern Ireland, especially for the Remain side and for those who did not share the DUP's vision of Brexit. On a positive note, a new Secretary of State for Northern Ireland, James Brokenshire, was nominated soon after the referendum vote (its predecessor had resigned) and seemed to express more open views regarding 'softer' solutions for Northern Ireland and the border with the Republic.(Murphy, 2016; McCann and Hainsworth, 2017; *BBC News*, 2020)

2.6 THE MEANING OF BREXIT FOR THE REPUBLIC

Given that the border, one of the most central themes for Northern Ireland, concerned directly also the Republic of Ireland, it might be useful to analyse how 'the South' reacted to the possibility and then the reality of Brexit. While neither UK's nor NI's governments prepared for a 'Leave' victory and the subsequent implementation of a withdrawal from the EU, the Republic had been preparing for a possible exit of the UK from the European Union since before the referendum, evaluating what impact it would have had on Ireland through an inter-department group formed specifically for the task: the proposed objective was formulating a Contingency Plan that tried to anticipate any possible scenario. This Plan would then be the basis for the Irish government's negotiating approach. However, since Cameron's government had not explained what their plan in case of a 'Leave' victory was, Irish officials had to work 'in the dark' since they had no British starting point on which to base their evaluations and planning. Therefore, the resulting plan was somewhat 'aspirational' more than a real practical roadmap.(Connelly, 2017, chap. 3)

The impact on Ireland was felt immediately after the results of the referendum became known: a sudden fall of the sterling made Irish farmers and other producers who sold in Northern Ireland and UK make their profit go below the costs of production in the Republic. As a matter of fact, Ireland's economy is extremely exposed in the context of Brexit, being so connected and interdependent to the UK in virtually all aspects of its economy. Brexit had certainly the potential of bringing serious economic harm to both parts of the island: Ireland's exports to the UK amount to around 17% of the total, and the 32.2% of its imports. Many sectors in the Republic, from pharmaceuticals and chemicals, to food and drink, to the agricultural sector, and especially the service sector, are therefore dependent on the ability to cross the border daily. Entire regions in the South depend on the regime of free trade between the two countries: Kilkenny, Cork, Donegal, South Dublin, Limerick, Cavan, Monaghan, to name a few. Many employees were also at risk of losing their job after Brexit.(Connelly, 2017, chap. 3)

The fishing sector of the Irish Republic is also dependent on the UK being part of the European framework, as their access to UK's territorial waters is guaranteed by European policies. Ireland is also equally dependent on the UK for energy supply. A rupture of the current economic relationship could bring heavy damage to both economies, especially

those on the island of Ireland, in light of their interconnectedness (and weakness, in the case of Northern Ireland). With Brexit, however, Ireland could become the new European frontier with the UK, breaking the all-island regime that inevitably touches and affects every aspect of life on the island. To make an example, the border had the potential of creating inconveniences and delays at customs controls, and for one of Ireland's most important productions in the agri-food sector would be impossible to continue trading with the UK market: the mushroom industry in the Republic sees extensive productions of a particularly perishable and delicate product that is sold in great quantities in the UK, which relies on the rapidity in transportation in order to arrive intact to British markets. (Tonge, 2017; de MARS *et al.*, 2018, chap. 3)

What was fundamental for Irish officials was to understand what kind of Brexit the UK government intended to pursue, for example in relation to remaining inside a customs union with the EU or exiting it altogether. In a meeting between the Irish Taoiseach Enda Kenny and the British Prime Minister Theresa May on the 26th of July, however, May remained very cautious on Irish worries and did not express any hint on her intentions. She declared the will to preserve free travel across the border, but during the referendum campaign she had stated that damage to trade and people's lives North and South of the border were to be taken account of in case of an exit from the European Union.(Connelly, 2017, chap. 3)

Despite Ireland's many attempts at finding practical common solutions with the UK, British representatives mostly expressed campaign slogans and very general statements of good intentions as regards the future relationship with the Republic, quickly dismissing Irish worries without giving any realistic reassurance. Their approach to working together with the Republic seemed in fact superficial, and lacking of the seriousness and clarity that the context of risk and uncertainty demanded, especially as regards the more sensitive topics such as the Irish border. This inevitably created frustration among Irish officials and government.(Connelly, 2017, chap. 3)

2.7 CONCLUSIONS

In this chapter we saw the absence of Northern Irish interests and peculiar relationship with the EU among the themes of the Brexit referendum campaign, both in the Leave side

but also in the Remain one. Even in Northern Ireland the Leave side (but especially the DUP) mostly conformed to the campaign generated in the 'mainland', and went as far as supporting a hard Brexit, ignoring the gravity of the risks that the region was likely to encounter if that was to become reality.

Many parts of Northern Irish society were no doubt worried about the perspective of exiting the EU given its special relationship with it since the Good Friday Agreement and its reliance on European funds in many economic sectors, but also as regards the regime of free movement and high degree of interconnectedness with the Republic of Ireland that characterizes the island. As a consequence, the vote in Northern Ireland was on the side of Remain.

However, with England's determining vote, the all-UK result came out to be in favour of the Leave side. While the rest of the UK started preparing for Brexit, Northern Ireland's Stormont was (as per usual) dominated by the polar opposition of its major parties, Sinn Féin and the DUP. It soon became clear that to agreement on a Brexit plan could be found given their extremely different views on the topic. The executive would later break down in 2017, leaving the region without significant representation in such crucial times.

In this context, the negotiations with the European Union were under way. In the next chapter we will see how Northern Ireland soon became one of the most difficult points in the negotiations and how the region's interests were

CHAPTER 3

The Negotiations

THE IRISH BORDER AND NORTHERN IRELAND IN THE EU-UK WITHDRAWAL AGREEMENT NEGOTIATIONS

3.1 INTRODUCTION

In the previous chapter I analysed what were the opinions and worries of Northern Ireland's interests and local voices in context of a possible Brexit, as well as how both local and national referendum campaigns lacked significant representation of the region special relationship with the European Union, as well as the Leave side's lack of realistic planning on how this would change in case of a Leave victory. We also saw how the vote was heavily shaped by English votes and how Northern Ireland's usual polarization between Sinn Féin and DUP did not allow Stormont to duly prepare a concrete action plan for Brexit.

This chapter will analyse the negotiations between the United Kingdom and the European Union in the context of finding an agreement on salient withdrawal issues or 'divorce issues'. The priority of an agreement for said issues was set by the European Union at the beginning of the negotiating phase, and include citizen's rights, the financial settlement, and the Northern Ireland and Irish border issues, which would soon reveal to be the most difficult passage in this phase of the negotiations. For the Union, it was of undisputable necessity to have a clear and legally binding agreement on these topics before moving to other areas of a future EU-UK relationship.

3.2 THE UK GOVERNMENT IN THE AFTERMATH OF THE VOTE

The referendum on Brexit had certainly brought unexpected results. Prime Minister Cameron, being suddenly on the losing side after backing 'Remain' in the referendum

campaign, decided to resign the morning after the vote from both his position as prime minister and that of Conservatives leader. Among the candidates for the now empty spot as head of the Conservatives, Theresa May, Home Secretary since 2010, was able to win the leadership contest and was therefore appointed Prime Minister on 13 July 2016, becoming the second female prime Minister in the history of the country.(*Theresa May becomes new British Prime Minister - CNN*, 2016)

During her years as Home Secretary, Theresa May had been strongly against immigration, and blamed the European Union's incapability to control migration fluxes. On the other hand, she had also backed 'Remain' during the referendum campaign, even if half-heartedly so. This ideological short-circuit made her perfect for the job of bringing the UK out of the European Union: given the split inside the Conservative party between Leavers and Remainers, and also very different ideas of Brexit, she could potentially unite the two fronts under her leadership, hopefully finding a suitable compromise with the EU. Furthermore, she could be effective in stopping the advance of Boris Johnson, who had expressed a strong opposition to the EU, and with him the most extremist faction of the party. (O'Rourke, 2019, chap. 10)

Now that the people had voted, the question to answer was what kind of Brexit this government would try to obtain. After all, 48% of British voters had voted 'Remain', and among Leavers there were different ideas on what kind of exit from the EU they wanted for the country, also given that the ballot question was not specific. Before the referendum vote, many 'Leave' voters had in fact declared that they were not contrary to the UK being in the Single Market, for example. In addition, in both Scotland and Northern Ireland the 'Remain' side had clearly won. Given these factors, one would think that the best option would be that of pursuing a 'Soft Brexit', remaining either in the customs union with the EU or in the Single Market, or even in both. However, many Brexiteers were appointed in important positions of May's cabinet: Boris Johnson as foreign secretary, David Davis as head in the DExEU, the new-born Department for Exiting the European Union, and Liam Fox at the (also newly created) Department for International Trade. To have an idea of why these figures were a surprising choice, Davis had argued during the referendum campaign that the UK could strike more convenient deals with individual EU countries

after Brexit[104]; however, this would be impossible since the EU member states must have a common external trade policy, meaning that signing bilateral trade deals with third countries is not allowed. The Department for International Trade led by Fox was created with the purpose of striking trade deals with non-EU countries, one of the supposed benefits of Brexit, but in reality, the UK could not start doing that until the country was officially out of the EU. On the other hand, at this stage Fox was in favour of remaining in the customs union(Parker, 2016b). Theresa May giving such prominent roles in her cabinet to Brexiteers meant that she wanted to entrust Brexit to those who promoted it most, also making it clear "where the blame lies if it goes wrong"(Parker, 2016a). This choice was also certainly motivated by the attempt to unite a party that had strong internal differences on the subject.

3.3 FACTORS TO CONSIDER FOR THE NEGOTIATIONS

Many think that the agreement between EU and UK was fundamental for the survival of the European bloc. In fact, the European Union is currently experiencing a time of internal divisions, nationalist revival, and populist politics: the United Kingdom is not the only country to possess anti-European currents, and Brexit has the potential of becoming a gateway for more withdrawals of EU member states. As a matter of fact, in recent years, sentiments of distrust towards European institutions have been present in virtually every Western country as part of a wider phenomenon that is deeply affecting the perceived legitimacy of democracy and politics. The rise of populist and extremist parties, the disaffection towards politics and voters' lack of trust towards politicians and institutions of all kinds, an unprecedented use of referendums, as well as expressions of a strong and generalized popular discontent such as the Gilet Jaunes in France, are all proof of a tendency that has characterized Europe and the West in the last decade. This surely is an important factor for Brexit negotiations and avoiding setting a "costly"(Malhotra, 2016) precedent was certainly on top of the EU's negotiators concerns. As a matter of fact, a deal that could be seen as too beneficial for the United Kingdom could result in other EU members trying to exit the bloc in search for better conditions. For this reason, as the

[104] K. O'Rourke, *A Short History of Brexit: From Brentry to Backstop* (Penguin Books Limited, 2019), Chapter 11, https://books.google.it/books?id=D4l7DwAAQBAJ.

former president of the European Parliament Martin Schulz said, “there can be no better deal with the EU than EU membership”(Malhotra, 2016), and it is the Union’s duty and priority to protect its members interests first. (Corbett, 2016; Jacobs, 2018; Willner-Reid, 2018; Alexiou, 2019; Collin, 2019; Arpino and Obydenkova, 2020; Foley and Ramand, 2020; Jabbour, 2021; Kriesi, 2021)

On the other hand, the fact that the most internationalist positions of May’s cabinet were given to hard-line Leavers and Eurosceptics certainly draws attention: how would this shape the negotiations with the European Union on UK’s exit? What is more, half the states of the Kingdom voted for Remain, the pro-European Scotland and Northern Ireland, extremely dependent on UK’s participation to the EU. The latter in particular had benefited from many European aid programmes in various sectors of the local society and economy, but most importantly it counted on British and Irish common membership in the EU to support the very delicate political balance created with 1998’s Good Friday Agreement that ended thirty years of civil conflict in the region. The UK exiting the European Union obviously posed a serious dilemma on how to salvage Northern Irish equilibrium through this major change: as a matter of fact, free movement between the two islands, a common European citizenship, as well as the participation in European meetings (where representatives could meet on a regular basis and as equal member states) were some of the most fundamental pillars that supported the peace agreement and a cooperative atmosphere in the region, as well as the extremely interconnected and interdependent all-island economy and services. The UK exiting the European Union meant that this regime would be interrupted, bringing certain damage to the hard-won political and social equilibriums as well as the already weak local economy.

