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Opportunities and Threats to North-South Co-Operation

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Partition and Rupture

Partition was in the end a concession to the principle that Ireland after empire could only flourish in separation. A profound divide in the middle of an island was, for its supporters, a wound to cauterise a worse wound and for its detractors a knife to the heart. But for everyone it was a rupture.

It is hardly contentious to observe that, north of the border, it didn't work to separate. Antagonism not only continued but festered, mutated and institutionalised. But it did work to separate both the rest of Ireland and the rest of Britain from the worst of their daily interaction. Like dirt swept under the carpet of both international and devolved frontiers, the worst of the bitterness of centuries was contained into six counties and largely ignored outside them.

Of course, the contest over 'Ireland' remained alive in the rhetoric of politics as the axis of Northern division and the core of southern identity.   And a certain older cultural legacy continued in Education, Sport, Arts, Culture and Churches, in personal relationships and in the lives of cross-border communities-and the Irish Association.

But the unparalleled institutional rupture could not be wished away. It inevitably created two distinct streams of experience and different places from which to see the world. From now on, law, administrative structure, public ritual and political narrative were distinct. And while Northern Unionism promised not to give up an inch, the south turned its back on the north about which it could do almost nothing but protest. By virtue of a line on the map, North and South became, in the sense that the Canadian writer Hugh McLennan applied to Quebec 'Two Solitudes'

The consequences were so comprehensive that they cannot be described in detail. But we can draw some broad lines.

- Partition was formally regretted south of the border, but it had the distinct advantage of locating Ireland's trauma with Britishness somewhere else, a situation exacerbated after 1969. In practice it was a vital element in the shape Irish politics took after 1921.

- The characterisation of partition as an event *in Ireland* also diverted attention from one of its largest political consequences: the stealthy separation of Great Britain from 'the Irish question'. From now on, Northern Ireland with its historicist-populist NI polity was a place apart, located in a no man's land somewhere between 'us' and 'them'.

- Over time, political and administrative divergence of post partition Ireland created the context for foundational events: both WW2 and the Welfare State, including NHS, were partitioned experiences.

Partition and Entanglement

At the same time, partition was a rupture in a relationship which could not ultimately be abandoned. Partition provided the unifying narrative of both nationalism and unionism. And shaped the formal state identities of both north and south as official narrative and symbolic antagonists. The place of the Easter Rising as the unifying heroic myth of liberated Ireland was juxtaposed to the formalisation of Orangeism as the public celebration of the North. After partition, both nationalism and unionism became stories rather than ongoing projects. While both a United Ireland and an integrated Union remained out of reach, and Unionism and Nationalism both understood themselves as resistance narratives defined by what they opposed as much as by what they aspired to. The other became woven into self in a way that at once both separated and joined.

NI was a 'different kind of foreign': not the same but <u>uniquely not the same</u>. The unresolved push and pull defined southern, and indeed British, responses to the outbreak of inter-community violence. The Irish Republic was both entangled in the politics of the north and repelled by it - for 3 decades. The border at the back of Ireland became a security frontier. Over 30 years, the border was subtly transformed from a hated protection for Unionism against Nationalism into a protection for RoI from the chaos of the North, a kind of international peace line vital to protect the south from the worst of the consequences of British-Irish history being played out north of the border. In the course of a hundred years, the border has been more important in defending the south from the perceived problems of the north than it has been useful in sealing northern unionism within a bulwark of Britishness.

Conflict to Agreement

Looked at as an historic arc, the most striking and consistent change in Irish affairs after 1969 was the radical re-alignment of the relationship between Dublin and London, rather than of either to Belfast. Over decades, 'Northern Ireland'/'the north' was gradually re-conceptualised as a shared security and legacy entanglement, treated at arm's length by both. In the face of a three-decade security crisis, risk-management drove ever closer elite co-operation between Dublin and London, even as violence isolated Northern Ireland further. Critically, the bilateral relationship was given a new multilateral context when Ireland and Britain became members of the Common Market

