

Northern Ireland: The Peace Process, Ongoing Challenges, and U.S. Interests

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Between 1969 and 1999, almost 3,500 people died as a result of political violence in Northern Ireland, which is one of four component “nations” of the United Kingdom (UK). The conflict, often referred to as “the Troubles,” has its origins in the 1921 division of Ireland and has reflected a struggle between different national, cultural, and religious identities. Protestants in Northern Ireland (48% of the population) largely define themselves as British and support remaining part of the UK (*unionists*). Most Catholics in Northern Ireland (45% of the population) consider themselves Irish, and many desire a united Ireland (*nationalists*).

Successive U.S. Administrations and many Members of Congress have actively supported the Northern Ireland peace process. For decades, the United States has provided development aid through the International Fund for Ireland (IFI). In recent years, congressional hearings have focused on the peace process, police reforms, human rights, and addressing Northern Ireland’s legacy of violence (often termed *dealing with the past*). Some Members also are concerned about how the UK’s decision to withdraw from the European Union (EU)—known as *Brexit*—might affect Northern Ireland.

The Peace Agreement: Progress to Date and Ongoing Challenges

In 1998, the UK and Irish governments and key Northern Ireland political parties reached a negotiated political settlement. The resulting Good Friday Agreement, or Belfast Agreement, recognized that a change in Northern Ireland’s constitutional status as part of the UK can come about only with the consent of a majority of the people in Northern Ireland (as well as with the consent of a majority in Ireland). The agreement called for devolved government—the transfer of specified powers from London to Belfast—with a Northern Ireland Assembly and Executive in which unionist and nationalist parties would share power. It also contained provisions on decommissioning (disarmament) of paramilitary weapons, policing, human rights, UK security normalization (demilitarization), and the status of prisoners.

Despite a much-improved security situation since 1998, full implementation of the peace agreement has been difficult. For years, decommissioning and police reforms were key sticking points that generated instability in the devolved government. In 2007, the pro-British Democratic Unionist Party (DUP) and Sinn Féin, the nationalist political party traditionally associated with the Irish Republican Army (IRA), reached a landmark power-sharing deal. Tensions and distrust persisted, however, between the unionist and nationalist communities and their respective political parties.

Ten years later, the devolved government led by the DUP and Sinn Féin collapsed, prompting snap Assembly elections in March 2017 amid several contentious regional issues and unease in Northern Ireland about Brexit. Negotiations to reestablish the devolved government repeatedly stalled. The DUP and Sinn Féin agreed to form a new devolved government in January 2020, but the long impasse renewed concerns about the stability of the power-sharing institutions and the fragility of community relations. Northern Ireland also faces a number of broad challenges in its search for peace and reconciliation, including reducing sectarian divisions, dealing with the past, addressing lingering concerns about paramilitary and dissident activity, and promoting further economic development.

Brexit and Northern Ireland

Brexit occurred on January 31, 2020, and may have significant political and economic repercussions for Northern Ireland. In the UK’s 2016 public referendum on EU membership, voters in Northern Ireland favored remaining in the EU, 56% to 44% (the UK overall voted in favor of leaving, 52% to 48%). The future of the border between Northern Ireland and Ireland was a central issue in the UK’s withdrawal negotiations with the EU. Since 1998, as security checkpoints were dismantled in accordance with the peace agreement and because both the UK and Ireland belonged to the EU single market and customs union, the circuitous 300-mile land border between Northern Ireland and Ireland effectively disappeared. Many on both sides of the sectarian divide viewed this open border as intrinsic to peace and crucial to fostering a dynamic cross-border economy. Preventing a *hard border* (with customs checks and physical infrastructure) post-Brexit was thus a key imperative and a major stumbling block in the UK-EU withdrawal negotiations. Although concerns about a hard border developing have receded in light of the solution found in the UK-EU withdrawal agreement, Brexit has added to divisions within Northern Ireland and revived questions about the region’s constitutional status. Sinn Féin, for example, has called for a *border poll*, or referendum, on whether Northern Ireland should remain part of the UK. Also see CRS Report R45944, *Brexit: Status and Outlook*, coordinated by Derek E. Mix.

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Overview

Between 1969 and 1999, almost 3,500 people died as a result of political violence in Northern Ireland, which is a part of the United Kingdom (UK). The conflict, often referred to as “the Troubles,” has its origins in the 1921 division of Ireland (see map in **Figure 1**).¹ At its core, the conflict reflects a struggle between different national, cultural, and religious identities. Protestants in Northern Ireland (48% of the population) largely define themselves as British and support Northern Ireland’s continued incorporation in the UK (*unionists*). Catholics in Northern Ireland (45% of the population) consider themselves Irish, and many Catholics desire a united Ireland (*nationalists*). In the past, more militant unionists (*loyalists*) and more militant nationalists (*republicans*) were willing to use force and resort to violence to achieve their goals.²

The Troubles were sparked in late 1968, when a civil rights movement was launched in Northern Ireland mostly by Catholics, who had long faced discrimination in areas such as electoral rights, housing, and employment. This civil rights movement was met with violence by some unionists, loyalists, and the police, which in turn prompted armed action by nationalists and republicans. Increasing chaos and escalating violence led the UK government to deploy the British Army on the streets of Northern Ireland in 1969 and to impose direct rule from London in 1972 (between 1920 and 1972, Northern Ireland had its own regional government at Stormont, outside Belfast).

