I am Lecturer in International Peace Studies Trinity College Dublin and received my PhD in Government from the London School of Economics in 1994 on the topic of the impact of the European Union (EU) on cross-border cooperation between Northern Ireland and Ireland. I have researched the cross-border and British-Irish intergovernmental relationship since then and am currently writing a book *British-Irish Relations in the 21st Century* for Oxford University Press (2019 forthcoming). In 2016 and 2017, I was invited to present evidence to the House of Lords Brexit inquiry (2016), to the European Parliament’s Legislative Committee (2017) and to various other think tanks and bodies.

This submission attempts to comply with the remit of my brief for the Foreign Policy Select Committee, by dealing not only with the implications of Brexit for the British-Irish relationship, but with the wider horizons of British-Irish policy on the UN and security and defence cooperation post-Brexit. However, it must be noted that both academically and practically, any assessment of the future UK-Irish relationship in its wider context cannot be separated from Brexit and its outcomes. Brexit and the post-Brexit situation will dominate Irish governmental policy to the UK for many years. Therefore, a large proportion of this submission is devoted to the impact of Brexit on the bilateral relationship.

**Executive Summary**

- British-Irish intergovernmental cooperation has thrived since the mid 1980s and flourished in the 1990s and until the Brexit referendum. It was and is crucial for the success of the peace process.

- Since the Brexit referendum result, cracks have appeared in the relationship and megaphone diplomacy, last used in the early 1980s, has resurfaced.

- Brexit creates serious challenges for the British-Irish relationship with respect to Northern Ireland, the economy and cross-border cooperation.
By resurrecting the border issue, it is potentially damaging to peace in Northern Ireland and it potentially undermines the Good Friday Agreement.

Brexit also reignites historic sensitivities in Ireland at a time when the UK-Irish relationship was flourishing. Any impression that UK governments underestimate this sensitivity, exacerbates the risk of damage.

The intended and unintended consequences of the Brexit referendum result potentially damage Irish–UK relations in the UN and with respect to Northern Ireland.

As regards bilateral cooperation in the UN, UK and Irish governments have shared common preferences in human rights and development policy areas. However, already, there are divergences between both governments in human rights, following UK trade deals with Saudi Arabia and Turkey.

A commitment to prioritise the UK-Irish relationship is essential to deal with these challenges, including a commitment to use existing bilateral institutions to cooperate, or to develop new ones, if existing ones such as the British-Irish Intergovernmental Conference are politically sensitive in Northern Ireland.

**British-Irish Relations and Northern Ireland.**

Of all EU members, Ireland is recognised by the EU as being most affected by Brexit and of all regions in the UK, Northern Ireland is particularly exposed. Brexit creates the following challenges for the British-Irish relationship:

1. A majority (56%) of the Northern Irish electorate voted in the Brexit referendum to remain in the EU. Although, many Unionists also voted to remain, the stronger support base for Remain among nationalists and Catholics meant that the Brexit result created a potentially reinforcing sectarian cleavage and immediately led to calls for a united Ireland, thereby potentially destabilizing the Good Friday Agreement and peace itself.

2. 14% of Irish exports go to Britain and the UK is also a vital part of the supply chain in Irish exports to the rest of Europe. Cross-border trade is highly dependent on an open border between Northern Ireland and Ireland. There are also many cultural
and personal links between Ireland and the UK and citizens of both states enjoy freedom of movement within the area.

3. In the Brexit negotiations, the Irish government as part of the 27 member state EU negotiating team and the UK government are clearly on opposite sides of the EU bargaining table for the first time. The Irish government is not free to bargain unilaterally with the UK and both governments cannot share information in the way they once did.

4. The EU’s framework for Brexit negotiations revealed divergent preferences between the UK and Ireland. The European Council’s decision that the negotiations would occur in 3 stages, not simultaneously and that substantial progress must be made in stage one, reflected intensive lobbying by Irish officials from September 2016, to ensure that the UK government would not link the border issue to gaining concessions in a trade deal.

