Borders and identities in NI after Brexit: remaking Irish–UK relations

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Abstract
The process of de-Europeanisation initiated by the British Government’s form of Brexit poses a major threat to the maintenance of peace in Northern Ireland (NI). This paper contends that a hard Brexit and active dismantling of ties to the European Union (EU) pursued by the Johnson Administration is fundamentally incompatible with the provisions of the 1998 Good Friday Agreement (GFA). It is acknowledged that the EU institutions were not directly responsible for achieving the relative peace that resulted. Yet, the EU provided a constructive context for societal normalisation. Shared EU membership improved engagement between the British and Irish governments, fostering ‘habits of co-operation’. It afforded a shared political space that helped transcend binary political, religious and ethnic differences. The implications of Brexit that entails active de-Europeanisation and resulting tensions concerning the NI protocol are therefore significant. Yet, this paper maintains that the long-term impact of Brexit remains uncertain. For instance, it is not clear that a ‘hard’ Brexit will inevitably result in the unification of Ireland. Deadlock marked by prolonged instability appears likely, provoking the re-emergence of sectarian violence. The paper addresses such themes by placing borders and identities at the centre of its analytical framework.

Keywords Brexit · Ireland · Northern Ireland · Borders · Identity

This paper considers the impact of Brexit up to 1 October 2021, the date to which the UK had initially extended the grace period for checks on goods entering Northern Ireland from Britain.

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Introduction

Brexit poses an existential threat to the structures and norms that have governed Northern Ireland (NI), and relations between Ireland and the United Kingdom (UK), for the last forty years. Moreover, Brexit exposes critical ambiguities and fault lines in Irish–UK relations evident since the signing of the first Anglo-Irish agreement in 1985. While the outcome least desired of Brexit re-imposing the physical border on the island of Ireland (reviving historical memories of partition a century ago) has been avoided, Brexit threatens to reignite the conflict, reversing the substantive gains made over the last twenty years. Ultimately, the hard Brexit and active dismantling of ties to the EU pursued by the Johnson Administration is incompatible with the principles of the 1998 Good Friday Agreement (GFA). The GFA afforded the UK and Irish governments a stake in the governance of NI, giving legitimate voice to the historical claims of Nationalism and Unionism. The ratification of the GFA by referendum in both the Republic of Ireland (ROI) and NI brought an end to the conflict known as ‘The Troubles’. According to Campbell (2008, p. 10) the Agreement, ‘transcended traditional concepts of borders, nations, states and sovereignty’. Yet, the framework of the GFA has been imperilled by the form of Brexit enacted by the Johnson Administration.

The post-Brexit arrangements formalised between EU negotiators and the UK government in December 2020 sought to acknowledge NI’s unique status. Under the terms of the EU-UK Trade and Cooperation Agreement (TCA), NI was treated as a hybrid state, a constituent part of the UK that retained economic and constitutional ties to the EU. While creating opportunities for trade and commerce, the new dispensation raised awkward questions about NI’s constitutional status that appear set to shape Irish–UK relations—and relations between NI and the rest of the UK—long into the future.

Drawing on theories of de-Europeanisation, we demonstrate that the UK Government’s model of a ‘hard’ Brexit undermines the GFA that established NI’s power-sharing institutions. A ‘hard’ Brexit implies regulatory dealignment and divergence given the UK left the EU single market and customs territory. The EU’s role in the peace process has been contested (Berberi 2017). Yet, the EU clearly provided a shared space to promote the reconciliation (or at least containment) of ethnic, national and religious differences, while the EU’s stress on sovereignty pooling was reflected in the GFA’s focus on power-sharing institutions (Meehan 2000). Moreover, EU membership facilitated the formation of diplomatic ties between politicians and civil servants across the islands.

The extant literature addresses the extent to which Brexit alters relations between Ireland and the UK (see Ferriter 2019; Laffan 2018a; O’Rourke 2018). In contrast, this paper examines how a ‘hard’ Brexit and the process of de-Europeanisation pose a fundamental threat to the GFA’s viability drawing on two key concepts: borders and identity. De-Europeanisation in the form of a ‘hard’ Brexit that dismantles institutional and regulatory ties with the EU undermines the permeability of borders, reversing sovereignty pooling and working against the
reimagining of national identities. The process undermines the overriding logic of the GFA.

We reiterate the importance of the EU in promoting power-sharing and post-nationalist politics in NI (Meehan 2000). We posit that while Brexit is not the sole cause of instability, it is a geo-political shock that exposes unresolved tensions and contradictions. The unintended consequence is that the ‘Irish question’ has returned to British and Irish politics. Our work contributes to the existing research by analysing the impact of de-Europeisation on security and cohesion in NI.

The research question at the core of the paper addresses how far the form of Brexit pursued by London, in unwinding institutional and regulatory ties to the EU, directly undermines the GFA, altering NI politics and Irish–UK relations. Methodologically, the article rests on analysis of documentary sources including official UK and Irish government papers; a detailed textual analysis of the Good Friday/Belfast Agreement; a review of social attitudes and polling data; alongside interviews drawn from the Britain in a Changing Europe Witness Archive to corroborate our findings.

The article proceeds as follows. We present a brief overview of the de-Europeanisation literature as a framework for understanding the nature of the Brexit process and its impact on NI and Irish–UK relations. We then assess the overall effect of the de-Europeanisation of Britain on NI, alongside the impact of the Withdrawal Agreement (WA) and the Protocol on NI society and politics. Three potential outcomes for Irish–UK relations and the governance of NI in Brexit’s wake are then considered. We argue that no single outcome is foreordained. Political contingency will play a critical role. Yet, if London pursues a ‘hard’ Brexit that entails the deconstruction of existing EU relationships, there is little doubt the core rationale of the GFA will be fundamentally threatened—with serious consequences for the peace process.