For years, the UK and Irish governments sought to facilitate a negotiated political settlement to the conflict in Northern Ireland. Multiparty talks began in June 1996, led by former Senate Majority Leader George Mitchell, who was serving as U.S. President Bill Clinton’s special adviser on Ireland. After many ups and downs, the UK and Irish governments and the Northern Ireland political parties participating in the peace talks announced an agreement on April 10, 1998. This accord became known as the Good Friday Agreement (for the day on which it was concluded); it is also known as the Belfast Agreement.³

Despite the significant decrease in the levels of violence since the Good Friday Agreement, implementation of the peace accord has been challenging. Tensions persist among Northern Ireland’s political parties and between the unionist and nationalist communities more broadly. Northern Ireland remains a largely divided society and continues to grapple with a number of issues in its search for peace and reconciliation. Sectarian differences flare periodically, and addressing Northern Ireland’s legacy of violence (often termed *dealing with the past*) is particularly controversial. Many analysts assess that peace and security in Northern Ireland is fragile. The UK’s withdrawal from the European Union (EU) in January 2020—or *Brexit*—has added to divisions within Northern Ireland. Brexit poses new challenges for Northern Ireland’s

¹ In 1921, the mostly Catholic, southern part of Ireland won independence from the United Kingdom (UK), resulting in the establishment of the Irish Free State in 1922 within the British Commonwealth. The Irish government formally declared Ireland a republic in 1948 and severed its remaining constitutional links with the UK. The Republic of Ireland, with a population of roughly 4.9 million, consists of 26 counties and encompasses about five-sixths of the island of Ireland; Northern Ireland, with approximately 1.9 million people, comprises six counties and encompasses the remaining one-sixth of the island.

² Many unionists and loyalists refer to the six counties that today make up Northern Ireland as *Ulster*. Technically and historically, Ulster also includes the three northernmost counties of the Republic of Ireland.

³ The text of the Good Friday Agreement (or Belfast Agreement) may be found at <http://cain.ulst.ac.uk/events/peace/docs/agreement.htm>. The unionist/Protestant community tends to use the term Belfast Agreement, viewing the name Good Friday Agreement as biased in favor of the nationalist/Catholic community. For the purposes of this report, the peace accord is referred to as the Good Friday Agreement, because this is the name more widely used and recognized in the United States.

peace process and economy and has renewed questions about Northern Ireland's constitutional status as part of the UK.

Successive U.S. Administrations and many Members of Congress have actively supported the Northern Ireland peace process and encouraged the full implementation of the Good Friday Agreement, as well as subsequent accords and initiatives to further the peace process and promote long-term reconciliation. Some Members have been particularly interested in police reforms and human rights in Northern Ireland. Since 1986, the United States has provided development aid through the International Fund for Ireland (IFI) as a means to encourage economic development and foster reconciliation. Some Members of Congress also have demonstrated an interest in how Brexit might affect Northern Ireland in the years ahead.⁴

Figure 1. Map of Northern Ireland (UK) and the Republic of Ireland



Source: Graphic created by CRS using data from Esri (2017).

The 1998 Peace Agreement

Key Elements

The Good Friday Agreement is a multilayered and interlocking document, consisting of a political settlement reached by Northern Ireland's political parties and an international treaty between the UK and Irish governments. At the core of the Good Friday Agreement is the *consent principle*—that is, a change in Northern Ireland's status can come about only with the consent of the majority of Northern Ireland's people, as well as with the consent of a majority in Ireland. Although the

⁴ Also see CRS Report R45944, *Brexit: Status and Outlook*, coordinated by Derek E. Mix.

agreement acknowledged that a substantial section of Northern Ireland's population and a majority on the island desired a united Ireland, it recognized that the majority of people in Northern Ireland wished to remain part of the UK. If the preference of this majority were to change, the agreement asserted that the UK and Irish governments would have a binding obligation to bring about the wish of the people; thus, the agreement included provisions for future polls to be held in Northern Ireland on its constitutional status, should events warrant.

The Good Friday Agreement set out a framework for devolved government—the transfer of specified powers over local governance from London to Belfast—and called for establishing a Northern Ireland Assembly and Executive in which unionist and nationalist parties would share power (known as *Strand One*). The Good Friday Agreement also contained provisions on several issues viewed as central to the peace process: decommissioning (disarmament) of paramilitary weapons, policing, human rights, UK security normalization (demilitarization), and the status of prisoners. Negotiations on many of these areas had been extremely contentious. Experts assert that the final agreed text thus reflected some degree of “constructive ambiguity” on such issues.

In addition, the Good Friday Agreement created new “North-South” and “East-West” institutions (*Strand Two* and *Strand Three*, respectively). Among the key institutions called for in these two strands, a North-South Ministerial Council was established to allow leaders in the northern and southern parts of the island of Ireland to consult and cooperate on cross-border issues. A British-Irish Council also was formed to discuss matters of regional interest; the council comprises representatives of the two governments and the devolved administrations of Northern Ireland, Scotland, Wales, the Channel Islands, and the Isle of Man.

Implementation

Voters in Northern Ireland and the Republic of Ireland approved the Good Friday Agreement in separate referendums on May 22, 1998. Although considerable progress has been made in implementing the agreement, the process has been arduous. For years, decommissioning and police reforms were key sticking points that contributed to instability in Northern Ireland's devolved government. Sporadic violence from dissident republican and loyalist paramilitary groups that refused to accept the peace process and sectarian strife also helped to feed mistrust between the unionist and nationalist communities and their respective political parties.

Democratic Power-Sharing Institutions

As noted above, the Good Friday Agreement called for establishing a new Northern Ireland Assembly and Executive. To ensure that neither unionists nor nationalists could dominate the Assembly, the agreement specified that “key decisions” must receive cross-community support. The Executive would be composed of a first minister, deputy first minister, and other ministers with departmental responsibilities (e.g., health, education, jobs); positions would be allocated to political parties according to party strength in the Assembly.

The first elections to the new 108-member Northern Ireland Assembly took place on June 25, 1998. The devolution of power from London to Belfast, however, did not follow promptly because of unionist concerns about decommissioning, or the paramilitaries' surrender of their weapons. Following 18 months of further negotiations, authority over local affairs was transferred to the Northern Ireland Assembly and Executive in December 1999. Over the next few years, the issue of decommissioning—especially by the Irish Republican Army (IRA)—contributed to the suspension of the devolved government and the reinstatement of direct rule from London several times between 2000 and 2002. (See “Decommissioning,” below.)