5. More generally, Brexit means that the Irish and UK governments have lost the benefits of the EU’s framework for corridor talks and increased communication. Ireland has lost a powerful ally with whom it shared many common interests in the EU. Instead, it is faced with conflicts of interest emerging from economic conflicts, for example, in fisheries and from the border issue.

6. The above challenges pose real threats to the British-Irish relationship, unless carefully and intensively managed. As the next paragraphs show, increased British-Irish cooperation evolved from the 1980s and was central to the peace process. Since the Brexit referendum result, British-Irish cooperation has weakened and indeed not since the early 1980s, has cooperation been so weak.

**Intergovernmental Cooperation from Sunningdale to the GFA**

7. The core of the intergovernmental approach is the existence of increased prime ministerial communication and coordination in the face of crises. British-Irish intergovernmentalism was built on an acceptance of the role of the UK and Ireland as kinship states with resources and legitimacy to help forge agreement between unionists and nationalists and to help sustain peace in the post-conflict period. However from 1972 to 1985, the British-Irish relationship was marred by the use of
megaphone diplomacy and conflictual behaviour in the face of increased terrorist violence.

8. For example, in response to the H Block hunger strikes and Irish opposition to the Falklands War, UK and Irish prime ministers did not meet for 16 months. However, despite the generally negative period of British-Irish relations, in 1980, in recognition of the need for an Irish input to protect the nationalist minority in Northern Ireland so as to attract them to peaceful democratic politics, not violence, the Anglo-Irish Conference was established by then Irish Prime Minister Charles Haughey and Margaret Thatcher. In 1985, the Anglo-Irish Agreement signed by Margaret Thatcher and Irish prime minister Garret Fitzgerald, increased the Anglo-Irish Conference’s role by providing for a consultative role for the Irish government in matters of concern to the nationalist minority in Northern Ireland. The Anglo-Irish Conference was particularly opposed by unionists.

9. A key feature of the Anglo-Irish Agreement and the Good Friday Agreement is that formal UK and Irish institutionalised communication and informal communication must continue at high level in a crisis and that neither government must cede to nationalist, or unionist partisan political preferences, unless both governments agree. Former UK civil servants, Sir David Goodall and Sir Robert Armstrong and their Irish counterparts, Michael Lillis and Dermot Nally were committed to devising an institutionalised system that underpinned the Anglo-Irish Agreement so that in a crisis, both governments would be legally obliged under international treaty to meet and devise jointly a strategy. Policy-making to Northern Ireland became a joint problem solving exercise rather than an adversarial process. By 1990, British and Irish megaphone diplomacy was un-heard of and any sensitive issues were channeled through senior diplomatic channels and dealt with jointly.

10. Thus, the Good Friday Agreement was a culmination of British-Irish intergovernmental policy from 1985. The British Irish Council provided a forum for both heads of government to discuss common economic interests with Welsh, Northern Irish, Scottish and Crown Dependencies executive heads. The British Irish Intergovernmental Conference subsumed the Intergovernmental Conference and represented UK and Irish governments, comprising heads of government, ministers
and senior civil servants. The Irish government has a special role in the British Irish Intergovernmental Conference:

In recognition of the Irish Government’s special interest in Northern Ireland and of the extent to which issues of mutual concern arise in relation to Northern Ireland, there will be regular and frequent meetings of the Conference concerned with non-devolved Northern Ireland matters, on which the Irish Government may put forward views and proposals. These meetings, to be co-chaired by the Minister for Foreign Affairs and the Secretary of State for Northern Ireland, would also deal with all-island and cross-border co-operation on non-devolved issues.

Like the Anglo-Irish Conference, the British Irish Intergovernmental Conference was to meet regularly, thereby further institutionalising cooperation. Unionists in Northern Ireland are wary of it, as for the Anglo-Irish Conference, but did sign up to it in the Good Friday Agreement.