The Europeanisation and De-Europeanisation literature

In essence, Europeanisation infers that EU membership shapes the domestic politics of member states (Buller and Gamble 2002). Radaelli (2003: 27) defines Europeanisation as the EU’s influence, ‘on the domestic policy systems of member-states’. He points out that the idea of Europeanisation is amorphous, while there is a risk of concept-stretching. Moreover, it is important to acknowledge that Europeanisation and EU integration are hardly synonymous. Aydin-Düzgit and Kaliber (2016, p. 1) refer to Europeanisation as: ‘A context to the extent that the European norms, values, institutions are incorporated into the public narratives by domestic actors. Thereby, its transformative impact is not procedural and linear, but is contextual, contested and contingent’. NI is a striking example: invariably the EU affected the national policies of the UK and Irish governments without issuing formal directives or regulations (Radaelli 2003). The most striking examples of Europeanisation on NI range from the growing influence of the European Convention on Human Rights to the incorporation of the European Single Market (Meehan 2000). Yet, the EU’s influence from the 1970s was unquestionably contested and contingent.

As such, the effects of Europeanisation vary according to the assumptions of national policymakers, as policy-downloading alters public attitudes, institutions and
societal norms within states potentially reshaping them as more ‘European’. Importantly for NI, it is recognised the Europeanisation process arises both in EU member and non-member states. Recent notable cases include convergence in higher education through the EU Bologna Process (Corbett, 2004), support for foreign policy coordination (Terzi, 2005) and the commitment to land-use planning (Waterhout, 2009).

In the UK context, Brexit does not simply imply ‘disengaging’ from the EU (see the editorial of this special issue, Wolff and Piquet 2022). A ‘hard’ Brexit implies active De-Europeanisation: ‘dismantling EU policy at the domestic level, where dismantling means the cutting, diminution or removal of existing policy’ (Burns et. al. 2019, p. 273). Murphy (2019, p. 539) conceives de-Europeanisation as ‘a reversal from EU rules, norms and values and a process of de-aligning from the EU’, while Rosamund (2019, p. 31) alludes to the ‘disintegrative dynamics’ unleashed by de-Europeanisation due to the dismantling of prior legislation and regulation. Moreover, as the UK de-Europeanises under Brexit, NI itself is still Europeanised since it remains in the EU single market and is subject to EU commercial and competition policy alongside the jurisdiction of the ECJ. This makes the de-Europeanisation process more nuanced than it might otherwise appear.

Brexit and de-Europeanisation are clearly not one and the same: the UK could formally leave the EU but ensure its domestic politics and policymaking are aligned as a third country (Wolff and Piquet 2022). However, the ‘hard’ Brexit reflected in the WA negotiated between the UK and the EU implies ongoing de-Europeanisation and dismantling and posing acute problems for maintaining peace. The UK is undergoing far-reaching de-Europeanisation: leaving EU decision-making institutions, moving away from EU law, exiting the single market, foregoing payments and access to structural funds, withdrawing from European initiatives such as the Erasmus programme—even though non-EU member states, such as Norway, are often involved in such initiatives. Given the various provisions of EU legislation, the UK opted out from—for example, on the single currency, the Charter of Fundamental Rights, and, formerly, the EU Social Chapter under the Maastricht Treaty—Britain was on a path of reluctant Europeanisation throughout its membership. Yet, there is little doubt the form of de-Europeanisation currently underway undermines the delicate political balance achieved in NI politics.

The Europeanisation process and Irish–UK relations

EEC accession enjoyed widespread public support in Ireland. The third amendment to the Irish constitution that permitted the state to join the bloc was passed in a referendum in 1972 by 83.1% in favour to 16.9% against on a turnout of over 70%. In the UK, EEC membership in 1975 was endorsed by the narrower (but still significant) margin of 67.2%–32.8% on a turnout of 64%. It is still striking that unlike the UK, Irish governments adapted enthusiastically to EEC membership. There was an elite Irish consensus that the country’s economy would prosper (Laffan 2018b). Irish government policy since the late 1950s focused on modernisation through inward investment and economic liberalisation. EU membership contributed to Ireland
‘catching up’ with EU average living standards (Fitzgerald 1998). Moreover, joining the EEC was an opportunity to escape dependence on the UK—both materially and politically. While accession provided opportunities for trade and commerce, European integration was a means of affirming Irish identity and sovereignty, creating autonomy for the Irish state within the European framework (Hayward 2013).

Despite ongoing violence in Northern Ireland, EEC membership served to normalise relations between the ROI and British governments. Joining the EU indicated ‘a more pragmatic, less ideological approach on the part of the Irish state’ (Bew 2007, p. 487). Then Taoiseach Albert Reynolds in the 1993 Downing Street Declaration referred to ‘Ireland and the UK as partners in the EU’, both having recently ratified the Maastricht Treaty. Similarly, Bertie Ahern declared that EU membership, ‘served as a vital catalyst for the building of a deeper relationship between our two islands’. As O’Brennan (2019, p. 3) reiterates, the EU helped to build ‘inter-state trust and mutuality’.

The fruits of greater trust between London and Dublin was the launch of the NI peace process. The passage of the GFA in 1998 ushered in a fragile peace, establishing the NI Assembly within a consociational framework. At its most fundamental, the GFA is centred on fundamental principles of power-sharing, democratic consent regarding NI’s status, and respect for human rights and equality. These principles were promoted by a range of international actors, including the EU. Crucially, shared membership permitted a diplomatic environment and ‘habits of co-operation’ to develop between British and Irish administrations that deepened the negotiation of the peace settlement (O’Leary 2018; Powell 1999). Ultimately, the process of Europeanisation was a spur to greater stability in NI, encouraging the signing of the GFA.

The GFA recognised ‘the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland’ (DFA 1998). The essence of the Agreement is summarised by the Irish commentator, Fintan O’Toole (2010): Underlying the GFA were fundamental assumptions about national identity. Firstly, identity is not fixed or singular but takes multiple forms. Secondly, identity is a matter of choice rather than inherited through a bloodline. Thirdly, identities are contingent, subject to alteration and evolution. According to Benedict Anderson’s classic theory, identities are reproduced through ‘imagined communities’ (Anderson 2006). The GFA reflected a willingness to reimagine identity, de-linking identity from territory and the nation state. Nonetheless, there was an inherent tension in the GFA, since the fluid interpretation of identity already noted potentially conflicted with the emphasis in the agreement on fixed communal identities justifying the GFA’s consociational structure.