In May 2007, after a nearly five-year suspension, Northern Ireland's devolved government was restored following a landmark deal between the Democratic Unionist Party (DUP)—which strongly supports Northern Ireland's continued integration as part of the UK—and Sinn Féin, the staunchly nationalist political party traditionally associated with the IRA.⁵ The DUP and Sinn Féin have been the largest unionist and nationalist parties, respectively, in Northern Ireland since 2003. The 2007 DUP-Sinn Féin deal paved the way for greater stability in Northern Ireland's devolved government over the next decade. Regularly scheduled Assembly elections in 2011 and 2016 produced successive power-sharing governments, also led by the DUP and Sinn Féin.

At the same time, tensions persisted within the devolved government and between the unionist and nationalist communities. Various incidents—including protests in 2012 and 2013 over the use of flags and emblems, a 2014 dispute over welfare reform, and the 2015 arrest of a Sinn Féin leader in connection with the murder of a former IRA member—periodically threatened the devolved government's stability. Following the collapse of the devolved government and snap Assembly elections in 2017, heightened tensions due to Brexit and other contentious issues largely stalled negotiations on forming a new devolved government for almost three years. This long impasse renewed concerns about political stability and highlighted divisions in Northern Ireland politics and society. (See “2017-2020 Crisis in the Devolved Government,” below.)

Decommissioning

For years, decommissioning of paramilitary weapons was a prominent challenge in the implementation of the Good Friday Agreement. The text of the agreement states, “those who hold office should use only democratic, non-violent means, and those who do not should be excluded or removed from office.” Unionists were adamant that the IRA must fully decommission its weapons. The IRA had been observing a cease-fire since 1997, but it viewed decommissioning as tantamount to surrender and had long resisted such calls.

Progress toward full IRA decommissioning was slow and incremental. A key milestone came in July 2005, when the IRA declared an end to its armed campaign and instructed all members to pursue objectives through “exclusively peaceful means.”⁶ In September 2005, Northern Ireland's Independent International Commission on Decommissioning (IICD) announced that the IRA had put all of its arms “beyond use,” asserting that the IRA weaponry dismantled or made inoperable matched estimates provided by the security forces.⁷ The IICD also confirmed decommissioning by other republican groups and loyalist organizations. The IICD concluded its work in 2011.

Policing

Although recognized as a central element in achieving a comprehensive peace in Northern Ireland, new policing structures and arrangements were a frequent point of contention between unionists and nationalists. In 2001, a new Police Service of Northern Ireland (PSNI) was established to replace the Royal Ulster Constabulary (RUC), Northern Ireland's former, 92% Protestant police force. Catholics viewed the RUC as an enforcer of Protestant domination, and human rights organizations accused the RUC of brutality and collusion with loyalist paramilitary groups. Defenders of the RUC pointed to its tradition of loyalty and discipline and its record in fighting terrorism. In accordance with policing recommendations made by an independent

⁵ Frank Millar, “Paisley Reaches Out and Grasps Cherished Prize,” *Irish Times*, March 27, 2007; Mark Davenport, “NI Politics Moves Away from Edge,” BBC News, May 8, 2007.

⁶ “IRA Statement in Full,” BBC News, July 25, 2005.

⁷ Mark Davenport, “IRA Arms: What Next for NI Politics?,” BBC News, September 26, 2005.

commission (known as the Patten Commission), increasing the proportion of Catholic officers (from 8% to 30% in 10 years) was a key goal for the new PSNI. To help fulfill this goal, the PSNI introduced a 50-50 Catholic/Protestant recruitment process.⁸

For several years, Sinn Fein refused to participate in the new Policing Board, a democratic oversight body. Many viewed Sinn Fein's stance as discouraging Catholics from joining the PSNI and preventing the nationalist community from fully accepting the new police force. In 2007, however, as part of the process to restore the devolved government, Sinn Fein members voted to support the police and join the Policing Board. Experts viewed Sinn Fein's decision as historic, given the IRA's traditional view of the police as a legitimate target. In 2010, the DUP and Sinn Fein reached an accord (the Hillsborough Agreement) to devolve policing and justice powers from London to Belfast (on which the parties had been unable to agree at the time of the Good Friday Agreement's signing).

In 2011, the 50-50 recruitment process for Catholic and Protestant PSNI officers concluded. Officials asserted that the 50-50 process fulfilled the goals set out by the Patten Commission (including increasing the number of Catholic officers to 30%).⁹ In recent years, concerns resurfaced that not enough Catholics were seeking to join the PSNI; partly because of lingering suspicions about the police within the Catholic/nationalist community but also because of fears that Catholic police recruits were key targets of dissident republicans. In 2017, the PSNI introduced a number of procedural changes to help attract more Catholics (and more women).¹⁰

Security Normalization

The Good Friday Agreement called for "as early a return as possible to normal security arrangements in Northern Ireland," including the removal of security installations. In February 2007, the last of more than 100 armored watchtowers in Northern Ireland was dismantled. In July 2007, the British Army ended its 38-year-long military operation in Northern Ireland. Although a regular garrison of 5,000 British troops remains based in Northern Ireland, British forces no longer have a role in policing and may be deployed worldwide.

Rights, Safeguards, and Equality of Opportunity

In accordance with the Good Friday Agreement's provisions related to human rights and equality, the UK government incorporated the European Convention on Human Rights into Northern Ireland law and established a new Human Rights Commission and a new Equality Commission for Northern Ireland. Some nationalists, however, continue to press for more progress in the area of human rights and equality. They argue that Northern Ireland needs its own Bill of Rights (consideration of which is provided for in the Good Friday Agreement) and a stand-alone Irish Language Act to give the Irish language the same official status as English in Northern Ireland. The Good Friday Agreement calls for tolerance of linguistic diversity in Northern Ireland and support for the Irish language. The subsequent St. Andrews Agreement of 2006 provided for an Irish Language Act, but this issue remains controversial.