11. After 1998, the bilateral relationship flourished, dealing more with economics and trade issues, not simply Northern Ireland. The relationship’s success was symbolized by the highly successful visit by Queen Elizabeth to Ireland in 2011 - the first official visit by a UK monarch since 1911. This visit was followed in 2012 by the announcement of a new bilateral committee comprising heads of UK and Irish civil service departments, the Permanent Secretaries and Secretaries General Group, with a focus on developing further economic relations between Ireland and the UK.¹

12. Understandably, there was a gradual waning of direct UK-Irish prime ministerial intervention in Northern Ireland, in the light of the success of the peace process. For example the current talks to resume the suspended Northern Ireland Executive and the 2016 Fresh Start Agreement in Northern Ireland did not involve the UK prime minister and the Irish prime minister directly. It is noteworthy that Tony Blair has been the only UK prime minister to attend British Irish Council meetings. Irish prime ministers have attended all meetings. In addition, after the 2006 St Andrew’s Agreement devolved power over policing to Northern Ireland, staff numbers in the British Irish Intergovernmental Conference fell and regular meetings ceased (Coakley, 2014, p. 81). Although this change reflected the success of the Good Friday Agreement, it also meant that a channel of intergovernmental British-Irish communication weakened.
13. These changes in the bilateral relationship did not seem problematic before Brexit. However, Brexit represents a potential crisis for Ireland and Northern Ireland and if peace is jeopardized, for the UK government also, so according to the logic of intergovernmentalism, bilateral formal and informal communication and cooperation should increase. However, in contrast to previous intergovernmental responses to crises in the 1990s, British-Irish relations have become increasingly strained. Despite the challenge of Brexit, direct communication and intervention have primarily occurred between the Northern Ireland Secretary of State and the Irish Minister for Foreign Affairs and at times the Irish prime minister, but not with the UK prime minister. In addition, in the face of an absence of detail from the UK government about its plans for the border, Irish governmental rhetoric has become more heated.

14. For example, unusually in recent British-Irish intergovernmental history, Leo Varadkar made a stark speech in Belfast in July 2017 that the problem posed by Brexit had been created by the UK, not by Ireland and so the UK should come up with solutions. Similarly, in his meeting with Theresa May on November 17 2017, on the fringes of the Gothenburg summit, the Irish prime minister told Theresa May that ‘the UK’s decision to “unilaterally” rule out important options in the Brexit talks has prompted Ireland and the EU to set their own non-negotiable red lines’ https://www.irishtimes.com/news/world/europe/brexit-talks-deadlocked-until-hard-border-off-table-says-varadkar-1.3296231.

15. Also reflective of strains, in July 2017, the UK government announced that it was considering revoking the 1964 London Fisheries Convention that allowed Irish, French, German and Dutch fishermen fish within 5 and 10 nautical miles along the UK coast. The Irish Minister for Agriculture, Michael Creed met with his UK counterpart to highlight the dangers to Irish fishing, but that meeting was followed a few weeks later by an announcement made through the British Embassy in Dublin that the UK was leaving the Convention. Not only the decision, but the manner by which it was communicated to the Irish government marks a potentially serious break with the past.

16. The essence of the intergovernmental approach was that communication would intensify not diminish in the face of unexpected events and crises. In fact, from July
2016 to August 2017, there were only two joint prime ministerial meetings and the BIIGC was not revived. At time of writing (November 2017), the Permanent Secretaries and Secretaries General Group had not met since before the Brexit referendum. According to one former Irish Ambassador, the British-Irish relationship is the weakest it has been for over thirty years.