> *"It's two countries, but really the economy of the island of Ireland is, in most respects, one economy"*
>
> Ellvena Graham, vice-president of the Northern Irish Chambers of Commerce in (BBC News, 2017a)

As we have seen in the previous chapter, there were many interests at stake in the negotiations on the Irish border. The economy on the island of Ireland has reached levels of incredible cooperation and interdependence in the last years, with people crossing the border daily for work, study purposes or other services such as hospitals, and with

businesses often establishing parts of the industrial process on the other side of the border. Entire economic sectors and even regions of both the Republic and Northern Ireland are strongly dependent on this open regime, and any change in the status quo could very well bring serious consequences for the whole island. Nevertheless, the matter seemed to not be on top of the agenda for British politicians, both during the referendum campaign (in which it was hardly mentioned outside of Northern Ireland) and after the referendum vote throughout the negotiations with the European Union, with an insistence on the idea that 'technology' would be enough to avoid establishing a hard border in Ireland to allow for border and regulatory checks.(Malhotra, 2016; Connelly, 2017; *UK accused of 'magical thinking' over Brexit plan for Irish border*, 2017)

Besides the Irish island, what is certain is that both United Kingdom and European Union had something to lose in the UK exiting the bloc. To provide an example, British pre-Brexit exports to the EU amounted to 44% of the total, whereas those of the Union towards the UK represent only the 10% of its exports. On the other hand, EU-wide data hide the fact that some key European countries more than other (e.g. Germany) are heavily dependent on trade with the UK. This means that the possible imposition of tariffs on traded goods and services that could result from Brexit would certainly damage both economies.(Malhotra, 2016)

3.4 ARTICLE 50

We will see now how the negotiating procedures were started. Shortly after the British referendum vote, all 27 EU members' heads of state, the European Council president Donald Tusk, and the European Commission president Jean-Claude Juncker gathered for an informal meeting; from that, a statement on the referendum results was released: it provided information about the steps the UK needed to take then, the first of all being officially notifying the Council of their intention to leave, and of the centrality of Article 50 TEU for the subsequent procedures. It also communicated that the Council would issue the guidelines for negotiating the withdrawal and that the EU was looking forward to the development of a new close partnership with the UK outside of the Union. However, President Tusk remarked that "There will be no single market "à la carte""(*Remarks by President Donald Tusk after the informal meeting of 27 EU heads of state or government*, 2016).

In the negotiations for Britain's exit from the EU, three European institutions were to be involved: the European Council, the European Commission and the European Parliament. The Council certainly had the most prominent role, as is designated by articles 50 TEU and 218 TFEU introduced by the 2008 Lisbon Treaty: in the case a state decides to withdraw from the EU, the Council shall be in charge of negotiating on behalf of the Union.(*Article 50 TEU Lisbon Treaty*, 2012) Furthermore, the Council, always acting with a qualified majority throughout the process, is in charge of authorising the opening of the negotiations, as well as to sign and conclude the resulting agreements. It can provide directives for the development of the negotiations and also specifically to its negotiator. However, the Council must work with the Parliament, which has to consent to the beginning of the withdrawal negotiation procedure and must be kept informed on all developments at every stage of the process. Finally, the Commission can give recommendations to the Council. (*Article 218 TFEU Lisbon Treaty*, 2008)

Nonetheless, the UK did not put things in motion until the next year: some argue that it was because the British were still lacking a negotiating strategy. It was only on 29 March 2017 that the United Kingdom officially notified the European Commission of its intention of exiting the EU, triggering Article 50 of the Lisbon Treaty and giving way to the exiting procedure from the EU, after 44 years of membership. Article 50 can in fact only be triggered by a government through an official communication, and it defines the steps to follow in order to withdraw from the obligations derived from EU membership. It also puts the European Council in charge of negotiating on behalf of the whole Union, after obtaining the consent from the Parliament. The procedure described in Article 50 gave the UK a period of two years to negotiate a withdrawal agreement with the Union, therefore creating a deadline for 29 March 2020. At the end of this period, if there had been no agreement between the parties, the country would have left the EU and all precedent agreements with no deal. In addition, from the moment the procedure begins, the withdrawing country cannot participate in the discussions of the European Commission anymore. (Malhotra, 2016, chap. 4; Miller, Lang and Simson-Caird, 2017, p. 50)

The negotiations for said agreement took place between 2017 and 2020. The withdrawal process formally started at the end of March 2017, but the negotiations truly begun only in June when the United Kingdom finally accepted the proposed timeline for the negotiations, against which it had protested until then. According to the delineated

timeline, the first phase regarded only a number of areas that were most pressing for European authorities, as stated in the EU guidelines for the negotiations that were made public shortly afterwards. These guidelines were issued by the European Council in April 2017. They described what structure the talks had to follow under the indications of article 50 and stated what principles, procedures and objectives the EU would pursue. The guidelines set out a number of 'core principles' fundamental for European authorities: for example, the development of a close relationship with the UK after its exit, based on a "balance of rights and obligations" in order to guarantee a "level playing field"(*European Council (Art. 50) guidelines for Brexit negotiations*, 2017) if the United Kingdom was to have access to the Single Market, as well as to preserve its integrity(O'Rourke, 2019, chap. 10). To allow this, the document clearly stated that a "sector-by-sector", "cherry picking"(*European Council (Art. 50) guidelines for Brexit negotiations*, 2017) approach would not be tolerated by the principle of the indivisibility of the Four Freedoms of the Single Market: free movement of goods, capital, persons, and the freedom to establish and provide services(O'Rourke, 2019, chap. 10).

Following this logic, the EU explained that its negotiating line, both for the withdrawal agreement and for future relationship with the UK, would have been one characterised by transparency and unity, both as regards the 'package' of items to negotiate and the position of the EU, and under the principle that "nothing is agreed until everything is agreed"(*European Council (Art. 50) guidelines for Brexit negotiations*, 2017). The European Union also declared that it would participate as a single voice and that no British side-negotiations with individual member states would have been allowed. The guidelines also described a phased approach to the negotiations: the intention behind this choice was to reach an agreement on certain fundamental aspects that could not remain in a state of uncertainty while negotiating other areas of the UK-EU future relationship. This of course meant that the United Kingdom could not negotiate a post-Brexit trade agreement before it was officially out of the Union, a news that was shocking to many in London, as a consistent part of the government's line and of many Brexiteers was that they would have been able to immediately negotiate a trade relationship at the same time with other areas of the new partnership.

The 'Phase One' issues, the fundamental areas to be sorted out before everything else, were termed 'divorce issues'. They included, first of all, the urgent necessity of providing

legal clarity and certainty to European citizens, firms, stakeholders, and international partners living and working in the UK, and the same for British ones in the Union. The second topic was the financial settlement for the "disentanglement of the United Kingdom from the Union and from all the rights and obligations the United Kingdom derives from commitments undertaken as Member State"(*European Council (Art. 50) guidelines for Brexit negotiations,* 2017). However, what soon became the most central and difficult issue to find agreement on was a third 'divorce issue', namely Northern Ireland and the Irish border. As a matter of fact, the exit of the United Kingdom from the European Union created the necessity to find where and how to constitute a EU external border with the UK: as a matter of fact, in order to maintain the integrity of the Single Market and allow for the controls that are carried out at every European external border, the negotiators had to find a solution to avoid the return of physical borders inside the island of Ireland that, as seen in the past, would create great dangers for the political and social stability of the region, but at the same time maintain effective border checks on goods entering the Union.

The matter constituted a challenging riddle for both politicians, experts and negotiators involved. It might be for this reason that the matter received special attention from EU institutions since the beginning of the negotiations in June 2017: in fact, the negotiations on the Irish border were conducted separately from the rest of the Phase One/divorce issues(Miller, 2018, p. 67). What is more, certainly conscious of its origins as a peace project, the EU had been present in Northern Ireland in various ways, particularly after the end of the civil conflict started in the 1960s. The common membership in the European Union of both the United Kingdom and Ireland played an important part of post-Troubles Northern Irish stability, as it gave its citizens the possibility of freely moving and working in both countries, but also laid the foundations for the development of a common European identity which included all citizens of the region, and that went beyond the seemingly unsurmountable historical divisions. Furthermore, the presence of many EU aid programmes aimed at supporting the peace process was also important, as well as the social cohesion and economic stability of Northern Ireland.

3.5 THE GOOD FRIDAY AGREEMENT AND EU'S ROLE IN N.I.

In its guidelines the EU highlighted the fundamental importance of the Good Friday Agreement and the Union's commitment to avoiding the return of a hard border. The problematic aspect in this negotiation is that the 1998 Agreement (and with it, today's Northern Ireland stability) is upheld by a complex and perfectly balanced structure formed by three main pillars, as we saw in the first chapter. But because of its complexity and multiplicity in character, and the fact that it is still an ongoing and very delicate peace process, it has the potential of being disrupted by Brexit.[105]

The Good Friday Agreement did not solve all conflicts that caused the Troubles. Instead, the disputes and views were all acknowledged and legitimized inside a consociational structure of government that created a space for the conflictual identities to coexist in peace and equality. Therefore, the potential for violence continues to exist today, although mostly appeased, and what the Agreement put in place is an open-ended peace process. This process, however, is characterised by an extremely fragile balance and a slow progress, and very often also by political stagnation and lack of cooperation between the two historically opposed factions. In this context, together with the recent resurgence of populist and sometimes extremist politics as in most of Western democracies, Brexit has the potential of giving new relevancy and raisons d'être to unsolved issues that had seen a significant de-escalation after the 1998 peace agreement. This is because it unsettles the order shaped by the GFA, with a peace process that has practically 'just' begun, by taking the UK out of the European Union when the EU had significantly contributed to create a space for new identities to grow outside of that historic conflictual dichotomy. As a matter of fact, most Northern Irish citizens nowadays identifies as neither Irish nor British.(Cochrane, 2021, chap. 10) What is more, most of the major parties in Northern Ireland are pro-European and voted to remain in the European Union in the Brexit referendum. The only party that was clearly Brexiteer and against the EU was the DUP.(Berberi, 2017)

As we saw in the previous chapter, the Remain referendum campaign in Northern Ireland was the only one to truly consider the potential risks that Brexit could bring for the region(Connolly and Doyle, 2019, p. 160). Yet, given that Remain was widely expected to

[105] (Berberi, 2017)

win, the matter was mostly considered of low electoral saliency, and thus all major parties focused their efforts on more politically 'profitable' topics. Because of this, Brexit did not give way to the intense political conflictuality one would have expected to, although it was certainly seen through identitarian lenses. On the contrary, Unionism was fractured on Brexit, as it had very different positions both inside the parties and in their electoral basis. However, the unexpected results made everything suddenly more real. The reality of Brexit hit hard in Ireland after the referendum, and especially when the British government stated its intentions to go forward with the withdrawal procedures, following the 'will of the people'. (Cochrane, 2021)

However, what people? Northern Ireland voted Remain with a clear majority. Of course, the fact that London proceeded with the withdrawal, given that the entire UK vote was in favour of leaving the Union, could be considered logic and natural. However, Northern Ireland has a special status that we might want pay to attention to(Berberi, 2017). As a matter of fact, what allowed for a peace to be signed in Northern Ireland after 30 years of civil conflict was something called *principle of consent*. This principle implicitly supports all the architecture of the GFA and of the peace process. It allowed the two factions to accept the agreement and justify their decision to the people that supported them and especially to their most extremist wings: it gave the signatories the possibility to take back the support for the agreement whenever they regarded that the conditions were no longer favourable for them(Cochrane, 2021, chap. 10). The principle concerns the constitutional status of N.I., as well as its shared government and the set of entwined and multiple relationships defined by the Agreement. Most importantly for Brexit, this means that for every proposed change in its constitutional status, the consent of both factions is needed to proceed, as it is officially recognized as "a matter for the people of Northern Ireland alone to determine"(Phinnemore and Hayward, 2017, p. 58; O'Rourke, 2019, chap. 6). Brexit highlighted that this principle seems to be less important than the unilateral decision of the British government, even though it is part of an international treaty and that it constitutes a pillar of Northern Ireland's whole governing structure and peaceful coexistence.

We can also argue that Brexit made fully visible (although, clearly, not for everyone) the importance of European frameworks for Northern Ireland's peace: when the agreement was signed, some European structures had already been in place since 1972 for both

countries, although a physical border in Ireland was put up during the Troubles. For this reason, and for the fact that EU membership did not attract much political attention at the time, the influence that this brought on the GFA went mostly unnoticed at the time. The framework that the Agreement built for Northern Ireland was most certainly influenced by the European experience of the previous years, and John Hume, one of its architects, as well as George Mitchell, the chief mediator between the parties, confirmed so. Hume affirmed that the European project was a strong inspiration for conflict resolution in general, but especially for overcoming the deadlock that was identity politics and ethnonational conflictuality in Northern Ireland. Senator Mitchell stated that the role of the EU was so important that there could have been no agreement without it. As a matter of fact, already in the 1970s, the EEC was very involved in Northern Ireland with several initiatives of social, economic, and cultural character, projects which were later continued by the European Union. European settings also provide a neutral place for UK and Ireland to discuss what are seen in Northern Ireland as burning (and potentially dangerous) issues, and to do so in a more detached context.(Connelly, 2017, chap. 3; de MARS *et al.*, 2018, chap. 2)

> *This is the incendiary aspect of Brexit in the Irish context: it confronts Northern Ireland with the reality that the GFA, its devolved institutions and democratic rights to self-determination are subservient to the will of the British government, parliament and even the courts in London.*
>
> F. Cochrane, *Northern Ireland: The Fragile Peace*, chap. 10

Economically, this presence was particularly important because it involved funds for peace projects that started even before the beginning of the Troubles, as well as during and after the conflict. It is notable that the second Programme for Peace and Reconciliation in Northern Ireland (more than 500 million Euros of structural funds for cross-border co-operation and economic recovery) was led by Michel Barnier in 2000, who would be later appointed as EU's chief Brexit negotiations. [106] Although some warn that the role of the EU in the region should not be overestimated, and that the GFA would still be practicable without the involvement of the Union, we cannot forget that Northern Ireland's peace is very fragile, and even the smallest change has the potential of unsettling

[106] (Cochrane, 2021, chap. 10)
(*Good Friday Agreement: why it matters in Brexit*, 2018)

the equilibrium reached at the end of the 90s. Furthermore, the region's economy is still particularly weak after so many years of conflict, and still heavily relies on state and EU funding; what is more, Northern Ireland exports to the EU more than the rest of the UK, especially to the Republic. Thus, Brexit has the potential to expose the region to economic and socio-political risks.