Between 1985 and 1998 Britain and Ireland developed an almost unique global partnership in pursuit of a way out of the Northern Ireland quagmire. Where republicans and Unionists could not talk, Dublin and London designed frameworks 'above' and around Northern Ireland and convened what became a Peace 'Process' combining the roles of managing agent, background cajoler and political and financial enabler. They also assembled an impressive diplomatic coalition reaching from Brussels to Washington relocating Northern Ireland to an unparalleled international context. Indeed, most of the instruments of progress were found in reconciling 'nationalisms' in Northern Ireland within the frameworks of international law and agreement. Some of this, like the European

Convention of Human Rights and EU PEACE programmes, was explicit. Other parts such as decommissioning and establishing policing relied on diplomatic, especially American, pressure. Much of it, especially elements drawn from the nature of the European Union, was implicit. For example, the four freedoms - of Goods, Capital, Services and People were critical in enabling a new compact on legitimacy to be established. NI was effectively reconstituted as a political and legal exception. Within the new treaty, British sovereignty was recognised as legitimate, while the equal treatment of British and Irish citizens was formalised without practical disruption. From within this frame, Britain and Ireland promoted formal institutional cross-border networks and pragmatic solutions to theoretically contentious issues (like Agriculture, cross-border commuting, infrastructural investment).

After Agreement

The peace process and the Agreement transformed the atmosphere around cross-border relations. The efforts to normalise relations were both formal and intentional and informal and organic. The booming southern economy created a new dynamic across Ireland and embarked on an unparalleled programme of roadbuilding and infrastructural investment. Border roads were reopened. Towns on the Dublin-Belfast corridor were revitalised as the road and rail networks were modernised. Change was evident in politics, through the advent of the N-S Ministerial Council and a variety of agencies and bodies and in the almost casual way in which the Irish President was enabled to visit Northern Ireland at any time, in business and economics and at a social and community level, where investments by the European Union and the IFI were critical.

At the same time, it became evident after 2003 that, faced with a choice between the realpolitik of containment through a devolved government and the idealistic politics of reconciliation and continued engagement, the former would take priority for both governments. Changes of government in Dublin and London at the time of the global financial crisis emphasised that Northern Ireland had slipped down the list of priorities by 2008. Thereafter, both governments accepted an 'acceptable level of instability' and prioritised the maintenance of 'the institutions' and above all those within Northern Ireland. While British-Irish relations enjoyed a late symbolic flowering in the visits of heads of state, it was also evident that Northern Ireland remained the fragile heart if the matter.

Brexit and After: Another Paradigm?

The referendum in 2016 was approached by almost all parties as a question of UK membership of the EU, separate to the question of relationships in Ireland. While the Irish government and the British Prime Ministers most associated with the Agreement signalled early concern about the

impact of the referendum in Ireland, neither Sinn Féin nor the DUP signalled any acute alarm about the consequences.

Subsequently, there has been considerable commentary on the interaction between the Agreement and the EU. A strict textual reading suggests that the EU played a peripheral role in the Good Friday Agreement, in contrast to the Anglo-Irish Agreement which is explicitly set in the context of inter-state partnership within the European Community. However, in the intervening years it has become clear that, as soon as the Good Friday Agreement is set into context within a wider peace process, Brexit puts at risk almost all of the supporting framework of bilateral collaboration, without which there can be no Agreement:

- Brexit turned a British-Irish diplomatic partnership into a negotiation in which Britain and Ireland were intimate and interested opponents. When Ireland prioritised a satisfactory outcome on the border as a prerequisite for a wider Brexit deal within the EU's negotiating position, it both highlighted the scant and dismissive attention to GFA and Northern Ireland in London and thrust NI as a territorial entity into the centre of the entire Brexit negotiation. Ultimately, it underlined Northern Ireland's status as a permanent diplomatic and legal exception in British-Irish relations and the primary obstacle to any 'oven-ready' outcome.

- A departure from the EU which defines sovereignty as the ability to act unilaterally inevitably ends the common legal and political frame which has allowed free trade, movement (insurance) and policing co-operation based on the four freedoms. In the Irish context, the Brexit referendum appears as a unilateral act by one party whose 'binding authority' was not automatically clear in the context of the Agreement. Does the unilateral act of one party bind all the other members of the pact? This issue was especially problematic given that a majority of voters in Northern Ireland voted to remain. What does the *sovereignty* of the United Kingdom mean in the context where it rests on an Agreement which is shared and where the determining principle rests with the Irish people?