At the heart of the GFA was its intention to reconcile border and identity conflicts across communities. In the absence of shared EU membership following de-Europeanisation, the ‘constructive ambiguity’ of the GFA has been imperilled. When the GFA was negotiated, Ireland and the UK were EU partners. The signing of the Anglo-Irish Agreement, the forerunner to the GFA, was the result of inter-governmental contact that shared EEC membership had already facilitated. The Agreement
reflected ‘spill-over from pooled sovereignty in the EU’, through the institutionalisation of cross-border relations (Meehan 2000). In the late 1960s, relations between London and Dublin had become increasingly strained following the outbreak of ‘the troubles’. In 1970, members of the Irish Government were embroiled in a conspiracy to ‘run guns’ over the border to the provisional IRA before being acquitted in court in a case that remains controversial (Heney 2020), while there was speculation about secret plans at the time on the part of Dublin to achieve a united Ireland by force (Bew 2007). The killing of 13 unarmed civilians by British soldiers during a civil rights march in 1972 marked the nadir of Irish–UK relations, marked by the burning of the British embassy in Dublin; the Irish government then appealed to the UN Security Council for a peacekeeping mission to be deployed in NI (Coogan 2002, p. 107). Irish governments subsequently looked to Brussels for support.

More recently, Ireland has benefited from the backing of EU institutions and member states during the negotiations leading to the UK’s EU exit, particularly relating to the status of the border on the island of Ireland. Michel Barnier, the head of the European Commission’s Task Force for Relations with the UK, emphasised Irish demands during the negotiations with the British government (Commission 2020). For the Irish government that was viewed as a diplomatic triumph, given the influence the country had over the EU’s negotiating strategy.

There can be little doubt that Europeanisation created additional impetus for peace. As Hayward and Murphy (2018, p. 279) highlight, the EU’s influence has been, ‘constructive but indirect, affecting the structures, context and language of conflict resolution among regional level actors’. Since 1995, the three EU PEACE programmes provided 1.3 billion euros to promote community reconciliation and revitalise the NI economy. Eligibility for EU funding depended on actors engaging in ‘cross community participation’, serving to ‘ameliorate’ sectarianism (Meehan 2000, p. 188). In particular, Nobel prize winner and SDLP leader, John Hume, viewed the EU as a key driver of the peace process: a unique set of political institutions designed to accommodate ethnic, national and religious differences. Hume admired the EU’s success in resolving historic Franco-German conflict. He was elected as a member of the European Parliament (EP) in 1979. In 1984, the EP commissioned the Haagerup report, a detailed analysis of the situation in NI. The report ‘placed the potential solution [to Northern Ireland] within an identity paradigm... and argued for power sharing and inter-governmental cooperation as the institutional mechanisms that could provide a way forward’ (cited in Meehan 2014, p. 62).

Many Unionists were still suspicious of the EC’s interest in NI. They instinctively disliked Europe, viewing the EC’s historical purpose as weakening national sovereignty, making the borders between states permeable (Meehan 2000, p. 133). Yet, Unionists began to engage when they realised that London could no longer be relied on to defend their interests (Lagana 2020). The ‘new Unionism’ that emerged prior to the GFA acknowledged the benefits of North/South cooperation. Hume and fellow members of the European Parliament (MEPs) Ian Paisley and John Taylor
worked constructively to acquire financial assistance (Meehan 2000). In the 1970s and 1980s, Sinn Féin were also hostile to the EC given their core aim was national self-determination. This approach was sustained in the following decades as Sinn Féin opposed each of Ireland’s referendums to ratify EU treaties. The prominent civil rights leader, Bernadette Devlin McAlisky, told John Hume that he should curtail his enthusiasm for Europe: ‘I’ve not yet had my nation-state’ (cited in Meehan 2000, p. 184). Slowly but surely, however, while remaining sceptical about subsequent treaties, Sinn Féin were convinced of the EU’s importance in sustaining NI’s delicate political equilibrium, albeit from a position of scepticism about the EU’s support for open markets and free trade.

Clearly, moreover, the GFA was interpreted as embodying EU values of post-conflict reconciliation, cross-border cooperation, and the rule of law. Arguably, the maintenance of a permeable border on the island of Ireland—which existed long before shared EC membership—provides a physical manifestation of those values. As befits neo-functionalism logic, where integration and cooperation are expected to ‘spill-over’ into adjacent sectors and areas of governance (see Haas 1958), it was believed cooperation would feed into other dimensions of governance (Meehan 2000). Indeed, an expert report for the European parliament states: ‘EU membership for the UK and Ireland has provided an essential context for the model and implementation of the GFA’ (EP 2017). According to Lagana (2020, p. 4), the EU provided ‘A neutral arena to foster dialogue and positive co-operation’.

The EU’s core principle of subsidiarity—whereby the EU does not take action except in the areas that fall within its exclusive competence, unless it is more effective than action taken at national, regional or local level—is reflected in the GFA. The GFA directly incorporates EU institutional arrangements using the D’Hondt system—designed to ensure electoral representation of minority communities—into the formation of the NI Assembly which must follow EU law (O’Leary 2019). Furthermore, the incorporation of the European Convention on Human Rights (ECHR) through the NI Human Rights Commission provided ‘safeguards’ ‘to ensure that all sections of the community can participate and work together’ (HMG 1998). The GFA is ‘peppered’ with references to the ECHR (O’Leary 2019). Meanwhile, the GFA refers to the ‘European framework’ stating that North and South should work together to develop a joint approach to EU matters.