⁸ See *A New Beginning: Policing in Northern Ireland*, Report of the Independent Commission on Policing for Northern Ireland, September 1999, at <http://cain.ulst.ac.uk/issues/police/patten/patten99.pdf>.

⁹ "Police 50-50 Recruiting System Is to End," BBC News, March 28, 2011.

¹⁰ Deborah McAleese, "Top Officer's 'Deep Concern' at Lack of Catholics Signing Up for Police Career in Northern Ireland," *Belfast Telegraph*, October 23, 2015; Vincent Kearney, "PSNI Aims to Recruit 300 New Officers," BBC News, October 23, 2017.

Initiatives to Further the Peace Process

Many analysts view implementation of the most important aspects of the Good Friday Agreement as complete. Since 2013, however, the Northern Ireland political parties and the UK and Irish governments have made several attempts to reduce sectarian tensions and promote reconciliation. Major endeavors include the following:

- **The 2013 Haass Initiative.** In 2013, the Northern Ireland Executive appointed former U.S. diplomat and special envoy for Northern Ireland Richard Haass as the independent chair of interparty talks aimed at tackling some of the most divisive issues in Northern Ireland society.¹¹ In particular, Haass was tasked with making recommendations on dealing with the past and the sectarian issues of parading, protests, and the use of flags and emblems. In December 2013, Haass released a draft proposal outlining the way forward in these areas, but he was unable to broker a final agreement among the Northern Ireland political parties.¹²
- **The 2014 Stormont House Agreement.** In 2014, financial pressures and budgetary disputes related to UK-wide welfare reforms and austerity measures tested Northern Ireland's devolved government. The UK and Irish governments convened interparty talks to address government finances and governing structures, as well as the issues previously tackled by the Haass initiative. In the resulting December 2014 Stormont House Agreement, the Northern Ireland political parties agreed to support welfare reform (with certain mitigating measures), balance the budget, address Northern Ireland's heavy reliance on the public sector, and reduce the size of the Assembly and the number of Executive departments to improve efficiency and cut costs. The agreement also included measures on parading, flags, and dealing with the past. Continued disagreements over welfare reform between the DUP and Sinn Féin, however, stalled implementation of all aspects of the Stormont House Agreement.¹³
- **The 2015 Fresh Start Agreement.** In November 2015, the UK and Irish governments, the DUP, and Sinn Féin reached a new Fresh Start Agreement. Like the Stormont House Agreement, the accord focused on implementing welfare reform and improving the stability and sustainability of Northern Ireland's budget and governing institutions. It confirmed a reduction in the size of the Assembly from 108 to 90 members (effective from the first Assembly election after the May 2016 election), decreased the number of Executive departments, and made provision for an official opposition in the Assembly. The Fresh Start Agreement also included provisions on parading and the use of flags, but the parties were unable to reach final agreement on establishing new institutions to deal with the past. In addition, the Fresh Start Agreement addressed ongoing concerns about paramilitary activity, sparked by the arrest of a senior Sinn Féin official in connection to the August 2015 murder of an ex-IRA member.¹⁴

¹¹ Richard Haass served as President George W. Bush's special envoy for Northern Ireland from 2001 to 2003; he is currently president of the U.S. Council on Foreign Relations.

¹² For the full text of the December 31, 2013, draft agreement presented by Haass and his negotiating team, see <http://www.northernireland.gov.uk/haass.pdf>.

¹³ The Stormont House Agreement is available at <https://www.gov.uk/government/publications/the-stormont-house-agreement>.

¹⁴ The Fresh Start Agreement is available at Government of the UK, "News Story: A Fresh Start for Northern Ireland," November 17, 2015, at <https://www.gov.uk/government/news/a-fresh-start-for-northern-ireland>.

Recent Issues and Ongoing Challenges

Despite a much-improved security situation since the 1998 Good Friday Agreement, concerns linger about the stability of the devolved government and the fragility of community relations. As noted previously, the devolved government led by the DUP and Sinn Fein collapsed in January 2017 amid heightened tensions related to Brexit and other issues. It took nearly three years following the March 2017 snap Assembly elections to reestablish the devolved government.

The search for peace and reconciliation remains challenging. Difficult issues include bridging sectarian divisions and managing key sticking points (especially parading, protests, and the use of flags and emblems); dealing with the past; addressing remaining paramilitary concerns and curbing dissident activity; and furthering economic development. The 2013 Haass initiative, the 2014 Stormont House Agreement, and the 2015 Fresh Start Agreement attempted to tackle some aspects of these long-standing challenges. Some measures agreed in these successive accords were delayed amid the absence of a devolved government between 2017 and 2020.

2017-2020 Crisis in the Devolved Government

March 2017 Snap Assembly Elections

The immediate impetus for the devolved government's January 2017 collapse was a renewable energy scandal involving DUP leader and Northern Ireland First Minister Arlene Foster. Then-Deputy First Minister Martin McGuinness of Sinn Fein called for Foster to stand aside as First Minister temporarily while an investigation was conducted into the energy scheme; Foster refused, and McGuinness resigned his position as Deputy First Minister in protest. McGuinness's resignation essentially forced new elections to be called for March 2, 2017.¹⁵

Tensions between Sinn Fein and the DUP on several issues other than the energy scandal contributed to Sinn Fein's decision to force snap Assembly elections. The elections were called in the wake of the June 2016 UK referendum on EU membership and amid deep unease over Brexit's implications for Northern Ireland. Other points of contention included the introduction of a potential Irish Language Act and the legalization of same-sex marriage; Sinn Fein supported both measures, whereas the DUP opposed them.¹⁶ Arlene Foster led the DUP's election campaign, but Michelle O'Neill succeeded McGuinness as Sinn Fein's leader in Northern Ireland and led Sinn Fein's campaign (McGuinness was suffering from ill health and passed away a few weeks after the election).