Along with the role of EU's involvement, this may help to explain why the Union and the Republic of Ireland were so quick to search for written guarantees of the UK being committed to the Common Travel Area after the referendum. The CTA allows UK and Irish nationals to be treated the same way in both countries, and it includes an open border in Ireland. The two pressured Britain for three years to obtain a credible reassurance that the CTA would be salvaged after its exit for the European Union, especially as regards maintaining the border open. However, all they obtained were mere public declarations about the UK's wish to maintain the CTA and the Good Friday Agreement intact.(de MARS *et al.*, 2018, p. 15; Teague, 2019; Cochrane, 2021, chap. 10)

Throughout the negotiations, British politicians seemed to not fully grasp what importance the European Union had for Northern Irish stability and progress towards a less conflictual society. Most importantly, they also seemed to ignore, voluntarily or not, the risks for the peace process and general level of difficulty of extracting Northern Ireland from deeply integrated European structures, especially if that entailed bringing a physical border back in Ireland or creating a new one in the Irish Sea. They also seemed to not be aware of what trauma and deep uncertainty that this possibility would bring to people living on the island, especially those closest to the practically non-existent border that cross it daily for work, health or education and have their lives based on this regime. In fact, while the discussion on Brexit and on what solutions to adopt for Northern Ireland seemed a theoretical exercise in Britain, in Ireland North and South of the border it was all very real and extremely unsettling for many.

3.6 SOME ASPECTS BEHIND THE IRISH BORDER DILEMMA

What became a major issue shortly after the beginning of the negotiations was to define a European border between the Republic of Ireland and the UK to allow for controls to happen regularly, and in order to protect the integrity of the Single Market and all its rules

and standards. The impasse on Northern Ireland and the Irish border came to the surface towards the end of 2017, after the negotiations had begun on 19 June of the same year when David Davis, Brexit Secretary in May's government, met Michel Barnier, the EU's Chief Negotiator for Brexit. It soon became evident that the EU and the United Kingdom had very different perspectives on how to solve the issue. What made it so challenging to find an agreement was certainly the special status of Northern Ireland, as well as its geographical position and extremely deep interconnectedness with Ireland. On the other hand, the difficult political balance in London (especially in the Conservative party) also contributed to the stalemate on the backstop.

Brexit has certainly the potential of bringing serious economic harm to both parts of the island: Ireland's exports to the UK amount to around 17% of the total, and the 32.2% of its imports. On the other side of the 'border', many sectors in the Republic, from pharmaceuticals and chemicals to food and drink, to the agricultural sector, and especially the service sector, are dependent on the ability to cross the border daily. Entire regions in the South depend on the regime of free trade between the two countries: Kilkenny, Cork, Donegal, South Dublin, Limerick, Cavan, Monaghan, to name a few. Therefore, Ireland had the potentiality of being particularly exposed if a hard border on the island was to become a reality. What is more, the fishing sector of the Irish Republic is dependent on the access to UK's territorial waters guaranteed by European policies. Ireland is also equally dependent on the UK for energy supply. Hence, we can see how a rupture of the current economic relationship could bring heavy damage to both economies, especially those on the island of Ireland, in light of their interconnectedness (and weakness, in the case of Northern Ireland). With Brexit, however, Ireland would naturally become the new European frontier with the UK, breaking the all-island regime that inevitably touches and affects every aspect of life on the island. (Tonge, 2017; de MARS *et al.*, 2018, chap. 3)

As we saw in the previous chapter, the Northern Irish fishing sector is strongly connected to both Ireland and the European market. However, the sector campaigned for Leave in hope of gaining more control on national waters, as well as a more generous quota distribution for local fisheries. Despite being a small industry (only 6% of UK fleet and 4% of value of fish caught by UK fisheries)(*Brexit and the future of fisheries policy in Northern Ireland*, 2018), the Northern Irish fishing sector and its requests for Brexit were also very relevant politically both before and after the referendum and received good

media coverage. As we saw, it was present during the referendum campaign thanks to the movement called "Fishing For Leave" which was able to gain support for exiting the Union in the 90% of fisheries employees in Scotland and the 92% in Northern Ireland[107].

This strong presence of the fishing sector both during the campaign and after the vote, may have contributed to harden London's pre-negotiations stance: it was one marked by unyielding red lines and affirmations such as "Brexit means Brexit", as well as that Britain was going to be a "fully independent, sovereign country" exiting the EU as one United Kingdom. "Divisive nationalists" would not be allowed to undermine it through opt-outs(*Read Theresa May's full speech on Brexit*, 2016). In her speech to the Conservative party, Theresa May made clear that they were looking for a hard Brexit. The same hard-line vision was repeated even more explicitly in her Lancaster House speech in January 2017. On this occasion, she delivered a speech that laid out a controversial 'Plan for Britain' and her top priorities for the Brexit negotiations. Among these, she declared that the strengthening of the Union was essential in such particular times, and that devolved administrations had to be involved in the process of exiting the EU through the newly created Joint Ministerial Committee on EU Negotiations. May also cited the Common Travel Area with Ireland as one of her priorities, but a practical solution on how to maintain it, while leaving the EU and keeping intact the country's immigration system, was not provided. "Nobody wants to return to the borders of the past" she assured. However, on this occasion May ruled out maintaining the UK's membership in the European Single Market and customs union and declared that "no deal is better than a bad

[107] (Gallic, Mardle and Metz, 2018) (Phillipson and Symes, 2018; *BBC News*, 2019c)

deal": this meant that leaving the EU on basic WTO trade principles was considered a viable option. (*Read Theresa May's Speech Laying Out the U.K's Plan for Brexit*, 2017)

> *"A No-Deal Brexit represents a clear threat to the peace process in Northern Ireland. No-deal means a hard border not just for trade and commerce but for the vital levels of North/South cooperation and regulatory alignment on both sides of the border that were intrinsic to the Belfast/Good Friday Agreement."*
>
> Kevin Hanratty, director of the Human Rights Consortium in Northern Ireland – from civilsociety.co.uk

In spite of her attempts at providing reassurance, the contradictory elements of her speech and lack of a practical solution for the neighbouring island left Northern Ireland and the Republic on a knife's edge about their future. As we have seen earlier, cross-border trade is particularly developed on the island. A no-deal scenario would wreak havoc for the economic sectors particularly dependent on this trade regime. For the food sector in particular, a no-deal scenario with a hard border, would create a situation so complicated and expensive that would "effectively end this trade". In fact, in order to trade with Ireland, Northern Irish products after a no-deal Brexit would have to go through border inspection posts (BIP). The problem with this is that there are only two BIPs in Ireland, one being Dublin and the other Shannon: both are located far away from the border. This would mean that, for producers working near the border in the North that want to keep their trade with towns and cities nearby, would have to transport their goods to Belfast, then ship to Scotland, transport again to Holyhead port in Wales, ship to Dublin port in order to comply with BIP checks, and then finally transport from Dublin to their destination. Nonetheless, a no-deal option was not excluded by the British government.(Clarke, Levitt and Gutiérrez, 2019)

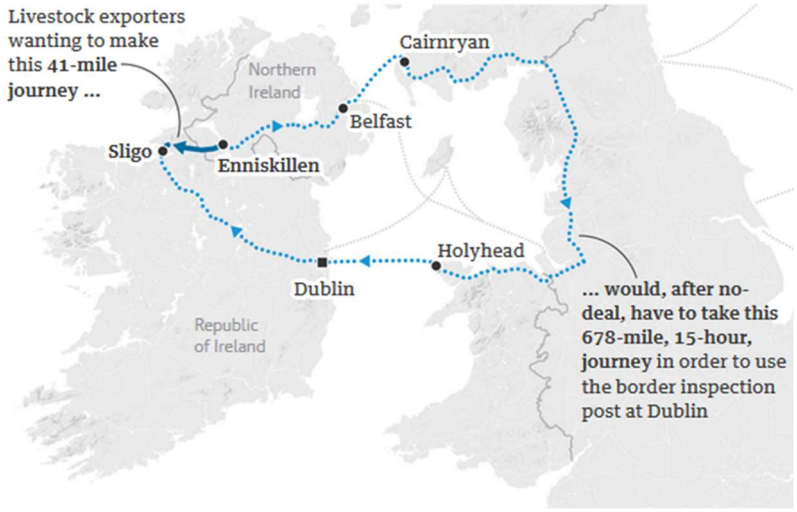

Figure 15 [theguardian.com]

The ambitious plan laid out by Theresa May surely needed a strong majority in Parliament to have a firmer hand negotiating with the EU. To ensure this, shortly after the triggering of Article 50 TEU on 29 March, the Prime Minister unexpectedly called a general election to be held in June. Unfortunately, the election did not go as envisioned by the Prime Minister: the Conservatives lost their majority in Parliament, worsening the condition of an already fractured party and government. This event is a key point for understanding the dynamics of the negotiations that would follow: as a matter of fact, May's minority government was forced to make a deal with Northern Ireland's Unionists from the DUP to ensure their support and allow the Conservatives to stay in power. This unexpected turn of events gave a very influential role in Brexit to a party that incorporated the most extremist and uncompromising faction of Northern Irish Unionism, and in a time when there had been no functioning executive in the region since January 2017: the negotiations had therefore been progressing without any formal contribution from Northern Ireland. The development in the role of the DUP also meant that Northern Ireland's voice in the negotiations consisted of and represented only a small part of the interests of the region. In fact, besides not representing the majority of citizens that had voted to remain in the EU, their hard-line approach to Brexit was not shared by all Leave voters in Northern Ireland.(Garry *et al.*, 2018; Menon and et. al., 2019)

As a matter of fact, from the very beginning the DUP was certainly intransigent in its objectives and standards for the negotiations, namely that of preserving the status quo of

the UK despite exiting the EU, among other things. For British negotiators and government, this could represent both an advantage and a disadvantage: this attitude could create both a positive or negative constraint on what solutions the UK could accept or what it could obtain. It could mean more leverage to obtain concessions from the EU on the one hand but on the other, their seemingly unmovable positions could mean difficulties in making concessions necessary to reach an agreement; and a no-deal scenario is not out of the question for neither EU and UK, but the British would certainly have more to lose from it.(Malhotra, 2016; Murphy and Evershed, 2020)

In the meantime, in May 2017, the European Commission published its directives for the negotiations, in which the three 'divorce issues' were identified as key. Among these, the Irish border. Before moving to other topics, the EU wanted "sufficient progress" on how to avoid a hard border on the island of Ireland while allowing European border checks and at the same time respecting the continuity of both the Good Friday Agreement and the peace process.(O'Rourke, 2019, chap. 11) Negotiations then officially started in July, and in August the United Kingdom published a series of position papers to inform about what points and solutions the government would have brought forward in the talks with the EU.