However, before too much significance is attached to the impact of a ‘hard’ Brexit, it is important to acknowledge that even before Brexit, the peace settlement was in a precarious position. After 1998, NI experienced a ‘negative peace’ (Murphy 2019). While political violence had largely ceased, entrenched polarisation between communities remained. As Todd (2015) recounts, the GFA dealt with fundamental issues relating to the border and identity, yet key issues were still unresolved. Alternative processes sought to contain conflict, notably the management of cross-community policing, justice and the NI Bill of Rights, but struggled to do so satisfactorily. As a consequence, recurrent crises erupted over arms decommissioning, policing, and the suspension of the NI Assembly. When problems arose,

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1. Since the accession referendum in 1972, Ireland has held nine referendums to ratify subsequent EU treaties, most recently with the Fiscal Compact Treaty in 2012.
actors looked to UK/Irish oversight rather than applying the Agreement’s principles to identify solutions. The GFA and the St Andrew’s Agreement (2006) allowed the ‘conflicting perspectives’ of Nationalists and Unionists to become further entrenched (Bew 2007).

While NI unionism and nationalism are conceived as ‘imagined communities’, the categories were hard-wired into the original GFA. The Agreement stated that ‘members of the [Northern Ireland] Assembly will register a designation of identity—nationalist, unionist or other—for the purposes of measuring cross-community support’ (HMG 1998). Despite conceiving identity as fluid and alterable, the GFA underwrote Unionism and Nationalism as dominant identities. The ‘two communities’ model of NI politics underplays the potential for multiple, overlapping identities (McEvoy 2008). Binary identities are entrenched as long as the status of NI is unresolved, a legacy of the GFA.

Moreover, as Bourke (2012, p. 304) notes, ‘the institutions created under the 1998 accord were condemned to a precarious existence’. The institutions were suspended four times in four years. In subsequent Assembly elections, Sinn Féin became the dominant nationalist force, overtaking the Social Democratic and Labour Party (SDLP), while the Democratic Unionist Party (DUP) became the majority party of Unionism, implying further polarisation of opinion. Instability continued, sparked by the annual Protestant Orange marches at Drumcree, alongside evidence that the provisional IRA had not yet abandoned armed struggle (Bourke 2012). All in all, the GFA did not provide the continuity it initially promised since, under the terms of the accord, NI’s status remained provisional. The fact that a simple majority of NI citizens would be sufficient to endorse Irish unification bred suspicion among Unionists.

The Agreement’s fundamental weaknesses became apparent over subsequent decades. Yet, both the UK and Irish governments became increasingly distracted from NI affairs, as Dublin dealt with the aftershocks of the 2008 financial crash, austerity and the Eurozone crisis. British governments were preoccupied by the threat of Scottish independence and Brexit. The ruling Conservative party remained ambiguous about its commitment to the GFA as the speeches of Cabinet Ministers such as Michael Gove testify. In the absence of concerted political attention, the NI settlement remained vulnerable.

Indeed, it is alarming how UK politicians misunderstood the nature of the compromises and constitutional arrangements which led to the GFA. Jacob Rees-Mogg, another prominent Cabinet Minister, declared: ‘Somebody once said that the UK had no selfish interest in NI…I dispute that. I think we have an interest in keeping our whole country together as the UK’. The ‘somebody’ to whom Rees-Mogg was referring was the former Conservative Secretary of State for NI, Peter Brooke. Brooke’s statement in 1990 that the UK Government ‘had no selfish strategic or economic interest’ in NI was deliberately formulated by the Thatcher Government to kick-start the peace process. Moreover, in the run up to the 2016 referendum, little attention was paid to what would happen in NI if the UK left the EU.² The

² It is also worth noting that the Northern Ireland Secretary during the Brexit referendum campaign, Theresa Villiers, was a ‘leave’ supporter.
decline in sectarian violence saw the NI conflict fall out of public consciousness. The UK’s governing elite believed the ‘Irish question’ which bedevilled British politics since Gladstone had been resolved following the passage of the GFA—just as Lloyd George had similarly believed following the signing of the 1921 Anglo-Irish Treaty (Fanning 2013). The sustainability of the peace process was simply taken for granted. Yet, the May Government’s decision to agree a confidence and supply arrangement with the Democratic Unionist Party (DUP) after failing to secure a parliamentary majority in 2017 underlined the complacency of the British governing class. For the UK Government to favour, a particular party within NI contravened the terms of the GFA. What is more, the political elite were exposed as uninformed in their understanding of Irish and NI politics. This blind spot was glaringly revealed in 2018 by then Secretary of State for Northern Ireland Karen Bradley who admitted to not realising that political divisions in Northern Ireland tended to split along community lines and that ‘people who are nationalists don’t vote for unionist parties and vice-versa’ (Whale 2018).

Other scholars point out that blame lies not only with London. NI politicians were rarely effective at contributing to EU policy discussions prior to Brexit due to ongoing tensions within the NI Assembly (Murphy 2016; Gamble 2018). As a constituent part of the UK, NI elected only three Members of the European Parliament (MEPs), while smaller polities such as Cyprus, Estonia and Luxembourg elected six (the minimum number for national delegations under the EU treaties). This situation further limited NI’s influence at EU level.

Even so, while the EU’s role in shaping the peace process was invariably indirect, two decades after the signing of the GFA, De-Europeanisation resulting from a ‘hard’ Brexit constitutes a major threat to stability in NI.

**Brexit, the De-Europeanisation of NI, and the protocol**

This paper avers that De-Europeanisation through a hard ‘Brexit’ is eroding the principles at the core of the GFA. It is difficult to overstate the constitutional and economic significance of the events unleashed by Brexit for the island of Ireland. In 2021, the year that marks the centenary of the territory’s creation, NI remained a contested political space. A key area of disagreement related to the future administration of the invisible border bisecting the island of Ireland and, following Brexit, the emergence of a new sea border between NI and the rest of the UK following the negotiation of the NI Protocol annexed to the TCA.