As seen in **Table 1**, the number of Assembly seats contested in 2017 was 90 rather than 108 because of a previously agreed reduction in the size of the Assembly. The DUP retained the largest number of seats in the 2017 elections, but Sinn Fein was widely regarded as the biggest winner, given its success in reducing the previous gap between the two parties from 10 seats to 1. A high voter turnout of almost 65%—fueled by anger over the energy scandal and a perceived lack of concern from London about Brexit's impact on Northern Ireland—appears to have favored Sinn Fein and the cross-community Alliance Party. For the first time in the Assembly,

¹⁵ Under the rules governing Northern Ireland's power-sharing arrangements, if either the First Minister or the Deputy First Minister resigns (without a replacement being nominated), the government cannot continue and new elections must be held.

¹⁶ Sinead O'Shea, "Northern Ireland, Forced by Sinn Fein, Sets Early Election in Shadow of Brexit," *New York Times*, January 16, 2017; "NI Election: Everything You Need to Know About the 2017 Vote," BBC News, March 4, 2017.

unionist parties do not have an overall majority (a largely symbolic status because of the power-sharing rules but highly emblematic for the unionist community).¹⁷

Table I. Northern Ireland: Members of the Legislative Assembly (MLAs)
(2016 and 2017 election results)

Political Party	2016	2017
Democratic Unionist Party (DUP; hard-line unionist, conservative)	38	28
Sinn Fein (SF; hard-line nationalist, left-wing)	28	27
Social Democratic and Labour Party (SDLP; moderate nationalist, center-left)	12	12
Ulster Unionist Party (UUP; moderate unionist, center-right)	16	10
Alliance Party of Northern Ireland (APNI; nonsectarian, centrist/liberal)	8	8
Green Party (nonsectarian; left-wing)	2	2
People Before Profit Alliance (PBPA; nonsectarian, left-wing)	2	1
Traditional Unionist Voice (TUV; hard-line unionist, right-wing)	1	1
Independent (unionist)	1	1
Total	108	90

Sources: BBC, “NI Election 2016: Results,” at http://www.bbc.com/news/election/2016/northern_ireland/results, and BBC, “NI Election 2017: Results,” at <http://www.bbc.com/news/election/ni2017/results>.

Reestablishing the Devolved Government

Following the March 2017 snap Assembly elections, negotiations between the DUP, Sinn Fein, and the other main political parties (see **text box**) on forming a new devolved government repeatedly stalled, primarily over a potential Irish Language Act. Divisions over Brexit exacerbated tensions. The DUP was the only major Northern Ireland political party to back Brexit, which Sinn Fein and the other main Northern Ireland parties strongly opposed. Some analysts suggest the DUP’s support for the Conservative Party government in the UK Parliament following the UK’s June 2017 snap general election further heightened distrust between Sinn Fein and the DUP and made reaching a new power-sharing agreement more difficult.¹⁸

In April 2019, journalist Lyra McKee was shot and killed while covering riots in Londonderry (also known as Derry). The New IRA, a dissident republican group opposed to the peace process, claimed responsibility (but also apologized, asserting that it had been aiming to shoot a police officer but hit McKee by accident). McKee’s death sparked a significant public outcry and prompted the UK and Irish governments to intensify efforts to revive talks on forming a new devolved government. Negotiations remained largely deadlocked, however, throughout the summer and fall of 2019 amid ongoing uncertainty over Brexit.

On December 16, 2019, the UK and Irish governments launched a new round of talks with the main political parties aimed at reestablishing the devolved government. These negotiations followed the UK’s December 12, 2019, general election, in which Prime Minister Boris

¹⁷ Harry McGee, “DUP Smarting from Close Encounter with Sinn Fein Crocodile,” *Irish Times*, March 3, 2017; Enda McClafferty, “Assembly Election a Brutal Result for Unionism,” BBC News, March 4, 2017.

¹⁸ Peter Hain, “Deal with DUP Means London Is No Longer Honest Broker on North,” *Irish Times*, June 13, 2017; William Booth and Amanda Ferguson, “A Battle over Language Is at the Heart of Northern Ireland Crisis,” *Washington Post*, February 9, 2018.

Johnson's Conservative Party won a convincing parliamentary majority, thereby negating the DUP's influence in the UK Parliament and improving the prospects for restoring Northern Ireland's devolved government. A functioning devolved government appeared to offer the DUP the best opportunity to ensure it has a voice in implementing the new post-Brexit border arrangements for Northern Ireland (discussed in "Possible Implications of Brexit," below) and in the upcoming negotiations on the UK-EU future political and trade relationship.¹⁹

Main Political Parties in Northern Ireland

Democratic Unionist Party (DUP). The DUP has been the largest unionist party in Northern Ireland since 2003. It enjoys considerable Protestant support and strongly favors union with the United Kingdom (UK). The party initially opposed the 1998 Good Friday Agreement, viewing virtually any compromise with Irish nationalists as a net loss for unionists. Socially conservative, the DUP opposes abortion and same-sex marriage. The DUP has been led by Arlene Foster since 2015.

Sinn Féin. Sinn Féin has been the largest nationalist party in Northern Ireland since 2003. It advocates for a united Ireland. Sinn Féin is an all-island party and has a political presence in both Northern Ireland and Ireland (with members in both the Northern Ireland Assembly and the Irish Parliament). Historically, Sinn Féin was the political party associated with the Irish Republican Army (IRA). A left-wing party, Sinn Féin traditionally has received considerable support from working-class Catholics. In 2018, Mary Lou McDonald became leader of Sinn Féin, replacing former long-serving leader Gerry Adams. Since 2017, Michelle O'Neill has led Sinn Féin in the Northern Ireland Assembly and is considered the party's "northern leader"; she is also the party's deputy leader.

Ulster Unionist Party (UUP). The UUP is a smaller, center-right Protestant party that supports union with the UK. It was the lead unionist party involved in the negotiations on the Good Friday Agreement. The UUP has been led by Steve Aiken since late 2019.

Social Democratic and Labour Party (SDLP). The SDLP is a smaller, center-left Catholic party that supports a united Ireland achieved through peaceful means. It was the lead nationalist party involved in the negotiations on the Good Friday Agreement. The SDLP has been led by Colum Eastwood since 2015.