- International negotiations over hard and soft borders therefore had intensely local and nationalist political, social, economic consequences. Everything to do with Brexit upset the existing balances of British and Irish relationships within Northern Ireland. In Great Britain, the constitutional implications of Brexit for the Union were evident in Scotland. In Northern Ireland, whatever the theory of sovereignty, Brexit limited the practical capacity of British government to mediate and arbitrate the breakdown of devolution. Thus, after the Executive collapsed in 2017, the British government could not step in either alone through direct rule or in partnership with Ireland. Consequently, and alarmingly, all parties concluded implicitly that the best government was no active

government - for three years.

- Brexit also exacerbated strains in Northern Ireland. Both the DUP and Sinn Féin vacated Belfast to concentrate their efforts in London and Dublin respectively. Unionist efforts in Westminster addressed at creating the hardest Brexit possible were matched by the rise of the strongest United Ireland movement since partition. The big gainers over three elections in 2019 were actually those who were less firmly committed to either. Old certainties had undoubtedly been challenged: but no new certainties emerged to replace them.

- In the end, the Withdrawal Agreement and the Ireland/NI protocol were signed above the heads of and without consultation with NI politicians. Both were formally rejected in the reconvened Assembly and will now come into force. It was all reminiscent of 1920. But its links to the stability of the peace settlement were less clear than advertised. The Withdrawal Agreement and NI protocol copper-fastened the open border between north and south but it did not finalise arrangements between the EU and UK, and therefore between GB and NI, leaving enormous room for uncertainty and division.

By 2020, repeated rhetorical commitments to the Agreement across both islands in fact marked an absence of any certainty about its actual status in shaping outcomes, or which parts applied and when. Protecting the Agreement in 'all its parts' was the heart of every declaration by all parties, but nobody could be sure what it meant in practice. If taken literally it meant reversing the pick and mix and essentially opportunistic way in which the Agreement had actually been implemented since 1998. What was the status of the unilateral changes made at St Andrews? Did this mean that a Civic Forum and Bill of Rights had become new priorities. And was the commitment to reconciliation to be given new impetus? More immediately, pious declarations have not prevented anyone from pursuing their own interests and interpretation, according to which the Internal Markets Bill (UK Govt), Open borders (Ireland), consent to absolute sovereignty (Unionists), Border in the Irish Sea (Nationalists) are all compatible.

We appear to be in what might be called a 'Gramscian' moment where "the old is dying and the new cannot be born; in this interregnum a great variety of morbid symptoms appear." While the aspiration to a United Ireland is legitimated by the Agreement, and the criteria for calling one are established, there is no clear provision to what a united Ireland would mean except in terms of sovereignty. So, for now a United Ireland means a United Ireland.

In fact, the elections of 2019 repeatedly demonstrated that, while the constitutional question is 'in play' in a new way, the outcome is far from clear. The mobilisation of civic society in some parts of nationalism is broadly based, but it is far from certain that there is

any wider stable majority for change. Opinion poll majorities for a united Ireland continue to depend heavily on the specific nature and the context of the questions, while University-based surveys continue to point to solid majorities for the status quo. Furthermore, a question asked now by a pollster may get a different answer to a question answered after weeks and months of extreme polarisation, in which some elements of both sides summon drum up the most bloodcurdling fantasies about what is at stake. The practical outcomes of a platonic, eirenic 'debate' over a constitution and a red blooded life or death free-for-all defined as life or death could not be farther apart, while a close-run victory for either side in these circumstances could be disastrous for any project in aid of 'reconciliation, tolerance and mutual trust', let alone equality, partnership and mutual respect.'

There can be no doubt, however, that Unionism has suffered a serious strategic defeat at the end of Brexit. The appearance of power in Westminster counted for naught when the chips were down. Having rejected Theresa May's efforts, the DUP ended up having to swallow a Withdrawal Agreement that potentially placed NI at permanent and perhaps lengthening arm's length from Great Britain. After losing the Unionist majority in the Assembly of 2017, with the potential that nationalism could soon provide the First Minister, and having watched while Protestant voter solidarity divided three times in 2019 over Brexit, the future looks less secure than ever. In terms of mathematics alone, the future of the Union now depends on voters who did not vote for Unionist parties. At the same time, official Unionism continues to set its face against any acknowledgement of the United Ireland question for fear of being dragged down the path of fuelling expectations until it becomes inevitable.