The TCA has specific consequences for NI. Firstly, the protocol ensures that while NI is no longer a part of the EU Customs Union (EUCU) and is part of UK customs territory, the territory is an entry point. As a result, there is now a de facto customs border in the Irish Sea. Secondly, NI businesses are not exposed to non-tariff trade barriers since NI remains in the EU single market for goods. This arrangement was agreed to prevent the re-imposition of a hard border. Thirdly, while the Irish Nationality and Citizenship Act 1956 gave those born in Northern Ireland the right to claim Irish citizenship, the GFA confirmed that those born in NI could
choose to be British or Irish citizens (or both). Indeed, 44% of the NI population currently hold an Irish passport, with almost 200,000 applications made between 2014 and 2019 alone (Oireachtas 2019; O’Carroll 2021a). Citizens from NI traveling on Irish passports can do so using EU/EEA lanes, and NI citizens (and their dependents) with Irish passports retain the right to EU freedom of movement. As Michel Barnier states: ‘While Northern Ireland will no longer be part of the EU, people born and raised here that choose to be Irish citizens will still be EU citizens. This means they can continue to move and reside freely within the EU’ (cited in Campbell, 2020). Fourthly, students in NI universities will continue to participate in the Erasmus exchange programme (DFHERIS 2020).

The border in Ireland was created by partition in the wake of the 1921 Anglo-Irish Treaty (Ferriter 2019). The frontier is approximately 500 km long and has approximately 280 crossing points. The border divides communities, parishes and properties. The combination of the peace process which involved the dismantling of security installations and the reopening of border crossings, and EU single market membership which meant the removal of customs posts, effectively eliminated the physical border. The impact of Europe on desecuritisation was demonstrable. The arrangement essentially made Ireland a single territory, albeit under two jurisdictions. It brought the two states together in a single market, just as they were prior to independence and partition. The openness of the border permitted trade and free movement. The absence of the physical border alongside the institutions, practices and norms of the GFA affirmed the island of Ireland as a shared political community.

The procedural and structural aspects of de-Europeanisation associated with Brexit are a threat that could destabilise the peace process, eroding social cohesion and leading to a resurgence of sectarian violence. The Democratic Unionist Party (DUP), the largest party in NI for the past 20 years, acted as facilitators of de-Europeanisation through their confidence-and-supply arrangement that propped-up Theresa May’s Conservative government. Meanwhile, the collapse of the NI Stormont Executive (2017–2020) further weakened nationalist and pro-European voices in defending Northern Ireland’s interests.

Both the UK Government and EU negotiators sought to acknowledge the unique status of NI during the withdrawal negotiations. That status is enshrined in the NI protocol through which NI adopts EU single market regulations for goods to prevent a hard border. Compliance is overseen by the Court of Justice of the European Union (CJEU) alongside the European Commission. The protocol stipulates that NI must comply with future regulatory changes in the single market. While there are opportunities for NI given its special status and while the protocol provides clarity over the border, many Unionists vehemently oppose the arrangement as it undermines NI’s economic and legal ties to the UK (O’Carroll 2021b). Within days of the UK exiting the EU, checks on the movement of food and animal products at NI ports were suspended following threats of violence, such as the opposition to a border in the Irish Sea (McHugh et al. 2021).

Within a month of the protocol coming into force, a major diplomatic row then erupted when the Commission sought to invoke a provision of the Agreement that required the re-imposition of physical border checks to prevent the movement of COVID-19 vaccines across the Irish border—despite Ireland not being a vaccine
producer (Moriarty et al. 2021). While the Commission immediately reversed course following protests from London and Dublin, the debacle emboldened Unionist opposition, despite the Westminster Parliament passing the bill that implements the TCA by 521 to 73 only weeks before 30 December 2020. The DUP demanded the withdrawal of the Protocol, despite the fact it had been proposed by the British Government. Theresa May described the Protocol as ‘a flexible and imaginative solution’ to the border issue. Yet, the Permanent Secretary at the now extinct Department for Exiting the EU (DEXEU), Philip Rycroft, claims May only woke up to the NI border following her infamous Lancaster House speech where she imposed red lines on the negotiations (UKICE 2021). According to Rycroft, ‘It took the Prime Minister a long time...to work out just how fundamental this was for the Union’ (UKICE 2021). In contrast, the Johnson Administration viewed a border in the Irish Sea as a price to pay for reclaiming national sovereignty. In March 2021, the UK government unilaterally extended the grace period for goods moving between NI and Great Britain from 1 April to 1 October 2021, precipitating action from the EU after the Irish Foreign Minister claimed the EU was ‘negotiating with a partner it cannot trust’ (Connelly 2021; see Gillespie 2021). In September 2021, the UK government unilaterally announced an indefinite extension of this grace period (Foster 2021).

The arrangements destabilised the entire UK polity. One of the four parts of the UK is left closer to the EU on trade and geo-politics, an anomaly that threatens the UK state’s integrity. NI continues to be governed via EU rules, procedures and norms in relation to the single market. The result is ongoing tension and political uncertainty. Those elsewhere in the UK, notably in Scotland, may ask why they cannot share NI’s advantage of remaining in the EU single market for goods but UK customs territory? The Brexit settlement is far from resolved, which imperils the Union itself.

Consequently, political strains were growing in the first half of 2021 as the debate about Irish unity grew. Sinn Féin had established themselves as the main opposition (and government in waiting) in the Republic. Meanwhile, disagreement over the Protocol led the DUP to oust their leader, Arlene Foster while her successor, Edwin Poots, resigned after only 21 days amid further internal party conflict, to be replaced by Jeffrey Donaldson MP. The kaleidoscope of Irish–UK politics was being shaken.

Without question, Brexit and the process of de-Europeanisation are inflicting a major shock on the institutions and processes underpinning Irish–UK relations. As discussed, Irish–UK intergovernmental cooperation was critical in brokering the GFA. Brexit required the relationship between NI and the UK, and the UK and Ireland, to be re-negotiated destabilising the peace process, in turn throwing up a host of possible outcomes for NI politics.

**Implications of Brexit for the NI peace process: potential outcomes**

This paper concludes by considering the prospective outcomes for NI politics and Irish–UK relations in the aftermath of Brexit mirroring the three core concepts of re-engagement, dismantling and disengagement at the core of this special issue.
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(Wolff and Piquet 2022), p. (i) Irish unity and constitutional reimagining leading to NI’s re-engagement with the EU; (ii) the breakdown of Irish–UK relations leading to further dismantling of links to the EU; (iii) intergovernmental cooperation leading to ‘muddling through’ and passive dis-engagement. The likelihood of each relates to the ‘hardness’ of the Brexit pursued by the UK government.