Alliance Party. The Alliance Party is a nonsectarian, cross-community party. It is centrist and liberal in political orientation. The Alliance Party has been led by Naomi Long since 2016.

On January 10, 2020, the DUP, Sinn Féin, and the other parties agreed to a deal put forward by the UK and Irish governments to reestablish the devolved government. The new Assembly convened the following day and elected a new Executive. The DUP's Arlene Foster and Sinn Féin's Michelle O'Neill were elected as First Minister and Deputy First Minister, respectively.

The new power-sharing deal, known as New Decade, New Approach, is wide-ranging and addresses a number of key issues, including health and education concerns and measures to improve the sustainability and transparency of Northern Ireland's political institutions. The power-sharing deal does not include a stand-alone Irish Language Act, as initially demanded by Sinn Féin, but essentially seeks to strike a compromise that promotes the use of the Irish (Gaelic) language while protecting the Ulster-Scots language (a regional language similar to English) that many unionists consider important to their heritage. The deal provides for the official recognition in Northern Ireland of both the Irish and the Ulster-Scots languages, allows for their wider use in government settings, and establishes two new "language commissioners"—one for Irish and one for Ulster-Scots—to enhance, protect, and develop each language and associated cultural traditions. Both the UK and Irish governments promised additional financial support for Northern Ireland as part of the deal to restore the devolved government.²⁰

¹⁹ Padraic Halpin, "UK Election Clears Way for Northern Ireland Devolution, Dublin Says," Reuters, December 13, 2019; Annabelle Dickson, "Northern Ireland's Post-election Refocus," *Politico*, December 16, 2019.

²⁰ The text of the New Decade, New Approach deal is available at Government of the UK, "Deal to See Restored Government in Northern Ireland Tomorrow," January 9, 2020, at <https://www.gov.uk/government/news/deal-to-see-restored-government-in-northern-ireland-tomorrow>. Also see Henry McDonald and Lisa O'Carroll, "Northern Ireland

Sectarian Divisions

Observers suggest that Northern Ireland remains a largely divided society, with Protestant and Catholic communities existing largely in parallel. *Peace walls* that separate Protestant and Catholic neighborhoods are perhaps the most tangible sign of such divisions. Estimates of the number of peace walls vary depending on the definition. Northern Ireland's Department of Justice recognizes around 50 peace walls for which it has responsibility; when other types of "interfaces" are included—such as fences, gates, and closed roads—the number of physical barriers separating Protestant and Catholic communities is over 100. Northern Ireland's Executive is working to remove the peace walls, but a 2015 survey of public attitudes found that 30% of those interviewed want the walls to remain in place; it also found that more than 4 in 10 people have never interacted with anyone from the community living on the other side of the nearest peace wall. Furthermore, experts note that schools and housing developments in Northern Ireland remain mostly single-identity communities.²¹

Some analysts contend that sectarian divisions are particularly evident during the annual summer *marching season*, when many unionist cultural and religious organizations hold parades commemorating Protestant history. Although the vast majority of these annual parades are not contentious, some are held through or close to areas populated mainly by Catholics (some of whom perceive such unionist parades as triumphalist and intimidating). During the Troubles, the marching season often provoked fierce violence. Many Protestant organizations view the existing Parades Commission, which arbitrates disputes over parade routes, as largely biased in favor of Catholics and have repeatedly argued for abolishing the commission.²² Efforts over the years to address the contentious issue of parading and related protests have stalled repeatedly.

A series of protests in late 2012 and early 2013 highlighted frictions between the unionist and nationalist communities. Protests began following a decision to fly the union (UK) flag at Belfast City Hall only on designated days rather than year-round. The protests, mostly by unionists and loyalists, occurred in Belfast and elsewhere in Northern Ireland, and some turned violent. Northern Ireland leaders on both sides of the sectarian divide received death threats, and some political party offices were vandalized.²³

In June 2016, a Commission on Flags, Identity, Culture, and Tradition was established to assess these contentious issues—including the display of flags and emblems—and to recommend policies and solutions to help address them. This commission consists of 15 members, with 7 appointed by Northern Ireland's political parties and 8 drawn from outside the government; it was originally proposed by the Haass initiative and subsequently endorsed in the Stormont House Agreement and the Fresh Start Agreement. Although this commission was supposed to produce a report with its recommendations within 18 months, it has so far failed to deliver its findings. Commission officials contend that the collapse of the devolved government in 2017 and the subsequent impasse in its reestablishment stymied the commission's work to some degree.²⁴

Assembly to Sit on Saturday After Three Years," *Guardian*, January 10, 2020; and Charles Landow, "Brexit Still Looms over Northern Ireland's New Government," *Foreign Policy*, January 14, 2020.

²¹ "Northern Ireland Interfaces: More Residents Want Peace Walls to Stay," BBC News, December 15, 2015; Paul Nolan, "Two Tribes: A Divided Northern Ireland," *Irish Times*, April 1, 2017; "Belfast Community Welcomes Dismantling of Former Peace Wall," *Irish Times*, September 20, 2017.

²² The Parades Commission was established in 1998 as an independent body to rule on disputed parades.

²³ "Q&A: Northern Ireland Flag Protests," BBC News, December 8, 2012.

²⁴ Jayne McCormack, "Dr. Dominic Bryan: NI Flags Commission's Brief Too Big," BBC News, June 27, 2019.

Dealing with the Past

Fully addressing the legacy of violence in Northern Ireland remains controversial. The Good Friday Agreement asserted that, “it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation.” In 2008, the Northern Ireland Assembly established a Commission for Victims and Survivors aimed at supporting victims and their families. Several legal processes for examining crimes stemming from the Troubles also exist. These include police investigations into deaths related to the conflict; investigations by the Police Ombudsman for Northern Ireland of historical cases involving allegations of police misconduct; and public inquiries, such as the Saville inquiry (concluded in 2010) into the 1972 Bloody Sunday incident.