One of these papers concerned Northern Ireland. Even though many praised London's commitments, EU spokespersons and diplomats criticized it for being 'cakeist' and for not offering any practical solution for their ambitious plan. A EU diplomat stated that "if you look at the Irish paper, it is good on aspirations but it is short on workable solutions."(*UK accused of 'magical thinking' over Brexit plan for Irish border*, 2017) The paper presented British positions on 4 fundamental matters: upholding the Good Friday Agreement, maintaining the CTA, preserving East-West and North-South cooperation, and avoiding a hard border for the movement of goods. While the language used (especially on the Good Friday Agreement and the CTA) was conciliatory, the objectives described were not. As a matter of fact, the paper rejected hard borders with customs posts and CCTV monitoring but declared the UK's intention of both maintaining a degree of free trade and that of being a completely independent country, outside of both the Customs Union and the Single Market. It proposed a series of criteria on which to work with to find a solution for a seamless border. Some of these suggested allowing small businesses to continue trading with pre-Brexit standards, preventing barriers to businesses

from Northern Ireland to the rest of the UK, and no product standards checks at the border.(Miller, 2018, p. 67; Connolly and Doyle, 2019, p. 167; *Northern Ireland and Ireland - position paper*, no date, pp. 17–18)

In the 'Future customs arrangements: a future partnership paper' two solutions for the future customs relationship were advanced and were then reported also in the Northern Ireland position paper: a 'highly streamlined customs arrangement' between the United Kingdom and the Union (also known as 'max-fac', maximum facilitation), that would see the reinstalment of a land border in Ireland but with minimal friction. This would be obtained through the simplification of required documentation for crossing the border as well as the use of technology, aiming at reducing border procedures as much as possible. This proposal was based on "tried and trusted" methods that are already in action around the world. Yet, the technological solutions they were proposing were soon taken down by many IT experts, who warned that no technology available could create the invisible and seamless border checks that the paper suggested. No existing technology could avoid a minimum presence of physical controls but, throughout 2017, many British politicians had nonetheless supported the idea that it would be an easy and ready solution for the border with the European Union. The second option, called "new customs partnership", saw the UK alignment of UK regulations on goods to those of the EU and therefore avoiding a border altogether. However, this solution would also see the UK collecting tariffs on EU's behalf for goods destined to the Union, while imposing its own tariffs on goods directed to the UK. What is more, this system had no existing precedent anywhere around the world, meaning that implementing this solution would probably need a long period of time of which the EU and UK did not dispose of. What is more, both these proposals did not provide methods to avoid issues such as smuggling or terrorism without proper border controls. (*Brexit: The government's customs options - BBC News*, 2018, p. 6; *Northern Ireland and Ireland - position paper*, no date)

The European Union on the other hand, after analysing the very ambitious proposals advanced by the UK government of creating what could be defined an invisible border in Ireland, accused Britain of "magical thinking"(*UK accused of 'magical thinking' over Brexit plan for Irish border*, 2017) and rejected both options outlined in the document because they were judged insufficient to avoid a hard border. At the same time, Irish Foreign Minister Coveney stated that the proposals were "totally unworkable"(O'Rourke, 2019, chap. 11). As

a matter of fact, the relationship between Northern Ireland and Ireland is extremely complex, and the simplistic solution proposed could surely not be enough to preserve that relationship: Both Ireland and the EU also warned about using Northern Ireland's peace process as a Trojan horse for obtaining a better deal on trade and customs, as the issues were often connected in the paper. This could be why, at the stage where a timetable for negotiations was being decided, the United Kingdom was not in favour of the 'phased approach' brought forward by the EU, as it did not allow them to discuss a future relationship trade deal in contemporary with the Irish border issue(O'Rourke, 2019, chap. 11). During 2017, UK representatives had criticized the choice of separating the two issues by labelling it as "inflexible"(*UK accused of 'magical thinking' over Brexit plan for Irish border*, 2017), and went on trying to work around it by continuing to propose solutions regarding trade and customs, even though it had been agreed it could be negotiated only when first phase issues would be settled.

The British were aiming to obtain a withdrawal agreement already in Autumn, but at the end of September it became clear that it was a remote possibility. Theresa May held a speech in Florence, travelling to the city because she "wanted to give a speech on the UK's future relationship with Europe in its historical heart"(*Theresa May to deliver Brexit speech in Florence*, 2017); once again, her speech repeated the pledge to having no physical infrastructure at the border, but still no practical proposal on how to achieve that was advanced. It was therefore not surprising that, in October, Barnier communicated that the negotiators were facing an important deadlock, given that there was no sufficient progress on first phase issues to allow the EU to move to the next step.(*BBC News*, 2017b)

3.7 ENTER THE BACKSTOP

In the last months of 2017, in light of what was perceived as a lack of seriousness on the British part and the difficulty in finding a realistic solution for the Irish border, finding a more solid guarantee for Northern Ireland and Ireland was essential. This guarantee would be denominated 'backstop': a solution of last resort to prevent a hard border in Ireland in the event that the United Kingdom continued to maintain its red lines. In fact, there were only one way to preserve balance on the island of Ireland and avoid a hard border: to remain in the EU's custom's union, either the UK as a whole or just Northern Ireland.

This would be essential to avoid interrupting the 156 areas of cross border cooperation on the island, among which are health, electricity supply, education, transport, agriculture, waterways, etc. Such safety mechanism was especially important for the Republic, as the all-island regime and multiple cross-border relationships is essential for its citizens and for its economy. This necessity was certainly also in line with EU's objectives, and while Ireland's relationship with the UK was worsening, the one with Europe was rapidly becoming closer. In contrast to what May had argued, that the United Kingdom was a "much more important country than Ireland"(O'Rourke, 2019, chap. 11), Ireland was still a member of the EU and thus counted far more in the Union. What is more, the fact that the Council needs a unanimous vote on matters relative to membership to the Union, gave Ireland what is de facto veto power.

At the end of the year, a common EU-Ireland position on a backstop was crystallized. In December, Donald Tusk visited the Taoiseach Leo Varadkar, and assured the latter that "the Irish request is the EU's request". Tusk revealed that he had asked the British Prime Minister to advance a "final offer" by 4 December and reassured that "if the UK's offer is unacceptable for Ireland, it will also be unacceptable for the EU"(O'Rourke, 2019, chap. 11). In the end, the British had to concede. A breakthrough in the negotiation was eventually reached, and a Joint Report by EU and UK's negotiators was published on 8 December. Publishing such a document also hinted at negotiations on the future relationship probably starting during the following year. The report informed of the progress made until then in finding an agreement ("in principle" and "on the package as a whole, as opposed to individual elements"(*Joint report from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union*, no date, p. 8)) on the three 'divorce issues' and on other related topics. However, those related to Northern Ireland, Ireland and the Irish border remained vague on practical solutions, leaving the region in uncertainty about its future.

In fact, the document did not present a solution for the border issue, rather it outlined three different scenarios: the first one, would have consisted in a future UK-EU trade arrangement that avoided a hard border in Ireland. If this was not a possibility, the UK would have proposed a whole-island solution, practically meaning that Northern Ireland would obtain a special status as regards customs and regulations. The last option was

included as a solution of last resort: it includes the UK maintaining "full alignment" with the rules of the Single Market and the customs union that support the all-island regime of free movement and economy, as well as the North-South cooperation and other aspects of the Good Friday Agreement(de MARS *et al.*, 2018, chap. 3). Specifically, paragraphs 42 to 56 are referred to Ireland and Northern Ireland. Among these, paragraph 46 specifies that a solution for Ireland would be thought for the special circumstances of Northern Ireland, and would not serve as a precedent for future trade relationships. Paragraph 48 then reassures that East-West and North-South relationships will be preserved, promising to maintain the status quo of the Union (at least on paper) and of respecting the Good Friday Agreement. Paragraph 49 is a further commitment of the United Kingdom to preserving North-South cooperation and to avoid the creation of a hard border in Ireland. To achieve this, it says, the British aimed for a solution part of a general EU-UK relationship; if not possible, it would propose specific solutions for Northern Ireland (that would not create a precedent), but only after the shared institutions of the region allowed for doing so, in line with the principle of consent. Furthermore, in the event that no solution proposed gains the agreement of the parties, the UK would maintain "full alignment with those rules of the Internal Market and the Customs Union"(*Northern Ireland: December 2017 Joint Report*, 2017; *Joint report from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union*, no date, p. 8). However, paragraph 50 states the UK's promise to itself that, in the event that no solution is accepted, "no new regulatory barriers develop between Northern Ireland and the rest of the United Kingdom, unless, consistent with the 1998 Agreement, the Northern Ireland Executive and Assembly agree that distinct arrangements are appropriate for Northern Ireland"(*Joint report from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union*, no date).

The objectives and commitments advanced by these articles in Joint Report provide a picture of what were the difficulties of the British government and Conservative party in finding an internal agreement on this matter: the articles analysed are proof of these divisions, as they are basically incompatible with each other. Maintaining North-South cooperation intact, while having no regulatory barriers within the UK but also being

completely outside both the custom union and the Single Market, is just not possible. If we give a look behind the scenes of the Joint Report, we might understand why such a situation was created: paragraph 50 was a last-minute addition at the insistence of the Democratic Unionist Party, which wanted a reassurance that a whole-UK regime would be guaranteed. Besides these controversial points, the commitment to the CTA was expressed, as well as the intention of maintaining the PEACE and INTERREG programmes through a joint EU-UK financing.(*Northern Ireland: December 2017 Joint Report*, 2017; *Joint report from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union*, no date; O'Donoghue, Murray and Warwick, no date)

In all of this, and besides DUP's requirements for Brexit, what did Northern Ireland think? What kind of Brexit did people of Northern Ireland want, and what were their opinions on the border? A report conducted by researchers of Queen's University Belfast indicated that there was opposition for the introduction of border controls both on the land border with Ireland as well as regards the Irish Sea border with the rest of the UK, but in a lesser degree for the second option. At the same time, many wondered what kind of effect it would have on the economy of Northern Ireland, as well as on its political stability and peace. The potential for violent protests and a resurgence of sectarian violence was thought to be present, although the majority argued that the risk for such episodes would be much higher in case of a land border coming back. In general, the preferred Brexit solution (61% of Catholics, 62% of Protestants) was one that eliminated both potential borders, namely one in which the UK as a whole remained in both the customs union and single market. What is more, if presented with the choice of either exiting both or remaining, the majority of people, Leave voters included, would prefer to remain.(Garry *et al.*, 2018)

3.8 THE (DRAFT) PROTOCOL ON IRELAND/NORTHERN IRELAND

During the following year, Theresa May's speech at Mansion House seemed to leave behind the controversy that had characterized British proposals until then, with the Prime Minister hinting at more compromise and concessions in important policy areas, and with

detail on how she envisioned their realization to be like. Furthermore, May admitted that leaving the European single market would most probably damage the British economy; she also announced that the UK was intentioned to stay in European agencies (e.g. European Medical Agency) even if that would need making financial contributions and binding the country to their rules; most importantly, she stated that Britain would remain in the talks no matter the difficulties in finding an agreement, and that a no-deal scenario with the consequent adoption of basic WTO rules would not benefit the country. Besides these important statements, the part related to Northern Ireland continued to be only principled commitments. Commitments that are certainly important but only if they can be translated into practical arrangements on which both European Union and United Kingdom can agree.(Payne, no date)

On 18 March, the final version of a Draft Withdrawal Agreement was finally issued: the document was not binding but was representative of the progress reached until then and constituted the starting point for further negotiations. The Draft reflected, in a more detailed legal text, the commitments of the Joint Report, and added provisions for other matters that were not covered by it. However, it was still colour-coded, as for some parts an agreement was still to be found. In particular, attached to the Withdrawal Agreement was the Protocol on Ireland/Northern Ireland: the document's aim was to give binding legal effect to the principles that were agreed and collected in the Joint Report in December 2017, namely that of protecting the Good Friday Agreement and the all-island regime by avoiding the return of hard land border. This protocol includes a mechanism, the 'Backstop', by which Northern Ireland can remain in the EU's customs union and single market together with the Republic of Ireland indefinitely, until an alternative and suitable agreement on how to avoid a border is found: "the negotiators agree that a legally operative version of the "backstop" solution […] should be agreed as part of the legal text of the Withdrawal Agreement, to apply unless and until another solution is found."(*Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community*, no date) In the absence of another viable solution for the border issue, the backstop would have applied starting from 1 January 2021, after the end of the transition period(Miller, 2018, p. 50).

The protocol on Ireland/Northern Ireland contained in the Draft Withdrawal Agreement outlined a scenario that saw the UK maintaining full alignment with the EU in order to

maintain North-South cooperation and the all-island economy, therefore avoiding the return of a hard land border in Ireland, moving it to the Irish Sea instead. This, along with other points in the document, aroused harsh criticisms and further divisions in the British Parliament and Government: although the document states that NI would remain part of the UK's single customs territory, the UK would have to introduce internal customs checks procedures, de facto dividing the country on this matter. Yet the Protocol was mostly coloured in yellow, meaning that understanding between the parties was still on a theoretical basis, or left with no colour, which meant that an agreement had yet to be found. In this case, the text was the EU's unilateral proposal for the matters considered in said articles.