While nothing is certain, the potential for the entire constitutional framework on these islands, with the underpinning assumptions underlying the Agreement and stability in Northern Ireland, is unmistakable. The political future of both the United Kingdom and Ireland are in a period of rapid change. The rise of Sinn Féin has driven Fianna Fáil and Fine Gael into each other's arms after a century of sworn hostility. The potential of a Sinn Féin-led government by the mid 2020s cannot be ruled out, with unpredictable consequences for north-south relations and for the willingness of Unionists to engage on a north-south basis. Simultaneously, for example, formal pressure for a referendum might grow, but the potential for it to polarise opinion in the north in an opposite direction is real. The stability of the United Kingdom outside Northern Ireland is even more uncertain. The most likely next locus for debate around constitutional change is Scotland, where there appears to be at least an evens chance that the SNP will be returned with a landslide within months on a mandate for a second independence referendum.

At this moment, it is possible to contemplate an alarmingly wide variety of possible scenarios. After three years of suspension and a year of exceptional Covid management and the formalisation of the border in the Irish Sea, some still hope for a restabilisation of the skeleton of the status quo before 2016 - DUP-SF leadership in Northern Ireland within a renewed British-Irish joint partnership. There are many reasons to believe that this is a longshot, including:

- the impact of the changed relationship between the UK and the EU on British-Irish relations,
- the practical disruption of the Brexit arrangements across the UK and Ireland and in Northern Ireland,
- the entanglement of Northern Ireland with wider global diplomacy including the attitude of the Biden administration in Washington,
- the serious tensions between the DUP and Sinn Féin at leadership level, and
- the ongoing demands for a referendum on the border.

Against this, none of the change options command anything near universal support. Despite the argument of changing demographics and the potential that supply chains will shift to reflect Northern Ireland's unique position within the single market, Unionism has set its face against any apparently logical linear progression towards integration in Ireland. In this context, the speed of change could well depend less on planning than on the impact of external events. The shifting geopolitics of the world, a vote for Scottish independence or a unilateral decision by the United Kingdom could all alter the context within which the question of change in Ireland is considered. Alternatively, if the current institutions of the Agreement falter, because of internal polarisation again, longer arm's length management, the greater or lesser involvement of Ireland in direct rule and the possible further isolation of Northern Ireland cannot be entirely ruled out. In all cases, the uncertainty which the Agreement was designed to minimise seems to have returned for now at least.

North-South Relations: Opportunities and Threats

Northern Ireland has now been in a state of continuous uncertainty for four years. Having pointed out the negatives it is also reasonable to acknowledge the considerable positive that no serious party has advocated or supports any return to violence. Dissidents and splinter loyalist groupings who sporadically sought to increase pressure have found no popular echo. The political structure created by the Agreement and its aftermath has been stress tested but remains in place. The three years of hiatus between 2016 and 2019 demonstrated both that neither Britain nor Ireland have any better current solution.

One may doubt the claims of a new approach for a new decade, while acknowledging that the Agreement still provides the best place to start when looking for stability in the turmoil. The context of North-South relations, as with all of the elements of the Agreement, is then set by these two points: institutional continuity and contextual turmoil. Even as the institutions come under scrutiny, however, it is my contention that any resolution of the uncertainty will depend on building the future on core elements of the Agreement itself.

Because although the constitutional and political elements of the Agreement are back in question, the purposes which the Agreement set out to address remain acutely relevant. If the days of 'the two governments' are over, the legacy of the frameworks of the nineties still provides a key to the wider basis of stability. Whereas the governments once provided a framework for negotiating agreement, the Agreement provides the only stable framework for developing government.

So, in finally addressing the question of opportunities and threats in North-South relations, it seems to me that many aspects of the Agreement provide the only viable basis on which we must build any agenda for the next years:

The central political achievement of the Good Friday Agreement was the establishment, however fragile, of a consensus around 'exclusively democratic and peaceful means' which remains core. This is true even as constitutional futures are discussed. The mechanisms of consent remain critical and discussions of futures depend on them. There is no doubt that nationalist aspirations to a United Ireland have reignited in recent years and that the constitutional future of the UK seems to be more in flux than at any time in a century but change still depends on winning hearts and minds.