Irish unity, constitutional reimagining and re-engagement with Europe

We focus first on the question of Irish unity which has received considerable attention in Brexit’s aftermath. Although unification implies NI and the ROI would be unified into a single polity allowing NI to re-join the EU, there is considerable debate as to what form this new state would take. It is assumed the long-term effect of a ‘hard’ Brexit is to solidify pro-Irish unity opinion. It is not inconceivable that the perceived incompetence of UK politicians and their determination to eschew previous ties with the EU, reinforced by deteriorating Irish–UK relations, fractures the Union. English nationalist politicians in the Conservative party even appear willing to countenance NI’s departure from the UK as the price of a ‘genuine’ Brexit.

Discussion of Irish unity has gained momentum since the 2016 decision. In 2017, the Irish parliament commissioned a report entitled ‘Brexit and the future of Ireland: uniting Ireland and its people in peace and prosperity’ (Oireachtas 2017). The report reviewed options for conducting a unity poll. In 2020, the Government launched its ‘Shared Island Initiative’, pledging 500 million euros for cross-border projects (Shrimsley 2021). That ROI is more robust economically than at any time in the history of the state could further the Irish unity cause. EC membership made Ireland less economically dependent on the UK. There has been a major increase in international trade and investment, employment growth and the standard of living. The country’s trade balance rose from -340 to 34,651 between 1973–2003 (CSO 2003). EU membership led to the transformation of the Irish economy from agricultural dependence to hi-tech industries and global exports.

Nevertheless, the road to Irish unity is fraught with uncertainty. Brexit may not be the catalyst some anticipate. The 2016 referendum had relatively low salience in NI. Turnout was 62.7 per cent. While 55.8 per cent support for remain was decisive, it was lower than other remaining supporting parts of the UK, notably Scotland and London (Murphy 2016). It is striking fewer than 50 per cent turned out to vote in West Belfast. Garry (2017) concludes that voter choice in 2016 was driven by the ethno-nationalist divide: 85 per cent of Catholics voted to remain in the EU, while 60 per cent of Protestants supported leave. Sinn Féin and the DUP adopted contrasting positions, the latter favouring Brexit, the only party with Westminster representation to do so other than UKIP. Many prominent DUP figures believed Europeanisation disproportionately benefited Nationalists.

Under the GFA, the decision to hold a referendum on Irish unity is at the discretion of the Secretary of State for NI. There must be evidence of majority support for unification. The same question would be put to a referendum in ROI. Both polls would be required to pass by a simple majority under the GFA (see WGUFII 2021). Without doubt, demographics will play a role in any future border poll (Connolly
The Catholic community (a crude shorthand for the population that identifies with the ROI) is expected to exceed the Protestant community (the population that invariably identifies with the Union) as early as 2021.3 Crucially, however, the outcome of a vote for unity in the ROI remains unclear. A total of 54 per cent of voters polled in the Irish republic supported the ‘long-term goal of Irish unity’, compared to 25 per cent in NI. Since 2003, support has fallen from 70 cent. More recently, a poll conducted for The Irish Times (2021) found that 62 per cent of people in ROI would vote in favour of a united Ireland; 16 per cent would vote against. However, these figures do not reflect the willingness of the ROI’s citizenry to accept sacrifices for a united Ireland, with 79 per cent opposed to any cuts in public spending that unity might entail.

Moreover, in NI, Protestant support for the Union has been stronger historically than Nationalist support for Irish unity. Indeed, even a fifth of NI Sinn Féin voters do not support unification. Garry et al. (2020) found that of all NI voters, 21 per cent favoured Irish unity, while 50 per cent wanted to remain in the UK. For Brexit and de-Europeanisation to lead to a substantive shift, a major shock such as a hard border or an economic recession would probably be necessary. In reality, factors such as the absence of universal healthcare in Ireland, and the size and cost of the NI public sector, would be decisive factors in a referendum. NI Catholics demonstrably benefited from the post-1945 UK welfare state. The status of the British monarchy, the currency, the national flag and the foreign policy of the unified state (the Irish state has been steadfastly neutral since its foundation) would feature prominently in a debate about unification.

Undeniably, the 2016 referendum occurred despite fundamental ambiguity as to the consequences of Brexit. Yet, a similar conundrum applies to any border poll. What would the unification of Ireland actually entail? On 22 October 2020, Taoiseach Micheál Martin advocated a ‘shared island’ formula for promoting North/South cooperation, questioning the plausibility of a single unified Irish polity (Coakley and Todd 2020; Todd 2021). Garry et. al. (2020) have specified two potential unification models. The first is an ‘integrated united Ireland’. Here, NI is assimilated into a unitary Irish state. The second option brings NI within sovereign Irish territory but preserves the power-sharing institutions of the GFA. The alternative is for NI to be reconstituted as an independent state, maintaining links both to the UK (through membership of the Commonwealth) and to Ireland (through EU membership). Under each of these models, NI would be free to re-engage with the EU.

The uncertainty as to the outcome of a referendum is reflects the unknown consequences of demographic change in NI. The 2011 UK census found that 48 per cent of NI’s population came from Protestant backgrounds, while 45 per cent were Catholics. The school-age population was becoming more Catholic, suggesting a demographic transition is underway (Moriarty 2020). Yet, Catholics and Protestants do not necessarily vote for Nationalist and Unionist parties. The fastest growing identity is those who identify as neither Protestant nor Catholic, increasing from 6 to 17

3 However, notable is the variation in opinion surveys on unification, where online surveys point to a majority for Irish unity, while telephone polls suggest a much tighter outcome, which is interesting methodologically, if for no other reason.
Fig. 1 ‘When the UK leaves the EU, should there be a referendum in NI asking people whether they want NI to remain in the UK or to re-unify with the rest of Ireland?’ (Data from https://www.qub.ac.uk/sites/brexitni/BrexitandtheBorder/Report/Fileupload%2C820734%2CEn.pdf Accessed May 2021.)