Besides confirming the British commitments to respecting the Good Friday Agreement, the first 'chapter' of the Protocol on Ireland/Northern Ireland concerning the rights of individuals outlines the requirement for the UK to absorb the European Convention on Human Rights into Northern Irish law. The next part (Movement of Persons) repeats the commitment to the Common Travel Agreement and makes an important clarification: it highlights that it would not be Ireland's responsibility to adapt to UK's regulations and policies to see that the CTA does not interfere with the free movement of EU citizens in Ireland and with Ireland's obligations as a EU member. This is to avoid the Republic becoming the real border with the EU. Instead, it would be the United Kingdom's responsibility to allow for such conditions to exist, even if that meant creating a different regime for Northern Ireland (e.g. on immigration policy) or modelling its regulations on European ones. However, further in the document it is stated that "this Protocol shall be implemented and applied so as to maintain the necessary conditions for continued North-South cooperation"[108]: this means that the EU was not expecting Northern Ireland to adopt all EU laws, treaties and obligations: instead, an Annex stated that it was willing to propose specific EU rules for sectors particularly dependent on North-South relations, as is the agricultural one for example. The European Union would also maintain a level of control on the application of EU law on customs and regulation, as well as the authority of EU courts.(de MARS *et al.*, 2018, chap. 3; Miller, 2018; *Draft Agreement on the withdrawal*

[108] 'Draft Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community';

of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, no date)

In addition, chapter III of the document proposes the establishment of a Common Regulatory Area between the UK "in respect of Northern Ireland" and the EU, an area with no internal borders that allow for the free movement of goods. In the next article of this chapter, it is stated that the territory of Northern Ireland (UK territorial waters excluded) "shall be considered to be part of the customs territory of the Union." To uphold this, border controls and customs checks would have to happen between Northern Ireland and the rest of the UK, as the Agreement states that this could not happen between EU and NI. However, this is exactly what the British had ruled out in December's Joint Report but, being a UK internal matter, the promise is not taken into consideration in the Protocol. The document then clarifies the functions of the Specialised Committee established by the Agreement to monitor the proper functioning of the Protocol on Ireland/Northern Ireland: its role is facilitating the application of the Protocol and helping the North South bodies, as well as UK and EU, on said task; however, its role seems to be limited as and also dependent on the Joint Committee. What is more, Ireland would not be involved in this institution, as only representatives of UK and EU would be appointed. EU involvement does not end with the Joint and Specialised committees: the European Union would continue to have authority (regulated by the Court of Justice of the EU) over the UK and its citizens in the event that a Common Regulatory Area is created. On the other hand, the Protocol also foresees the exceptional inclusion of UK experts or representatives in EU institutions meeting that are centred on matters of the Protocol on Ireland/Northern Ireland, although only by invitation and on specific cases. During said meetings however, the UK would have no voting power. Towards the end of the document we can find another important clause for understanding EU's involvement under the NI Protocol: article 7 of Chapter V (General and Final Provisions), referring to two articles of the TFEU, suggests that the European Union would be legally allowed, if necessary to protect state secrets, the internal market and its interests, to bypass the Protocol in the event of a "serious conflict" with the UK on Northern Ireland matters. This clause provides a form of protection to the EU that was not included in the Agreement. (Miller, 2018; O'Donoghue, Murray and Warwick, no date; *Draft Agreement on the*

withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, no date)

The contents of the draft Protocol on Ireland/Northern Ireland provoked harsh criticisms from pro-Brexit MPs and members of the government, with some even defining it as an 'annexation' of Northern Ireland. Theresa May stated that "no Prime Minister [of the UK] could ever agree" to what the EU had proposed in the Protocol, as it would "undermine the UK common market and threaten the constitutional integrity of the UK". Prime Minister May also added that she would have made it "crystal clear to President Juncker and others that we will never do so." Representatives of Northern Ireland's Democratic Unionist Party were angered by what the draft agreement was advancing: Arlene Foster, leader of Northern Ireland's DUP, commented the Protocol was "constitutionally unacceptable" and "economically catastrophic" in light of the different regime it would create for the region; North Antrim MP for the DUP Ian Paisley Jr., right after some details of the draft were made public, stated that he was "appalled" and that the solution for Northern Ireland that was outlined in the Protocol was actually part of a plan of the Republic to annex the northern region. The main reason why Unionists so strongly rejected a different regime for Northern Ireland has to do with identitarian politics: they feared that the economic and regulatory detachment that it might bring would lead to a political distancing as well, paving the way to a united Ireland that was still a vivid objective for a part of the nationalists in the region.(*DUP slam EU plan for Northern Ireland to stay in customs union*, 2018; Whiteley, 2019)

Figure 16 'Unionists against NI Protocol' poster in Northern Ireland [bbc.com]

This hostility to EU's proposals inevitably reflected in the following months, when May tried to find a solution on some basic elements of the future relationship that could be agreed upon by the members of the government. It was proposed to her cabinet at

Chequers' country residence on 6 July 2018. It was a much softer version of Brexit and also included some concessions to the EU. Needless to say, pro-Brexit ministers were enraged: they feared that the backstop would make the UK a "vassal state" of the EU. Among others, Brexit Secretary David Davis resigned the following day, and was soon copied by Boris Johnson, the Foreign Secretary. The most eurosceptic wing of the Conservatives was also unhappy with the plan, because they thought that only a clean break from the EU, with total control of customs and borders, would respect 'the will of the people' expressed in the 2016 referendum. By the end of the year, a total of 18 ministers would quit.(Rayner and Swinford, 2018; Tidey, 2018; Walker, 2021)

May's plan proposed a "Common Rulebook" for goods by which the UK would commit itself to maintain EU rules insofar as it was necessary to allow frictionless trade between UK and the Union. May did not propose a customs union, but rather brought back to life the 'new customs partnership' proposal that was rejected by the European Union back in 2017, renamed as 'facilitated customs arrangement': this would allow the UK to control tariffs and develop an independent trade policy, while practically being in the EU customs union in everything but on paper. The controversy is evident in regard to fishing and agriculture. Chequers proposals requested frictionless access to the single market for selling British fish products; at the same time it was clear that they wanted full control of UK waters, meaning that access for EU countries had the potential of being restricted after Brexit. On agriculture, the British were aiming for the full and independent control on the country's agricultural policy while abiding to the EU's rulebook on agricultural and food products. This would entail a very high level of trust that a country outside of the Union can hardly obtain.(Barker, 2018; Tidey, 2018; O'Rourke, 2019, chap. 11)

However, this practically erased all red lines that the government, along with hard-Brexiteers, had strongly supported until then. Under these arrangements the UK would not be truly out of the Union and would remain very connected to it as regards regulations, making it almost impossible to strike "better" trade deals as the government was initially aiming to. What is more, UK courts also would have to abide to EU courts' rulings in cases that regard this EU-UK rulebook. The opposition of hard Brexiteers at Westminster was so strong that, some days after the plan was presented, a series of clearly obstructionist amendments were forced upon it that practically made it unworkable for the European Union: to provide an example, it made it "unlawful for Her Majesty's

Government to enter into arrangements under which Northern Ireland forms part of a separate customs territory to Great Britain", making it impossible for the government to accept the Irish Backstop; it also made it illegal for the UK to collect EU tariffs if the EU did not do the same. Besides the internal rejection, the European Union declined the proposition as well: given that it was aiming for a free trade regime for goods only, the proposed arrangements split the four freedoms of the single market. One EU official defined the 'facilitated customs arrangement' as "the fudge of the century", for being quite contradictory and unclear in its objectives. Michel Barnier said it would have been "illegal" to implement the arrangements that see the UK collecting EU tariffs and stated that such measures would bring down the Single Market itself. (Barker, 2018; Tidey, 2018; *Theresa May faces Tory anger over soft Brexit proposal*, 2018; O'Rourke, 2019, chap. 11)

3.9 THE LIGHT AT THE END OF THE TUNNEL?

In September, more than two years after the referendum and one year after triggering Article 50, the negotiations on the Irish Border issue were still at an impasse: the UK 'accepted' the necessity of a backstop mechanism, but on the basis of the Chequers plan proposals; on the other side, the European Union reaffirmed the need for a backstop that saw Northern Ireland remaining in both EU's Single Market and customs union. No agreement on this matter, part of the 'Phase One' divorce issues, the United Kingdom was at risk of exiting the Union without a deal. Hard-Brexit supporters certainly did not help the situation: despite May's numerous attempts at conciliation on both sides, the EU and UK's parliament, representatives like Boris Johnson pointed at her failure in obtaining a favourable deal and in opening the country to "perpetual political blackmail", putting a "suicide vest around the British constitution" and giving total control over it to Michel Barnier. He, once again, insisted on technology as the solution for the border impasse. Johnson's affirmations represent the climate in Westminster as regards pro-hard Brexit MPs.(O'Rourke, 2019, chap. 11)

Nonetheless, a breakthrough was eventually reached in November after it was decided that the negotiators had to enter a 'tunnel', a 'safe space' where they could work intensively and keep the information going out of the tunnel to a minimum in order to avoid leaks. On 13 November the news was leaked that an agreement had been found.

May had obtained important concessions from the EU: she was able to gain approval for her plan of a UK-wide customs union with the EU as the British had requested. What is more, these arrangements were included in the legally binding withdrawal agreement, and not in the political declaration as it was before. This meant that, even if the Union and the UK were not able to find an agreement on future relations, the UK would be guaranteed a customs union with the EU. However, Northern Ireland's backstop remained the problematic part of the agreement: following the plan on which UK and EU had agreed upon, the region would have to align to EU's regulations and the Union's Customs Code until another solution was found, although it would formally remain part of British customs union for administrative reasons. This backstop, being attached to a legally binding text, meant that if the UK were not able to find another solution inside future relationship arrangements, the country would have been bound by the backstop (and by the EU) indefinitely. The Agreement was nonetheless approved by May's cabinet, although some members resigned in protest, and would then proceed to be put to votes in parliament. However, the numbers were not looking favourable in both Labour and Conservatives.(Sandford, 2018; *Theresa May's draft Brexit deal: what is it and what happens next?*, 2018; O'Rourke, 2019, chap. 11)

Of course the fact that this plan entailed a different regime for Northern Ireland did not appease the Unionists, even though it would have been advantageous for the region: in fact, Northern Ireland would have had frictionless access to both EU and the rest of the UK and, being an economically depressed region, the agricultural and industrial interests were very pleased by the new favourable perspective. Nonetheless the DUP remained against the deal, showing that their approach was much more focused on partisan identitarian elements than they were on real benefits for Northern Ireland as a whole. Tory MPs were concerned for the integrity of the UK, but especially on the fact that the country would be bound by the backstop indefinitely, with no possibility of exiting it unilaterally. On the other hand, Labour were not satisfied by the Agreement's conditions either, as it was seen as too far from EU membership. Both UK and EU were clear on the fact that this agreement was the only way left for the country to leave the Union with a deal, and therefore avoid the chaos that a no-deal scenario would inevitably bring. When the deal was put to votes in Westminster in the first months of 2019, the rejection was the hardest even in UK's parliamentary history. The deal was then put to vote two more times, ending

with the same result. In the end, Theresa May was forced to ask for a delay of UK's exit day for the EU, and also announced she would resign as Conservative Leader in June. As a consequence she would also stand down as Prime Minister as soon as a candidate was found.(Sandford, 2018; O'Rourke, 2019, chap. 11; *BBC News*, 2019b; *May suffers heaviest parliamentary defeat of a British PM in the democratic era*, 2019)

It was Boris Johnson's turn as Prime Minister. He was officially nominated on 23 June after winning the Conservatives leadership. However, it was soon understood that his tones were even harder than his predecessor's, and that attempts at a conciliating approach with the EU were thrown out of the window. In August 2019, the new Prime Minister asks the European Union to scrap off the backstop altogether, without providing a viable solution for Northern Ireland, and on 3 October a new proposal for the divorce agreement is sent to Brussels, including a further request of removing the backstop. Needless to say, the EU strongly rejected both requests, and the talks collapsed a few days after. In spite of this, Johnson insisted on getting "Brexit done" and exiting the Union with or without a deal by the end of October.

This approach to the negotiations obviously awoke great fears in Northern Ireland. Civil society and human rights organizations voiced their concern for a no-deal scenario. They highlighted the deep uncertainty that Brexit itself represents for many working and benefiting from civil society organizations in the region, uncertainty that would however be multiplied in case of no-deal. Exiting the European Union on these terms could have meant a complete loss of the European funds they relied upon for conducting their activities, which are essential for many families and individuals in Northern Ireland. This worry was of course shared in other parts of the UK: in general, civil society workers feared that the economic impact of Brexit, united with less funds available for their organizations, would be devastating for the social fabric of the country by leaving many vulnerable citizens with no or insufficient support.

However, shortly after Boris Johnson meets Leo Varadkar, the Taoiseach, a new Brexit deal was agreed that included legal text on Northern Ireland arrangements. The deal was not too distant from Theresa May's deal. What is new in this Northern Ireland Protocol, is the introduction of a section on "democratic consent in Northern Ireland" (Article18), which allows Northern Ireland's Assembly to have control over the continuation of these arrangements for the region. The provisions set out in the revised protocol will apply only as long as the Assembly will wish so, providing an exit mechanism for what had been the most controversial points of the negotiations, often cause of tensions and deadlock both in Westminster and between the UK and the European Union.