Critics argue that these various legal processes represent a piecemeal approach and give some deaths or incidents priority over others. Some observers point out that more than 3,000 conflict-related deaths remain unsolved. In 2005, a Historical Enquiries Team (HET) was established within the PSNI to review over 3,200 deaths relating to the conflict between 1968 and 1998. Despite the HET’s efforts, progress was slow and it wound down at the end of 2014. Other critics note the expense and time involved with some of these processes; for example, the Bloody Sunday inquiry cost £195 million (more than \$300 million) and took 12 years to complete.²⁵

Some analysts and human rights advocates argue that Northern Ireland needs a comprehensive mechanism for dealing with its past, both to meet the needs of all victims and survivors and to contain costs. At the same time, many commentators assert there is no consensus in Northern Ireland on the best way to deal with the past. This is in large part because many unionists and nationalists continue to view the conflict differently and retain competing narratives.²⁶

The 2014 Stormont House Agreement called for establishing four new bodies to address “legacy issues” (based largely on proposals made during the 2013 Haass initiative):

- **Historical Investigations Unit (HIU).** This body would take forward outstanding cases from the HET process and the historical unit of the Police Ombudsman dealing with past police misconduct cases. The UK government pledged full disclosure to the HIU.
- **Independent Commission for Information Retrieval (ICIR).** The ICIR would enable victims and survivors to seek and privately receive information about conflict-related violence. It would be established by the UK and Irish governments but would be entirely separate from the justice systems in each jurisdiction. Any information provided to the ICIR would be inadmissible in criminal and civil proceedings, but individuals who provided information would not be immune to prosecution for any crime committed should evidentiary requirements be met by other means.
- **Oral History Archive.** This archive would provide a central place for people from all backgrounds to share experiences and narratives related to the Troubles.
- **Implementation and Reconciliation Group.** This body would oversee work on themes, archives, and information recovery in an effort to promote reconciliation and reduce sectarianism.

²⁵ “What’s the Future of NI’s Troubled Past,” BBC News, June 16, 2010; “New PSNI Unit to Investigate Northern Ireland’s Past,” BBC News, December 4, 2014.

²⁶ Gerry Moriarty, “Negative Reaction to Eames-Bradley Proposals,” *Irish Times*, July 19, 2010.

Efforts to establish these four new institutions in UK law, however, largely stalled due to divisions between the UK government, on the one hand, and some nationalists and human rights advocates, on the other, over proposed “national security caveats” related to the disclosure of certain information. Victims groups and nationalists were concerned that “national security” could be used to cover up criminal wrongdoing by state agents. At the same time, unionists voiced concern that the proposed HIU could unfairly target former soldiers and police officers, and many argued that any measures to deal with the past in Northern Ireland should contain a statute of limitations or amnesty to prosecutions. Successive government crises and the stalemate in reestablishing the devolved government between 2017 and early 2020 also impeded work on implementing these mechanisms to address Northern Ireland’s legacy of violence.²⁷

In the January 2020 New Decade, New Approach deal to reestablish the devolved government, the UK government pledged to introduce legislation in the UK Parliament to set up the legacy bodies proposed in the 2014 Stormont House Agreement. Experts suggest, however, that the issue of national security caveats could still pose an obstacle. Others note that some in the UK Parliament could demand legislation to protect military veterans from prosecution for past actions in Northern Ireland in exchange for their support for establishing the new legacy institutions.²⁸

Remaining Paramilitary Issues and Dissident Activity

Paramilitary Concerns

Experts contend that the major paramilitary organizations active during the Troubles are now committed to the political process and remain on cease-fire. However, the apparent continued existence of some groups and their engagement in criminality worries many in both the unionist and nationalist communities. In response to heightened concerns about paramilitary activity in Northern Ireland in 2015, the UK government commissioned a study on the status of republican and loyalist paramilitary groups.²⁹ This review found that all the main paramilitary groups operating during the Troubles still exist, but they are on cease-fire and the leadership of each group, “to different degrees,” is “committed to peaceful means to achieve their political objectives.” At the same time, the review concluded that individual members of paramilitary groups still represent a threat to national security, including through their involvement in organized crime, and “there is regular unsanctioned activity including behavior in direct contravention of leadership instruction.”³⁰

The 2015 Fresh Start Agreement sought to address concerns about the main paramilitary groups in Northern Ireland. Among other measures, it enumerated a new set of principles that calls upon members of the Assembly and the Executive to work toward disbanding all paramilitary organizations and to take no instructions from such groups. The agreement also called for

²⁷ Anne Cadwallader, “Bereaved Families Have a Right to the Truth,” *Irish Times*, December 31, 2015; “Villiers Meets U.S. Lawyers in Bid to Resolve National Security Veto Dispute,” *Belfast Telegraph*, February 17, 2016; Gareth Gordon, “Troubles Legacy Consultation Launched by Government,” BBC News, May 11, 2018.

²⁸ “Stormont Deal: BBC News NI Experts Examine the Detail,” BBC News, January 10, 2020.

²⁹ The 2015 assessment focused on the following paramilitary groups: the Ulster Volunteer Force (UVF); the Red Hand Commando (RHC); the Ulster Defense Association (UDA, which also conducted attacks under the name of the Ulster Freedom Fighters, or UFF); the South East Antrim (SEA) group of the UDA; Loyalist Volunteer Force (LVF); the Irish Republican Army (IRA, also known as the Provisional Irish Republican Army, or PIRA); and the Irish National Liberation Army (INLA).