Fig. 2 ‘When the UK leaves the EU, if there was a referendum in NI asking people whether they want NI to remain in the United Kingdom or to re-unify with the rest of Ireland, how would you vote in that referendum? (% supporting each option)’ (Data from https://www.qub.ac.uk/sites/brexitni/BrexitandtheBorder/Report/Fileupload%2C820734%2CEn.pdf Accessed May 2021.)
per cent since 1990 (while growing most rapidly among 18 to 30 year olds). There is evidence of rising support for the non-sectarian Alliance and Green Parties. Moreover, it is important to consider that nationalist parties rarely achieve more than 40 per cent of the vote in any NI election. Polls confirm that while there is growing support for a border poll, a majority favour the status quo. A poll by Liverpool University/ESRC found that 29 per cent would vote for a united Ireland ‘tomorrow’, while 52 per cent would vote against. Excluding the ‘don’t knows’, 65 per cent favoured the union, while 35 per cent supported Irish unity (see Figs. 1 and 2).

Hayward and Rosher (2020) find that while devolution remains the ‘preferred form of governance’ for NI, 42 per cent would like the devolved institutions to have greater power over tax, welfare benefits and immigration. Catholics are especially supportive of the devolved institutions. They want the Assembly to gain further competencies through which NI could strengthen ties to the EU. Just 16 per cent support the current devolution settlement, while only 10 per cent prefer direct rule. Two-thirds of citizens felt the GFA is still the ‘best basis’ for governing NI.

**Breakdown of Irish–UK relations—dismantling Europeanisation**

An alternative outcome is that the British Government withdraws support for the GFA, manifesting its determination to dismantle each dimension of Europeanisation in reclaiming sovereignty and cutting red tape (Wolff and Piquet 2022). UK Ministers conceive the sovereignty pooling arrangements integral to the GFA as a constraint on de-Europeanisation, threatening the UK’s territorial integrity. Ministers in the Conservative Administration assert that Britain has a direct strategic interest in NI. They argue that the UK ought to be centralised, scaling back devolution and reclaiming Westminster sovereignty.

We have seen EU membership served to normalise Irish–UK relationships. There was further support in the 1990s as the UK was transformed through devolution, creating a structure of multi-level governance. Yet, de-Europeanisation is imposing strains on the UK’s devolution settlement that threaten to further weaken Irish–UK relations. Curtis and Montagu (2020) note that support for Scottish independence grew among those in Scotland who voted remain in the 2016 EU referendum. As such, Brexit threatens the wider UK devolution settlement. NI is unique in the UK context having had a parliamentary assembly intermittently since 1921, while the nature of the peace process makes NI distinct from Scotland and Wales. Devolution after 1998 transformed NI’s position within the UK, conferring unprecedented powers on the newly constituted NI Assembly based on principles of political pluralism. A proportional electoral system was established. The Assembly encouraged the domestication of NI’s policy agenda: education, health, welfare and industrial policy became devolved matters. The UK was becoming a ‘quasi-federal state’ characterised by decentralisation of power.

The most significant constitutional issue is that the GFA enables NI citizens to enjoy the rights of EU membership, an important guarantee for the nationalist community. The Agreement’s achievement was that for Unionists, it took the border out
of NI politics and normalised the position of NI within the UK while for Nationalists, the GFA took the border out of the island of Ireland (Gormley-Heenan and Aughey 2017). Brexit disrupts that balance. It is far from clear that the NI protocol can maintain the ‘constructive ambiguity’ the GFA encouraged.

The breakdown of relations might be further exacerbated if, in the wake of Brexit, the Irish state deepens its commitment to European integration. Scholars believe Brexit will inevitably draw Ireland closer to the EU, leading to stronger Europeanisation (Hix 2018; Rosamund 2016). Brexit poses a fundamental question for the ROI about whether to align itself more closely with Europe. Ireland’s ties to the US have endured, reflecting the importance of US FDI and the sympathetic presence of President Biden in the White House. Biden is encouraging the Irish Government to remain close to Europe.

Worsening relations might be further encouraged by growing economic strains. The country most affected economically by Brexit after the UK is Ireland. Total trade in goods and services between the UK and Ireland in 2020 was £53.6 billion, 16.1% (£10.3 billion) down from the previous year (Asset, 2021). In 2019, Ireland was the UK’s 5th largest export market and the 7th largest source of imports (Ward, 2021). The demand and supply shock of the UK’s withdrawal is likely to be significant, with the impact felt most acutely in sectors such as agriculture. Irish agriculture is uniquely exposed. Although agriculture contributes only 1 per cent to Irish GDP, 40 per cent of all Irish agri-food products enter the UK market, while the sector makes up almost nine per cent of Irish employment; it is concentrated in rural areas where alternative sources of employment are scarce (IFA 2020).

Moreover, Brexit is recasting Irish supply chains. In 2019, Irish exports valued at more than €18 billion travelled across the UK ‘landbridge’ (IMDO 2018). Hauliers have experienced delays alongside new checks and costs since Brexit; traffic on the route in the first months of 2021 fell by almost 50% year-on-year (Morris 2021). New sea routes bypassing the UK have been established (Carswell 2021). De-Europeanisation imposes unprecedented strains on the political economy of both the UK and Ireland that will provoke further tensions in Irish–UK relations. If Brexit’s impact leads to a breakdown in cooperation between the UK and Irish governments, London is even more likely to act unilaterally. The border will once again become the focal point for polarisation, precipitating a worsening security situation. Episodes of public disorder in spring and summer 2021 across the province (O’Carroll 2021c) and the murder of journalist Lyra McKee during rioting in 2019 underlined the potential for violence to re-emerge. The province is at risk of returning to the pre-GFA situation.

The GFA’s defining achievement was the cessation of violence, establishing the political institutions that entrenched the peace process. Yet, the UK’s withdrawal from the EU threatens to undermine the precarious balance underpinning the coexistence of communities, imperilling the hard-won peace. The remark of then NI First Minister Arlene Foster that the integrity of the Union affirmed by the absence of a border in the Irish Sea was a ‘blood red line’ highlighted how much was at stake
(Toynbee 2018). Given Brexit’s impact on the political economy and constitutional status of Irish–UK relations, there is concern that active dismantling and De-Europeanisation will threaten community cohesion. Brexit has clearly reignited political polarisation. A fresh security crisis, particularly if either border becomes a focal point for sectarian conflict, would inevitably follow.