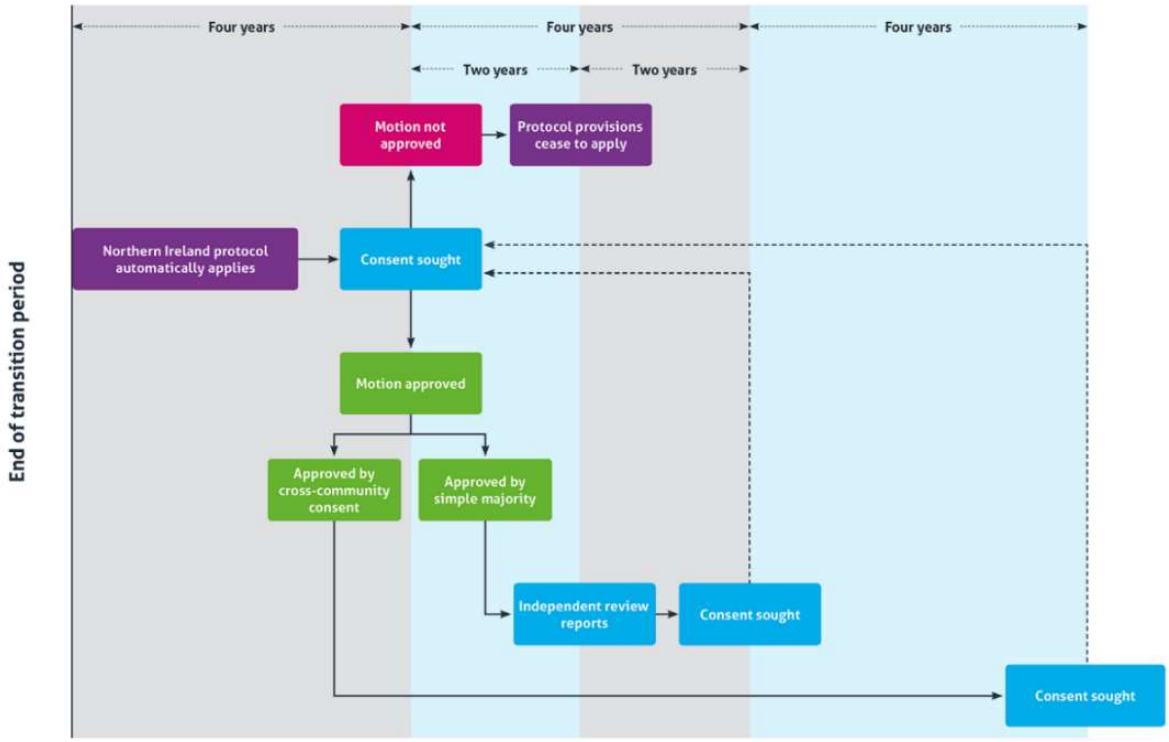

Figure 17 - Consent Mechanism of Northern Ireland Protocol (Institute for Government – "Implementing Brexit")

The Protocol sets out that, four years after the end of the transition period, Northern Irish institutions would have the chance to vote on the continued application of the Agreement's provisions that regard customs and regulatory alignment, and that avoid the creation of a border on the island of Ireland. This makes regulatory checks necessary in the Irish Sea. On the other hand, not all provisions in the protocol are subject to the consent mechanism: for example, the fact that Northern Ireland remains (formally) part of the UK customs territory for administrative reasons, the UK's commitment of 'no

diminution' of rights and equality under the GFA, the maintenance of the Common Travel Area, or the protection of North-South cooperation.

The procedure of consent works on a majority vote and cross-community consent, and it will apply for as long as the protocol exists. If consent is not obtained, the Protocol will end its validity and application two years after the vote. During this period, the Joint Committee will advise UK and EU on what solutions to implement in its place. This version of the Protocol made the Withdrawal Agreement finally acceptable for Conservative MPs, as it would allow the pursuit of an independent policy and the possibility to diverge from EU regulations, even if only in Great Britain. Even though this mechanism would practically give the Northern Ireland communities (unionists included) a veto power on the Protocol, the DUP was not happy with the result in light of the different regime set out for Northern Ireland; on the other hand, neither was Northern Ireland's Assembly (newly re-established after a scandal brought to its suspension in January 2017), which rejected the deal unanimously. Nevertheless, the government pushed for the deal to be approved and ratified in Parliament. (Brussels, 2019; Usherwood, 2019; *BBC News*, 2019a; *Northern Ireland Protocol - EUR-Lex*, 2020; *BBC News*, 2020; Sargeant *et al.*, 2020)

In January 2020, after an extension of Article 50 was agreed in October, the UK-EU Withdrawal Agreement becomes law after a rather uneventful passage in parliament, and the deal is then approved by the European Parliament on 29 January. The United Kingdom then officially left the Union on 31 January at midnight, giving way to a transition period of eleven months after which the provisions of the Northern Ireland Protocol came into effect.

3.10 CONCLUSIONS

In this chapter I analysed the United Kingdom' and European Union's approaches to the negotiations, in particular as regards Northern Ireland and the establishment of the new border with the European Union. Northern Ireland and the 'Irish border' quickly became the toughest obstacles on the road for an agreement. The crucial point, as well as one of the top priorities of the European Union, was how to avoid a hard border on the island of

Ireland and how to maintain Northern Ireland's regime as unchanged as possible after Brexit.

I highlighted how UK's approach to the negotiations was one that continued to ignore Northern Ireland and the Irish border issue until the very end, and how pressures from the most hard-line Brexiteers inside the Conservative party certainly did not help to find a realistic agreement with the EU. Among these, the DUP, which suddenly found itself to play a fundamental role in the maintenance of a Conservative majority in parliament, was the most inflexible on May's proposals for Northern Ireland and the Irish border. The resulting 'cakeist' attitude of the British government almost brought to a breakpoint in the talks. Besides the Unionists role in Westminster, Northern Ireland's local interests played an almost invisible role in the negotiations, also given the absence of an executive in Stormont since 2017 and, more in general, of a united and strong voice to represent the region's interests.

In the end, the uncompromising attitude of hard-line Brexiteers brought to Prime Minister May's resignation. Her successor however was not able to satisfy their requests either, and despite starting his role as Prime Minister with a hard-line approach to the negotiations, Boris Johnson had to break many of his promises to reach an agreement, heavily disappointing hard-Brexiteers especially as regards the provisions for Northern Ireland and the Irish border. The agreement that was reached between the UK and the European Union allows Northern Ireland to formally remain in the UK customs union, but in practice it will have to maintain close connections with the EU customs union and follow single market regulations on agricultural and manufacture products.

This however placed a border in the Irish Sea, dividing Northern Ireland from the rest of the United Kingdom in some way. The decision to settle with this framework was taken with the intention of allowing border controls but at the same time keeping intact the all-island regime between Northern Ireland and the Republic of Ireland. Needless to say, this did not satisfy the Unionists that see Northern Ireland as becoming even closer to the Republic than it is to the rest of the UK.

CONCLUSION

"Is the peace process not much more important than the Northern Ireland protocol?"

David Campbell, former chairman of Loyalist Communities Council

Retracing Northern Ireland's history of conflict showed how difficult the relationship between Catholic-Nationalists and Protestant-Unionists has been since the very beginning. There were many attempts at pacifying the region, and some even managed to work at least for some time. However, the cyclical eruption of violence seemed to be a characteristic of Ulster and then of Northern Ireland.

London's ways of handling the region in the past can be described as colonial and violent in many ways, from the plantation and subsequent eviction of many natives from their lands, to a questionable management of famines and economic depressions, to the often violent repression of the region's culture, language, religion, and dissent. On the other hand, the settlers' view of the natives was one that was characterised by the fear of invasion and violence. In this climate of recurrent sectarian violence, popular unrest and violent repression, economic depression, hunger, sickness, and poverty also characterised the region for centuries. Besides the development of some economic sectors such as the manufacture of linen and later the iron ships industry, mostly localized in defined areas, much of the region lived in poorer conditions than on the 'mainland'.

The latest great episode of conflict, the so-called Troubles happened at the end of the 20th century, showed that the contrast between the two factions of Northern Ireland was still very much alive. The thirty-year long ethno-national conflict was however appeased by a peace process started with the signing of the Good Friday Agreement and that continues to this day. The process, as we have seen, is dependent on the maintenance of a delicate equilibrium of powers between the two factions, which was reached with great difficulty at the end of the Troubles.

In this, the European Union played an important role, facilitating the implementation of a regime of free movement between the Republic and the rest of the UK, as well as the

guarantee of human and civil rights, which significantly helped in the creation of the Good Friday Agreement framework as well as its maintenance in the following decades.

A referendum on European membership, in this context, was going to be foreseeably unsettling for many that depended on European funds and frameworks. Local interests as well as many Northern Irish parties (Nationalistic ones in particular) expressed their deep concern for the consequences that a Brexit could bring to the region, both of economic, social and political nature. Many were worried about a new eruption of violence.

However, we saw how a predominantly English referendum campaign practically ignored the interests and needs of Northern Ireland in this context. The referendum itself was arguably called without having a concrete plan for the victory of a 'Leave' vote, especially as regards the particular situation that supports the equilibrium of Northern Ireland. While at UK-level the main themes of the campaign were trade, healthcare and immigration, only Northern Irish nationalistic and centrist parties seemed to be aware of what risks the region could encounter in case of a Brexit, especially in relation to a possible return of the physical border on the island of Ireland. On the other hand, Unionism mostly followed the 'mainland' campaign for the Leave side, and generally denied that a Brexit could harm Northern Ireland. After the vote, the region's government was unable to create credible pressures on London and act as an amplifier for local interests, as the unsurmountable polarization between the two main parties in Stormont did not allow the local government to assemble a concrete plan for the region in the context of Brexit.

British parties seemingly superficial approach to the question during the referendum campaign was not fully abandoned after the vote. As a matter of fact, at the beginning of the negotiations with the European Union on withdrawal terms, the British government seemed to want everything without conceding nothing in what was described as a 'cakeist' approach, but at the same time seemed to have no concrete plan on action on what soon became a serious impasse in the talks: Northern Ireland and the definition of a border with the EU.

The stubbornness and what appeared to be, once again, superficiality in treating the matter from Brexiteers and especially Unionist MPs, weighted heavily on Prime Minister May's capacity to reach a deal with the European Union that could satisfy her government and majority in parliament. In fact, her proposals were repeatedly rejected in parliament, and

finally led to her resignation. A deal was finally reached with her successor, Boris Johnson, that besides his tougher approach to the negotiations he finally had to concede to the demands of the European Union and disappoint the promises made to hard-Brexit supporters.

The Northern Ireland Protocol was introduced, and unsurprisingly, many Unionists were not satisfied with the result when it came into effect. Violent episodes were seen in Belfast, Derry-Londonderry, and in other parts of the region soon after the agreement was implemented in January 2021: Molotov bottles, hijacking and burning of vehicles, attacks against the police, as well as threats to staff working at Irish Sea border controls(*BBC News*, 2021a). In the riots, defined as "Northern Ireland's worst street violence for years", many police officers were injured and teenagers and children as young as twelve years old were said to have been pushed by adults to be involved in creating the disorders.(*BBC News*, 2021b)

Loyalist paramilitary groups warned that the resentment against these provisions could 'definitely creep over into violence'(*Anger over Northern Ireland Brexit deal 'could creep over into violence', loyalists warn*, 2021): the new border in the Irish Sea is seen as a breach in the Good Friday Agreement and London's betrayal of the loyalist community in Northern Ireland. The same groups withdrew their support for the peace agreement already in March, demanding changes to the Northern Ireland Protocol('Loyalists withdraw support for Good Friday Agreement', 2021). Unionism in general fears that this new framework puts the region one step closer to a united Ireland, a possibility that is envisaged by the Belfast Agreement's principle of consent.

In this context, with Northern Irish nationalists planning a 'reunification' referendum, and pro-European Scotland already thinking about a new independence referendum, the fate of the United Kingdom looks uncertain. Even in Wales, support for independence has grown recently. The different votes in the country's constituent nations are said to have hardened internal divisions, making the UK's unity the weakest in history. The future of the Union is now in Prime Minister Johnson's hands, who recently created an ad-hoc "union unit" in Downing Street to work on the issue, but who is also accused of having handled Brexit unwisely in the first place by supporting the hard-Brexit cause, and therefore of endangering the country's integrity(*The Economist*, 2021).

PRIMARY SOURCES

1. *Anger over Northern Ireland Brexit deal 'could creep over into violence', loyalists warn* (2021) *The Independent*. Available at: https://www.independent.co.uk/news/uk/politics/northern-ireland-brexit-lcc-border-b1850115.html (Accessed: 27 August 2021).

2. *Article 50 TEU Lisbon Treaty* (2012). Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012M050 (Accessed: 12 June 2021).

3. *Article 218 TFEU Lisbon Treaty* (2008). Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12008E218 (Accessed: 12 June 2021).