The Agreement demonstrated that the goal of a referendum MUST look beyond a head-counted majority (the raw form of self-determination disastrously applied after World War 1) to the purpose of any act of determination: the establishment of a legitimate state. The test of a legitimate state is that it can make and enforce laws with the acceptance of the population. It took Northern Ireland 75 years to achieve this, and it was only achieved when the nature of Northern Ireland itself - the offer to nationalist politicians - was formally and radically overhauled. So, to put it more bluntly, it is strongly in the interests of Ireland to ensure that the focus of those proposing constitutional change is on ensuring legitimacy among future citizens more than winning a one-day vote on territorial sovereignty.

Some of the changes required of Unionism are obvious. But the changes that a United Ireland will bring to Ireland will be enormous. The basis of the Agreement's legitimacy lies in its generous accommodation of both Britishness and Irishness. Confined to Northern Ireland in the 1990s, this looked like a concession to nationalism. Applied in a united Ireland it is a huge challenge to nationalism. In as far as the south is seen as a political success - and it is - maintaining that success, while fundamentally changing its political and constitutional character, carries with it real risks within the Southern electorate.

Since partition, Ireland has developed in the shadow of a presumed narrative of liberation stemming from violent protest and uprising. Too often this overlooks the consequence that it inevitably also transmits an uncritical narrative of effective violence, embeds a popular consensus on the entirely 'other' imperial role of the British state in Ireland and overlooks the fact that the symbolism of Irishness has become as tarnished by violence for Unionists in the north as the symbolism of Britishness is derided by nationalists. Flags, emblems and cultural norms cannot simply be 'rolled over' into a new Ireland, nor can they be abandoned without engagement. Unionists will challenge a consensus of liberation that unites the Irish narrative of history. What Britain did/has done to Ireland will be matched by a Unionist narrative of what the Irish did to the British-Irish. Is a UI possible while Britain is still either the active enemy (Brian Stanley) or the defining other? In any new Ireland, the second paragraph of the Agreement offers both a hope and a question mark to all of Irish history, and not just that of the north over the last half century, in the lens it applies to history: "The tragedies of the past have left a deep and profoundly regrettable legacy of suffering".

Even introducing this topic into Irish political debate is fraught with difficulties. But it is important to be clear that the Bundesrepublik offers no lessons for Ireland. Anyone who thinks that Ireland will unite in response to the demands of the Northern people that "Wir sind ein Volk- we are one people" seriously misunderstands the challenge.

We can state one thing with certainty: we are currently ill-prepared for the complexity of this conversation and the changes it may require. But the shared island initiative would be well advised to spend time exploring the triggers to nationalist as well as unionist resentment, and not only in the north, as well as investigating the potential for a new basis for legitimacy more even urgently than developing concrete plans for formal constitutional change.

One of the failures of the Agreement, and especially of the implementation of the Agreement, was the side-lining of the civic element. This is important not because it is a rival to politics, but because fostering bandwidth for pluralism is a necessity for politics at a time of uncertainty. Self-determination and consent need to be delivered through deliberative and restorative processes and not simply imposed as like-it-or-lump-it majority will. At a time of uncertainty, societies ideally need time to explore questions before converging on answers. In line with the thinking of my colleagues in Stanford, there are at least four questions we should be exploring: what are our ideas of a shared future before we decide on a single one? What do we need to happen if we are to trust one another into the future? What are the social and economic consequences of change that are essential to any sense of future justice? And what are we going to have to let go of or give up on to reach a deal and how do we manage that with each other?

Political Unionism may wish to prevent a United Ireland appearing inevitable, Republicans may have a single constitutional objective. But civil society is more complex. Electoral politics in an ethnic contest has the quality of a zero-sum game, of a duel to the death which can escalate to the extremes as the Prussian military strategist Carl von Clausewitz described it. But civil society can live with open-endedness, and has the capacity to acknowledge that we are flying the plane while fixing

it, the capacity to generate new possibilities which can be tested before they are implemented and the understanding that we are all trying to learn to do something we have not done before, and are engaged in a process that is as much practical as ideological: How, when and where as much as what and why. This is clearly the work of the shared island initiative, but it can be supported by others. But it must be north-south in scope and transcend the simple bipolarity of 'the north' negotiating with 'the south'.