17. The main conclusion for this summary of British-Irish relations in a post-Brexit world is that the relationship has already been undermined by Brexit and/or by the management of Brexit. The prediction of the future relationship post-Brexit is that Ireland being in the EU and the UK being out will lead to a diminished number of common interests and the absence of a common framework for communication. Based on the precedent of the early 1980s, there is a clear need to revitalize, or create formal bilateral institutions to serve the relationship and to ensure communication in times of conflict and crisis, precisely when political will may be dissipated, or when national policy agendas are over-burdened with other Brexit issues.

**British-Irish Relations in the UN and in Security**

18. Ostensibly, Brexit should not impinge on the bilateral relationship in the UN. Irish and UK governmental cooperation in the UN has been strong in global human rights and in development issues. Irish and UK governments share the many of the same priorities with respect to various issues and have worked well together in the UN. In security the UK and Ireland face common threats and have cooperated well in the past in the face of IRA and Loyalist paramilitary threats. Overall, before the referendum Brexit was not predicted to have a negative impact on relations in the UN, or in security cooperation. The UK by not being in the EU block in the General Assembly would be similar to Norway and Canada, with whom Ireland works well. Similarly in UN peacekeeping, the UK’s exit form the EU should not necessarily damage British-Irish cooperation. For example, in January 2015, the MOU between the Ministry of Defence in the UK and the Department of Defence in Ireland (http://opac.oireachtas.ie/AWData/Library3/DEFMemorandum_of_Understanding_between_the_UK_and_Ireland_on_the_enhancement_of_bilateral_engagement_on_certain_aspects_of_defence_and_security_co-operation19012015_174233.pdf) laid out a non-binding agreement to cooperate in training, information-sharing and logistics in
the face of cyber threats, terrorism, trafficking and security threats. The MOU provided for Irish support of the UK defence forces in UN mandated peacekeeping operations and British defence forces have been received peace-keeping training in the Curragh in Ireland from the Irish army.

19. However, there have been some unintended consequences of the Brexit referendum that have already undermined cooperation in the UN. In particular, UK bilateral trade deals with specific states such as Saudi Arabia and Turkey have implied that Irish and UK governments do not share the same preferences with respect to human rights in these cases. In November 2017, the UK’s loss of General Assembly support for its seat on the International Court of Human Rights for the first time since the Court’s foundation in 1945, implies that the UK is not perceived to be as strong an ally for Irish governments, even if there were shared preferences and has lost some international standing since Brexit, even temporarily. Human rights divergences may well have implications for divergences in develop policies also, given the interlinkage between the two areas in many cases. Another example of conflict since Brexit is the absence of EU member state support in the UN General Assembly for the UK’s possession of the Chagos archipelago in the Pacific as defence base. Thus, Brexit has impacted on the number of shared interests in the UN between Irish and UK governments.

20. As regards security cooperation, although Brexit itself does not necessarily affect existing levels of security and defence cooperation, the recent Brexit-induced decline in British-Irish cooperation can have a spill over effect to other areas, not ostensibly connected to Brexit. Memories of history can resurface and make such cooperation more sensitive in Ireland, especially if the Sinn Fein party makes gains in the Republic of Ireland. Again, the successful diplomatic management of the British-Irish relationship and of Brexit are crucial to enabling wider cooperation and a thriving relationship post-Brexit.

21. Therefore, although UK and Irish governmental common interests in protecting UK and Irish states from, for example, terrorism, trafficking and cyberwarfare will continue and will form a basis for continued security cooperation and although UN peace-keeping cooperation should also continue, Brexit has implications for wider
Irish-UK cooperation in the UN in various areas where shared preferences existed, for example in human rights.

22. Overall, such is the sensitivity and significance of Brexit for Ireland and for nationalists in Northern Ireland, its impact on the British-Irish relationship with respect to Northern Ireland cannot be separated fully from its impact on cooperation in wider frameworks such as UN.

November 2017
Notes

-------------------------------

1 Coakley J. 2014, ‘British Irish Institutional Structures: Towards a New Relationship’ Irish Political Studies, vol. 29, no. 1, p.82