4. *BBC News* (2017a) 'Brexit's hard Irish border questions', 10 May. Available at: https://www.bbc.com/news/business-39867790 (Accessed: 12 July 2021).

5. *BBC News* (2017b) 'Deadlock over UK's Brexit bill, says EU's Michel Barnier', 12 October. Available at: https://www.bbc.com/news/uk-politics-41585430 (Accessed: 2 July 2021).

6. *BBC News* (2019a) 'Brexit: Boris Johnson and Leo Varadkar "can see pathway to a deal"', 10 October. Available at: https://www.bbc.com/news/uk-politics-49995133 (Accessed: 14 July 2021).

7. *BBC News* (2019b) 'Brexit: Theresa May's deal is voted down in historic Commons defeat', 15 January. Available at: https://www.bbc.com/news/uk-politics-46885828 (Accessed: 14 July 2021).

8. *BBC News* (2019c) 'Prawn fishermen: NI catch quota cut by 15%', 18 December. Available at: https://www.bbc.com/news/uk-northern-ireland-50834486 (Accessed: 25 July 2021).

9. *BBC News* (2020) 'Stormont: What is it and why did power-sharing collapse in Northern Ireland?', 10 January. Available at: https://www.bbc.com/news/uk-northern-ireland-politics-50822912 (Accessed: 14 July 2021).

10. *BBC News* (2021a) 'EU condemns Northern Ireland Brexit port staff "threats"', 2 February. Available at: https://www.bbc.com/news/uk-northern-ireland-55901429 (Accessed: 30 September 2021).

11. *BBC News* (2021b) 'Timeline: How Northern Ireland's violence unfolded', 12 April. Available at: https://www.bbc.com/news/uk-northern-ireland-56675894 (Accessed: 30 September 2021).

12. *Belfasttelegraph* (2016a) 'Sinn Fein calls for border poll on united Ireland after Brexit win in EU referendum', 24 June. Available at: https://www.belfasttelegraph.co.uk/business/brexit/sinn-fein-calls-for-border-poll-on-united-ireland-after-brexit-win-in-eu-referendum-34829501.html (Accessed: 24 August 2021).

13. *Belfasttelegraph* (2016b) 'Vote to leave could see Northern Ireland hit with £1bn loss in funding, warns expert', 19 April. Available at: https://www.belfasttelegraph.co.uk/business/brexit/vote-to-leave-could-see-northern-ireland-hit-with-1bn-loss-in-funding-warns-expert-34638751.html (Accessed: 29 April 2021).

14. *Brexit: The government's customs options - BBC News* (2018). Available at: https://www.bbc.com/news/uk-43979180 (Accessed: 12 July 2021).

15. Brussels, D.S. in (2019) *Brexit: How the deal was done and why the Varadkar meeting was a turning point*, *The Irish Times*. Available at: https://www.irishtimes.com/news/world/uk/brexit-how-the-deal-was-done-and-why-the-varadkar-meeting-was-a-turning-point-1.4054437 (Accessed: 14 July 2021).

16. *Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community* (no date) *European Commission - European Commission*. Available at: https://ec.europa.eu/info/publications/draft-agreement-withdrawal-united-kingdom-great-britain-and-northern-ireland-european-union-and-european-atomic-energy-community-0_en (Accessed: 6 July 2021).

17. *DUP slam EU plan for Northern Ireland to stay in customs union* (2018) *The Irish News*. Available at: http://www.irishnews.com/news/brexit/2018/02/28/news/dup-slam-eu-plan-for-northern-ireland-to-stay-in-customs-union-1266945/ (Accessed: 12 July 2021).

18. *EU Referendum Results - BBC News* (no date). Available at: https://www.bbc.co.uk/news/politics/eu_referendum/results (Accessed: 29 September 2021).

19. *European Council (Art. 50) guidelines for Brexit negotiations* (2017). Available at: https://www.consilium.europa.eu/en/press/press-releases/2017/04/29/euco-brexit-guidelines/ (Accessed: 12 June 2021).

20. *Joint report from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union* (no date) *European Commission - European Commission*. Available at: https://ec.europa.eu/info/publications/joint-report-negotiators-european-union-and-united-kingdom-government-progress-during-phase-1-negotiations-under-article-50-teu-united-kingdoms-orderly-withdrawal-european-union_en (Accessed: 2 July 2021).

21. 'Loyalists withdraw support for Good Friday Agreement' (2021). Available at: https://www.rte.ie/news/ulster/2021/0304/1200857-good-friday-agreement/ (Accessed: 30 September 2021).

22. *May suffers heaviest parliamentary defeat of a British PM in the democratic era* (2019) *the Guardian*. Available at: http://www.theguardian.com/politics/2019/jan/15/theresa-may-loses-brexit-deal-vote-by-majority-of-230 (Accessed: 14 July 2021).

23. *Nigel Farage's anti-migrant poster reported to police* (2016) *the Guardian*. Available at: http://www.theguardian.com/politics/2016/jun/16/nigel-farage-defends-ukip-breaking-point-poster-queue-of-migrants (Accessed: 17 August 2021).

24. *Northern Ireland and Ireland - position paper* (no date) *GOV.UK*. Available at: https://www.gov.uk/government/publications/northern-ireland-and-ireland-a-position-paper (Accessed: 2 July 2021).

25. *Northern Ireland Protocol - EUR-Lex* (2020). Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12020W%2FTXT (Accessed: 14 July 2021).

26. Rayner, G. and Swinford, S. (2018) 'Jacob Rees-Mogg says Theresa May's Brexit white paper will leave UK "a vassal state of EU" as he accuses her of breaking promises', *The Telegraph*, 12 July. Available at: https://www.telegraph.co.uk/politics/2018/07/12/brexit-white-paper-reveals-visa-free-movement-temporary-eu-workers/ (Accessed: 14 July 2021).

27. *Read Theresa May's full speech on Brexit* (2016) *The Independent*. Available at: https://www.independent.co.uk/news/uk/politics/theresa-may-conference-speech-article-50-brexit-eu-a7341926.html (Accessed: 29 June 2021).

28. *Read Theresa May's Speech Laying Out the U.K's Plan for Brexit* (no date) *Time*. Available at: https://time.com/4636141/theresa-may-brexit-speech-transcript/ (Accessed: 30 June 2021).

29. *Remarks by President Donald Tusk after the informal meeting of 27 EU heads of state or government* (no date). Available at: https://www.consilium.europa.eu/en/press/press-releases/2016/06/29/tusk-remarks-informal-meeting-27/ (Accessed: 2 July 2021).

30. *The Eurosceptic map of Britain | YouGov* (2016). Available at: https://yougov.co.uk/topics/politics/articles-reports/2016/02/28/eurosceptic-map-britain (Accessed: 29 September 2021).

31. *Theresa May becomes new British Prime Minister - CNN* (2016). Available at: https://edition.cnn.com/2016/07/13/europe/theresa-may-david-cameron-british-prime-minister/index.html (Accessed: 16 July 2021).

32. *Theresa May faces Tory anger over soft Brexit proposal* (2018) *the Guardian*. Available at: http://www.theguardian.com/politics/2018/jul/06/theresa-may-secures-approval-from-cabinet-to-negotiate-soft-brexit (Accessed: 12 July 2021).

33. *Theresa May to deliver Brexit speech in Florence* (2017) *the Guardian*. Available at: http://www.theguardian.com/politics/2017/sep/13/theresa-may-to-deliver-brexit-speech-in-florence (Accessed: 5 July 2021).

34. *Theresa May's draft Brexit deal: what is it and what happens next?* (2018) *the Guardian*. Available at: http://www.theguardian.com/politics/2018/nov/14/theresa-mays-draft-brexit-deal-what-is-it-and-what-happens-next (Accessed: 14 July 2021).

35. Tidey, A. (2018) *Brexit: What went wrong with Theresa May's Chequers plan?*, *euronews*. Available at: https://www.euronews.com/2018/09/24/brexit-what-went-wrong-with-theresa-may-s-chequers-plan (Accessed: 12 July 2021).

36. *UK accused of 'magical thinking' over Brexit plan for Irish border* (2017) *the Guardian*. Available at: http://www.theguardian.com/uk-news/2017/aug/25/uk-accused-of-magical-thinking-over-brexit-plan-for-irish-border (Accessed: 3 July 2021).

SECONDARY SOURCES

1. *4. Fisheries (2021) The Institute for Government. Available at: https://www.instituteforgovernment.org.uk/publication/eu-referendum-claims/fisheries (Accessed: 28 July 2021).*

2. *Alexiou, E. (2019) '"Who's afraid of the European demos?": The uneasy relationship between the European Union and referendums', p. 50.*

3. *Allen, M. and Hull, D.D. (2016) 'Northern Ireland's fisheries sectors – background and possible "Brexit" considerations', p. 25.*

4. *Armstrong, C.I., Herbert, D. and Mustad, J.E. (eds) (2019) The Legacy of the Good Friday Agreement: Northern Irish Politics, Culture and Art after 1998. Cham: Springer International Publishing. doi:10.1007/978-3-319-91232-5.*

5. *Arpino, B. and Obydenkova, A.V. (2020) 'Democracy and Political Trust Before and After the Great Recession 2008: The European Union and the United Nations', Social Indicators Research, 148(2), pp. 395–415. doi:10.1007/s11205-019-02204-x.*

6. *Baker, S. (2018) 'Whither the "Hand of History"?: Northern Ireland Newspaper Coverage of the 2016 EU Referendum Campaign', in Ridge-Newman, A., León-Solís, F., and O'Donnell, H. (eds) Reporting the Road to Brexit. Cham: Springer International Publishing, pp. 93–109. doi:10.1007/978-3-319-73682-2_6.*

7. *Barker, A. (2018) 'The soft-Brexit Chequers deal: what it means', Financial Times, 9 July. Available at: https://www.ft.com/content/aeb53c82-82ac-11e8-96dd-fa565ec55929 (Accessed: 12 July 2021).*

8. *Berberi, C. (2017) 'Northern Ireland: Is Brexit a Threat to the Peace Process and the Soft Irish Border?', Revue française de civilisation britannique, 22(2). doi:10.4000/rfcb.1370.*

9. *Brexit and the future of fisheries policy in Northern Ireland (2018) UK in a changing Europe. Available at: https://ukandeu.ac.uk/brexit-and-the-future-of-fisheries-policy-in-northern-ireland/ (Accessed: 16 July 2021).*

10. *Burke, E. (2017) 'Brexit and the threat to Northern Ireland', p. 2.*

11. *Byrne, S. (2021) 'THE EUROPEAN UNION PEACE AND RECONCILIATION FUND IMPACT ON NORTHERN IRELAND', INTERNATIONAL JOURNAL ON WORLD PEACE, p. 26.*

12. *Canny, N.P. (2001) Making Ireland British, 1580-1650. Oxford ; New York: Oxford University Press.*

13. *Clarke, H.D., Goodwin, M. and Whiteley, P. (2017a) '2. Campaign Prologue', in Brexit: Why Britain Voted to Leave the European Union. Cambridge: Cambridge University Press. doi:10.1017/9781316584408.*

14. *Clarke, H.D., Goodwin, M. and Whiteley, P. (2017b) '3. Into Battle', in Brexit: Why Britain Voted to Leave the European Union. Cambridge: Cambridge University Press. doi:10.1017/9781316584408.*

15. *Clarke, S., Levitt, D. and Gutiérrez, P. (2019) 'A typical hour in the life of the Irish border', The Guardian, 3 September. Available at: https://www.theguardian.com/politics/ng-interactive/2019/sep/02/a-typical-hour-in-the-life-of-the-irish-border.*

16. *Cochrane, F. (2021) Northern Ireland: The Fragile Peace. Yale University Press. Available at: https://books.google.it/books?id=vsIgEAAAQBAJ.*

17. *Collin, K. (2019) 'Populist and authoritarian referendums: The role of direct democracy in democratic deconsolidation', p. 18.*

18. *Connelly, T. (2017) Brexit and Ireland: The Dangers, the Opportunities, and the Inside Story of the Irish Response. Penguin Books Limited. Available at: https://books.google.it/books?id=lAbhDgAAQBAJ.*

19. *Connolly, E. and Doyle, J. (2019) 'Brexit and the Irish border', European Journal of Legal Studies, (Special Issue: The Brexit Negotiations&the May Government), pp. 153–186. doi:10.2924/EJLS.2019.006.*

20. *Corbett, S. (2016) 'The Social Consequences of Brexit for the UK and Europe: Euroscepticism, Populism, Nationalism, and Societal Division', The International Journal of Social Quality, 6(1). doi:10.3167/IJSQ.2016.060102.*

21. *Duibhir, P.Ó. (2021) 'How the crucial work of civil society organisations in Northern Ireland is being put at risk by COVID-19 and Brexit', British Politics and Policy at LSE, 25 March. Available at: https://blogs.lse.ac.uk/politicsandpolicy/csos-northern-ireland/ (Accessed: 23 August 2021).*