Beyond issues of conversation, there is the practical matter of stabilising the economy, building shared infrastructure and ensuring co-ordination where possible. One of the consequences of both peace and the Agreement within the EU has been the normalisation of interaction. Brexit is unlikely to be a single event but to set a context for ongoing changes. The potential for North-South and East-West drift is both obvious and predictable and it will take intentionality to ensure that its impacts are minimised where possible. This includes issues of cross-border commuting and finding Irish solutions to Brexit problems going forward. Covid-19 has shown us that no Brexit border will contain a pandemic. The environment, the pressures of the jobs market, the challenges of integration and migration, technological issues are by their nature cross-border. The specifics identified within the Agreement are already present. But after Brexit, the issue is not just the hardness or softness of the border, but the quality of interaction that can be maintained thereafter. The construction of a sustainable post-Brexit economy and a strategic North-South infrastructure, including agriculture, transport, technology, health and education including higher education to assure the continuation of the post-1998 normalisation process are obvious priorities. But policing and law enforcement, culture and arts and even community development agencies will continue to have a critical need to collaborate and constitutional conversations and diplomatic incidents will require a practical counterpart. Within this, both the North-South Ministerial Council and business, professional and trade union bodies have a clear role.

The final and critical element of the Agreement is its value and quality-assurance framework, which has by turns been ignored and minimised in politics, yet returns as the constant measure of actual progress. By this I mean the reconfiguration in the Agreement of the political process in Ireland as a journey towards the 'achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all' on the basis of 'partnership, equality and mutual respect'. Outside of this framework, the Agreement always falters, but without it the entire project is simply a straightjacket for containing relentless antagonism, as we have already seen too often.

The re-emphasis of both purpose and principles at this point seems to me to be the best available definition we can now have of 'upholding the Agreement in all its parts'. It is also the reason why the Agreement has to transcend Brexit rather than the other way around. Keeping that project on track, or at least repurposing it for this moment, seems to me to shape both the practical and constitutional elements of North-South co-operation, both

because these only values put limits on the risks involved and hold out a channel within which proposals for change and development can be measured that is outside the simple framework of how is up and who is down in Britishness and Irishness.

Reconciliation, Equality, Partnership, Human Rights, Respect and Trust are also future-orientated concepts and reach to include a far more unpredictable group of people. In practice what that means is not only theoretical. These concepts have to become intensely practical, translated from aspiration into the policy process. That means that resource allocation in relation to North-South work should always be proofed against their potential to achieve these kinds of aims - a quality of Ireland north and south and not only a quantity, achieving sustainable goals not merely managing shifting political interests. Not as an afterthought, but in with the bricks. Infrastructural work, educational structures and curricula, voluntary sector engagement and cultural interaction can all have a dimension of promoting shared space, improving the quality of lives and ensuring access. Rightly understood, equality, partnership and mutual respect must be tangible in practice not just a debate within text books.

There is no consensus on whether the task is to reconstruct the existing framework or whether that framework has been so damaged that it has now been superseded. But the Agreement is designed to try to manage both stability and the desire for change. Because the field of change is across the whole island and not just in the North, more and different people need to be part of the intentional process of change. Within this frame, North-South relations need not necessarily be the fraught field of stand-off and violence that they could easily become.

But to be more specific, for me this cannot be just a romantic pipedream. Without this framework, it is hard to see how any process of change can be managed to a successful result.

One the most interesting models to emerge from the Patten policing reforms was the concept of Policing with the Community and its underpinning philosophy of collaborative problem-solving. It has been hard to operationalise and subject to all sorts of misunderstanding. But the concept is based on the practical recognition that everything to do with policing has an impact on the whole community and that nearly everything in policing requires collaboration with non-police if it is to be dealt with at a preventative level. In the case of North-south relations, the task is not just to have short term answers to specific problems but to design a pathway to get to the goals of the Agreement. In the end it is a learning process in which clarity about purposes is matched by flexibility and openness in the practical task of 'figuring it out' together what we have to achieve but do not know. Because that is the task 'FIGURE IT OUT'. We have resources, and we have some experience of this already. Applying it again in the post Brexit context will determine the balance of opportunities and threats as we go forward. From next year, the most important thing we can do will be roll up our sleeves and get on with it.