The post-GFA settlement allowed for NI citizens to identify as British, Irish, neither or both. While sectarian identities remained an inherent part of NI society, EU engagement afforded a ‘neutral space’ for politicians and civil servants across Ireland and the UK, enabling ‘habits of cooperation’. Moreover, EU funding created obvious shared advantages. Deliberate dismantling of such ties in the wake of Brexit contradicts the terms of the GFA, and will have a detrimental impact on politics in NI.

**Muddling through passive disengagement from Europe**

According to this scenario, the UK and Irish governments continue to abide by the principles of the GFA. The strains imposed by Brexit require Ministers to behave pragmatically, protecting the integrity of NI’s institutions. The Irish government is determined to maintain stability given there is not yet agreement about whether to pursue Irish unity, and indeed what unity might look like. The UK government, distracted by the threat of UK fragmentation, should have no desire to destabilise the GFA. As such, there is disengagement from the EU but no attempt to directly undermine previous arrangements. Instead, UK politicians claim ‘business as usual’ must prevail, especially before NI’s Assembly elections in 2022. There is no concerted attempt to de-Europeanise the institutions and processes of NI governance through active dismantling (Wolff and Piquet 2022). It is acknowledged there is support for the devolved institutions across communities. Nationalists want to uphold the spirit of the GFA which they support, while Unionists regard devolution as a bulwark against Irish unification.

As such, the UK and Irish governments seek to maintain ‘constructive ambiguity’, forging a workable post-Brexit modus operandi. This approach is reinforced by striking similarities between the Irish and UK economies given significant interdependence and shared interests. Both Ireland and Great Britain had among the highest levels of FDI in the EU. Both economies became dependent on the financial services sector. Like Ireland, the UK gained comparative advantage as its growth regime relied on a high rate of technology diffusion and ICT-intensive production. Both countries followed similar supply-side strategies focused on labour market flexibility, liberalisation of product and capital markets, and increasing human capital investment (Gamble 2012). Tannam (2006, p. 256) infers that during this period, shared economic interests and interaction spilled-over—according to neo-functionalist logic—into political cross-border cooperation. The two states share

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4 While violence fell dramatically since a peak of 480 deaths in 1972 (see Landlow and McBride 2021) ‘security-related deaths’ have continued in smaller number, with over 150 since the signing of the GFA (see Sheils-McNamee 2018).
longstanding ties of geography and trade, while their economies are structurally interlinked. In 2018, UK exports to Ireland were worth £34 billion (5.5 per cent of all UK exports) and imports were £21.8 billion (3.4 per cent) (Ward 2020).

Moreover, while unionists have opposed Sinn Féin and the SDLP’s advocacy of NI’s ‘special status’ within the EU, many Unionists acknowledge the necessity of pragmatic cooperation with the ROI over the border, security, public health, the common travel area, electricity supply, and agriculture. As such, all sides would make a determined effort to apply the Protocol flexibly. Yet, it is important to recognise that the TCA and NI Protocol are only transitional arrangements. Cooperation between the British and Irish governments on its own cannot resolve the confusion and ambiguity bequeathed by Brexit if London continues down the path of passive EU dis-engagement.

Conclusion

The de-Europeisation process unleashed by Brexit poses substantive challenges for Irish–UK relations. The ‘hard’ Brexit favoured by the Johnson Administration prompting the active dismantling of EU ties is incompatible with the GFA’s provisions. Of course, the hard-line approach may not survive the impending negotiations over the final shape of Brexit. Yet, even ‘passive disengagement’ from the EU unleashes major contradictions and ambiguities in NI politics. The shared space afforded by the EU to develop diplomatic relationships between the Irish and UK governments is removed. Meanwhile, the inherent weakness of NI’s political institutions is exacerbated by constitutional upheaval and disruption. The British Conservatives remain a Unionist party, but their commitment to safeguarding NI’s status within the UK is increasingly questionable. The reassertion of the UK’s direct strategic claim over NI is likely to prompt conflict with Dublin. Even if London adopts a pragmatic approach, ‘muddling through’ may not be sufficient to calm growing tensions, especially as the NI Protocol remains a focus of contestation.

Of course, leaving the EU does not directly affect the GFA’s power-sharing arrangements, while the EU was not directly engaged in the peace process after 1973 (Berberi 2017). Yet, de-Europeisation still poses problems: it disrupts the delicate institutional balance in NI. The negotiation of the GFA assumed EU membership. Meehan (2000) argues persuasively that the EU provided a discursive framework emphasising power-sharing and the reimagining of sovereignty, ameliorating NI’s ethno-nationalist conflict. As such, EU engagement helped to redefine the Irish sovereignty question. Cooperation between the governments was vital in sustaining the peace process, even if London was at times unwilling to acknowledge the EU’s role. Yet with the UK outside the EU, the risk is that norms and ‘habits of co-operation’ will wither even further. Brexit meanwhile compels Ireland to align itself more firmly with the EU. The dilemma for EU institutions is that having historically played the role of neutral arbiter in NI, they are drawn into direct conflict with the UK Government and Unionism.
In summary, the NI situation is likely to remain deadlocked for the foreseeable future, while the risk of political instability remains. Since 2016, the vision of Brexit that implies active dismantling and de-Europeisation made NI’s future less certain. Crucially, de-Europeisation threatened support for the peace settlement among Nationalists, undermining NI’s links with Europe. Among Unionists, imposing an Irish Sea border through the Protocol constituted an existential threat to their territorial identity. Of course, Nationalism and Unionism remain identities in transition. Nationalism must confront its relationship with the ROI which has been transformed into a prosperous, multicultural society over the last fifty years (O’Leary 2018). Evolving conceptions of Britishness compel Unionism to revisit its historic attachments given the rise of English nationalism. All in all, necessary rethinking and updating of the original peace settlement becomes ever harder as Brexit reawakens sectarianism and identity conflicts. Further instability in NI politics and society is all but inevitable.

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