22. *Dunn, S. (ed.) (1995) Facets of the Conflict in Northern Ireland. London: Palgrave Macmillan UK. doi:10.1007/978-1-349-23829-3.*

23. *DUP slam EU plan for Northern Ireland to stay in customs union (2018) The Irish News. Available at: http://www.irishnews.com/news/brexit/2018/02/28/news/dup-slam-eu-plan-for-northern-ireland-to-stay-in-customs-union-1266945/ (Accessed: 12 July 2021).*

24. *European Council (Art. 50) guidelines for Brexit negotiations (2017). Available at: https://www.consilium.europa.eu/en/press/press-releases/2017/04/29/euco-brexit-guidelines/ (Accessed: 12 June 2021).*

25. *Fetzer, T. (2019) 'Did Austerity in the UK Lead to the Brexit Crisis?', Harvard Business Review, 23 August. Available at: https://hbr.org/2019/08/did-austerity-in-the-uk-lead-to-the-brexit-crisis (Accessed: 16 August 2021).*

26. *Fisheries and Brexit (2020). The UK in a Changing Europe, p. 25. Available at: https://ukandeu.ac.uk/research-papers/fisheries-and-brexit-3/ (Accessed: 28 July 2021).*

27. *Foley, J. and Ramand, P. (2020) 'IN FEAR OF POPULISM':, p. 26.*

28. *Foy, M. (1996) 'Ulster Unionist Propaganda against Home Rule 1912-14', History Ireland, 4(1), pp. 49–53.*

29. *Gallic, B.L., Mardle, S. and Metz, S. (2018) 'Brexit and Fisheries: A Question of Conflicting Expectations', EuroChoices, 17(2), pp. 30–37. doi:10.1111/1746-692X.12200.*

30. *Garry, J. (2016) 'The EU referendum Vote in Northern Ireland: Implications for our understanding of citizens' political views and behaviour', p. 9.*

31. *Garry, J. et al. (2018) Report | Brexit NI | Queen's University Belfast - 'Northern Ireland and the UK's Exit from the EU: What do people think?' The UK in a Changing Europe, p. 92. Available at: https://www.qub.ac.uk/sites/brexitni/BrexitandtheBorder/Report/ (Accessed: 21 July 2021).*

32. *Good Friday Agreement: why it matters in Brexit (2018) UK in a changing Europe. Available at: https://ukandeu.ac.uk/good-friday-agreement-why-it-matters-in-brexit/ (Accessed: 25 June 2021).*

33. *Henderson, A. et al. (2017) 'How Brexit was made in England', The British Journal of Politics and International Relations, 19(4), pp. 631–646. doi:10.1177/1369148117730542.*

34. *Irish reunification (2018) The Institute for Government. Available at: https://www.instituteforgovernment.org.uk/explainers/irish-reunification (Accessed: 24 August 2021).*

35. *Jabbour, J. (2021) 'Brexit, the Democratic Question in Europe, and the Future of the EU', p. 9.*

36. *Jacobs, K. (2018) 'Referendums in times of discontent', p. 7.*

37. *Kriesi, H. (2021) 'Democratic legitimacy: Is there a legitimacy crisis in contemporary politics?', p. 31.*

38. *MacGinty, R. (1997) 'American Influences on the Northern Ireland Peace Process', Journal of Conflict Studies, 17(2), pp. 31–50.*

39. *Malhotra, D. (2016) 'A Definitive Guide to the Brexit Negotiations', Harvard Business Review, 5 August. Available at: https://hbr.org/2016/08/a-definitive-guide-to-the-brexit-negotiations (Accessed: 21 May 2021).*

40. *de Mars, S. et al. (2016) 'Policy Paper: Brexit, Northern Ireland and Ireland', SSRN Electronic Journal [Preprint]. doi:10.2139/ssrn.2797948.*

41. *de MARS, S. et al. (2018) Bordering two unions: Northern Ireland and Brexit. 1st edn. Policy Press. doi:10.2307/j.ctv56fh0b.*

42. *McCaffrey, B. and May 2019, 28 (2018) Brexit's catch 22: Sink or swim for Northern Ireland's fishermen, The Detail. Available at: https://thedetail.tv/articles/fishing-post-brexit (Accessed: 25 July 2021).*

43. *McCann, G. and Hainsworth, P. (2017) 'Brexit and Northern Ireland: the 2016 referendum on the United Kingdom's membership of the European Union', Irish Political Studies, 32(2), pp. 327–342. doi:10.1080/07907184.2016.1243530.*

44. *Menon, A. and et. al. (2019) Brexit and public opinion 2019. London: King's College London, p. 58. Available at: https://ukandeu.ac.uk/wp-content/uploads/2019/01/Public-Opinion-2019-report.pdf.*

45. *Miller, V. (2018) 'Brexit: the draft withdrawal agreement', p. 86.*

46. *Miller, V., Lang, A. and Simson-Caird, J. (2017) 'Brexit: how does the Article 50 process work?', p. 35.*

47. *Murphy, D.M.C. (2016) 'Northern Ireland and the EU Referendum: The outcome, options and opportunities', p. 15.*

48. *Murphy, M.C. (2016a) Brexit: NI polls show preference to remain in EU, The Irish Times. Available at: https://www.irishtimes.com/news/world/uk/brexit-ni-polls-show-preference-to-remain-in-eu-1.2592021 (Accessed: 24 August 2021).*

49. *Murphy, M.C. (2016b) 'The EU Referendum in Northern Ireland: Closing Borders, Re-Opening Border Debates', Journal of Contemporary European Research, 12(4). Available at: https://www.jcer.net/index.php/jcer/article/view/820 (Accessed: 17 August 2021).*

50. *Murphy, M.C. and Evershed, J. (2020) 'Between the devil and the DUP: the Democratic Unionist Party and the politics of Brexit', British Politics, 15(4), pp. 456–477. doi:10.1057/s41293-019-00126-3.*

51. *Nigel Farage's anti-migrant poster reported to police (2016) the Guardian. Available at: http://www.theguardian.com/politics/2016/jun/16/nigel-farage-defends-ukip-breaking-point-poster-queue-of-migrants (Accessed: 17 August 2021).*

52. *Northern Ireland: December 2017 Joint Report (2017) The Institute for Government. Available at: https://www.instituteforgovernment.org.uk/explainers/northern-ireland-december-2017-joint-report (Accessed: 2 July 2021).*

53. *O'Donoghue, A., Murray, C. and Warwick, B. (no date) 'A "Constitutional Conundrums: Northern Ireland, the EU and Human Rights" Project Report', p. 16.*

54. *O'Rourke, K. (2019) A Short History of Brexit: From Brentry to Backstop. Penguin Books Limited. Available at: https://books.google.it/books?id=D4l7DwAAQBAJ.*

55. *Parker, G. (2016a) 'Theresa May's bold cabinet gambit on band of Brexiters', Financial Times, 14 July. Available at: https://www.ft.com/content/d64b2264-498a-11e6-b387-64ab0a67014c (Accessed: 5 June 2021).*

56. *Parker, G. (2016b) 'UK may try to stay in EU customs union, says Liam Fox', Financial Times, 18 December. Available at: https://www.ft.com/content/f2f8b090-c511-11e6-9043-7e34c07b46ef (Accessed: 5 June 2021).*

57. *Payne, A. (no date) 5 things we learned from Theresa May's big Brexit speech, Business Insider. Available at: https://www.businessinsider.com/five-things-we-learned-from-theresa-may-big-brexit-speech-2018-3 (Accessed: 3 July 2021).*

58. *Phillipson, J. and Symes, D. (2018) '"A sea of troubles": Brexit and the fisheries question', Marine Policy, 90, pp. 168–173. doi:10.1016/j.marpol.2017.12.016.*

59. *Phinnemore, D. (no date) 'Northern Ireland and Brexit: Limits and Opportunities for a New Relationship with the EU', p. 10.*

60. *Phinnemore, D. and Hayward, K. (2017) 'UK Withdrawal ("Brexit") and the Good Friday Agreement', p. 65.*

61. *Rayner, G. and Swinford, S. (2018) 'Jacob Rees-Mogg says Theresa May's Brexit white paper will leave UK "a vassal state of EU" as he accuses her of breaking promises', The Telegraph, 12 July. Available at: https://www.telegraph.co.uk/politics/2018/07/12/brexit-white-paper-reveals-visa-free-movement-temporary-eu-workers/ (Accessed: 14 July 2021).*

62. *Sandford, A. (2018) What was in Theresa May's Brexit deal and why was it so unpopular?, euronews. Available at: https://www.euronews.com/2018/12/07/what-is-in-theresa-may-s-brexit-deal-and-why-is-it-so-unpopular (Accessed: 14 July 2021).*

63. *Sargeant, J. et al. (2020) 'Implementing Brexit: the Northern Ireland protocol'. Available at: https://www.instituteforgovernment.org.uk/publications/implementing-brexit-northern-ireland-protocol (Accessed: 11 July 2021).*

64. *Teague, P. (2019) 'Brexit, the Belfast Agreement and Northern Ireland: Imperilling a Fragile Political Bargain', The Political Quarterly, 90(4), pp. 690–704. doi:10.1111/1467-923X.12766.*

65. *The Economist (2021) 'From United Kingdom to Untied Kingdom', 15 April. Available at: https://www.economist.com/leaders/2021/04/15/from-united-kingdom-to-untied-kingdom (Accessed: 30 September 2021).*

66. *Tidey, A. (2018) Brexit: What went wrong with Theresa May's Chequers plan?, euronews. Available at: https://www.euronews.com/2018/09/24/brexit-what-went-wrong-with-theresa-may-s-chequers-plan (Accessed: 12 July 2021).*

67. *Tonge, J. (2017) 'The Impact and Consequences of Brexit for Northern Ireland', p. 12.*

68. *Usherwood, S. (2019) Boris Johnson's Brexit deal: what's in it and how is it different to Theresa May's version?, The Conversation. Available at: http://theconversation.com/boris-johnsons-brexit-deal-whats-in-it-and-how-is-it-different-to-theresa-mays-version-125446 (Accessed: 14 July 2021).*

69. *Walker, N. (2021) 'Brexit timeline: events leading to the UK's exit from the European Union', p. 86.*

70. *White, T.J. (2014) 'Generational Change and Redefining Identities: Post-Conflict Peacebuilding in Northern Ireland', SSRN Electronic Journal [Preprint]. doi:10.2139/ssrn.2483428.*

71. *Whiteley, P. (2019) Brexit and identity politics: the only way out is to drop the backstop, The Conversation. Available at: http://theconversation.com/brexit-and-identity-politics-the-only-way-out-is-to-drop-the-backstop-111394 (Accessed: 14 July 2021).*

72. *Willner-Reid, M. (2018) 'The Rise of Referendums: A Death Sentence for Multilateralism?', The International Spectator, 53(2), pp. 1–20. doi:10.1080/03932729.2018.1438240.*

Ringraziamenti

In conclusione, vorrei dedicare uno spazio a chi mi ha sostenuto nella stesura di questa tesi.

Un ringraziamento speciale va innanzitutto alla mia relatrice, la Prof.ssa Stéphanie Novak, che con grande pazienza ha saputo fornirmi aiuto e consigli fondamentali per la scelta dell'argomento e nella stesura di questo elaborato.

Ringrazio i professori con i quali ho portato a termine gli esami per questo corso di laurea, per i preziosi insegnamenti e per avermi fatto apprezzare tutte le sfaccettature delle relazioni internazionali.

Ringrazio la mia famiglia, in particolare i miei genitori Daniela e Daniele, mio fratello Alessandro, nonna Bertilla e zii Graziella e Claudio, per aver sempre supportato le mie scelte, e per l'ascolto e il sostegno che mi avete saputo dare in questi anni di studio.

Grazie a Vanessa e Lennart per la vostra amicizia e per i consigli, la pazienza e l'indispensabile aiuto in tutte le fasi di stesura di questa tesi. Un ringraziamento anche al prof. Timofey Agarin, per l'aiuto e il consiglio durante il mio tirocinio e nella fase di ricerca (*).

Ad Alice e Mirela, per la vostra preziosa amicizia, per essere state sempre presenti, e per il costante supporto e ascolto in tutti i momenti del mio percorso universitario.

A tutta la squadra della Scuola Karate Resana e al Maestro Ottavio, per i tanti bei momenti passati insieme e per il sostegno che avete saputo darmi in questi anni. Un ringraziamento speciale a Valentina e Rachele, per la vostra sincera amicizia, e per avermi ascoltata e accompagnata anche nei momenti più difficili.

Grazie al mio compagno di corso Juan, per i bei momenti in università, e per l'immancabile supporto e consiglio.

Infine, ringrazio la Dott.ssa Elisa Coscioli, senza la quale questa tesi non sono sicura esisterebbe.

(**Special thanks to prof. Timofey Agarin, for his help and advice during my internship and in the research phase.*)