³⁰ Government of the UK, *Independent Report: Assessment on Paramilitary Groups in Northern Ireland*, October 20, 2015, at <https://www.gov.uk/government/publications/assessment-on-paramilitary-groups-in-northern-ireland>.

establishing a new, four-member international body to monitor paramilitary activity and to report annually on progress toward ending such activity. The resulting Independent Reporting Commission (IRC) began work in 2017; the UK and Irish governments each named one representative to the IRC, and the Northern Ireland Executive named two.³¹ In its second annual report, released in November 2019, the IRC asserted that paramilitarism remains a “stark reality of life” in Northern Ireland and is an obstacle to peace and reconciliation; the IRC also noted that the recent impasse in the devolved government and uncertainty regarding Brexit have made the task of ending paramilitary activity more difficult.³²

The Dissident Threat

Security assessments indicate that dissident republican and loyalist groups not on cease-fire and opposed to the 1998 peace accord continue to present serious threats. The aforementioned 2015 review of paramilitary groups maintained that the most significant terrorist threat in Northern Ireland was posed not by the groups evaluated in that report but rather by dissident republicans. The review described dissident loyalist groups as posing another, albeit “smaller,” threat.

At the same time, experts note that dissident groups do not have the same capacity to mount a sustained terror campaign as the IRA did between the 1970s and the 1990s. Most of the dissident republican groups are small in comparison to the IRA during the height of the Troubles.³³ According to UK security services, there are currently four main dissident republican groups: the Continuity IRA (CIRA); Óglaigh na hÉireann (ÓNH); Arm na Poblachta (ANP), and the New IRA (which reportedly was formed in 2012 and brought together the Real IRA, the Republican Action Against Drugs, or RAAD, and a number of independent republicans). These groups have sought to target police officers, prison officers, and other members of the security services in particular. Between 2009 and 2017, dissident republicans were responsible for the deaths of two PSNI officers, two British soldiers, and two prison officers.³⁴

In January 2018, ÓNH declared itself on cease-fire. However, the other groups remain active, and authorities warn that the threat posed by the New IRA in particular is severe. Police suspect the New IRA was responsible for a January 2019 car bomb that exploded in Londonderry (or Derry). As noted above, the New IRA claimed responsibility for killing journalist Lyra McKee in April 2019. Many observers note a slight uptick in dissident republican activity over the last year, especially in border regions, as the New IRA and the Continuity IRA sought to exploit the stalemates over both Northern Ireland’s devolved government and Brexit.³⁵

³¹ The UK government chose former U.S. Special Envoy for Northern Ireland Mitchell Reiss as its representative on the Independent Reporting Commission. Reiss served as special envoy in the George W. Bush Administration from 2003 to 2007. For more information, see Gerry Moriarty, “Mitchell Reiss Joins North Commission to Tackle Paramilitarism,” *Irish Times*, December 14, 2016.

³² *Independent Reporting Commission Second Report*, November 4, 2019, at <https://www.ircommission.org/news-centre/irc-second-report>.

³³ David McKittrick, “Northern Ireland: The Peace Process and the Dissident Menace,” *The Independent*, February 18, 2014; Richard English, “Why Republican Dissidents Have Not—And Will Not—Go Away,” *Irish Times*, July 19, 2017.

³⁴ MI5, “Northern Ireland,” at <https://www.mi5.gov.uk/northern-ireland>.

³⁵ Peter Taylor, “New Dissidents Hoping to Exploit Brexit,” BBC News, May 15, 2018; Naomi O’Leary, “Northern Ireland Bomb Is a Warning We Can’t Ignore,” *Politico Europe*, January 22, 2019; Julian O’Neill, “Q&A: Why Is Dissident Republican Activity on the Rise?,” BBC News, September 15, 2019.

Economic Development and Equal Opportunity

Many assert that one of the best ways to ensure a lasting peace in Northern Ireland and deny dissident groups new recruits is to promote continued economic development and equal opportunity for Catholics and Protestants. Northern Ireland's economy has made considerable advances since the 1990s. Between 1997 and 2007, Northern Ireland's economy grew an average of 5.6% annually (marginally above the UK average of 5.4%). Unemployment decreased from over 17% in the 1980s to 4.3% by 2007.³⁶ The 2008-2009 global recession significantly affected the region, however, and economic recovery has been slow and uneven. In the four quarters ending in September 2019, Northern Ireland's economic activity grew by 0.3%, as compared to 1.1% growth for the UK overall.³⁷ Unemployment in Northern Ireland is currently 2.4%, lower than the UK average (3.8%) and that of the Republic of Ireland (4.8%) and the EU (6.3%).³⁸

Income earned and living standards in Northern Ireland remain below the UK average. Of the UK's 12 economic regions, Northern Ireland had the fifth-lowest gross value added per capita in 2018 (£25,981, or about \$33,900), below the UK's average (£32,216, or about \$42,032).³⁹ Northern Ireland also has both a high rate of economic inactivity (26%) and a high proportion of working-age individuals with no formal qualifications. Studies indicate that the historically poorest areas in Northern Ireland (many of which bore the brunt of the Troubles) remain so and that many of the areas considered to be the most deprived are predominantly Catholic.⁴⁰

At the same time, Northern Ireland has made strides in promoting equality in its workforce. The gap in economic activity rates between Protestants and Catholics has shrunk considerably since 1992 (when there was a 10 percentage point difference) and has largely converged in recent years (in 2017, the economic activity rate was 70% for Protestants and 67% for Catholics). In addition, the percentage point gap in unemployment rates between the two communities has decreased from 9% in 1992 to 0% in 2017.⁴¹

To improve Northern Ireland's long-term economic performance, Northern Ireland leaders have sought to promote export-led growth, decrease Northern Ireland's economic dependency on the public sector by growing the private sector, and attract more foreign direct investment. Reducing Northern Ireland's economic dependency on the public sector (which accounts for about 70% of the region's gross domestic product and employs roughly 30% of its workforce) and devolving power over corporation tax from London to Belfast to help increase foreign investment were key issues addressed in the cross-party negotiations in both 2014 and 2015.⁴² The Fresh Start Agreement set April 2018 as the target date for introducing a devolved corporation tax rate of 12.5% in Northern Ireland (the same rate as in the Republic of Ireland). In the absence of devolved government between 2017 and early 2020, however, reducing Northern Ireland's corporation tax rate has been on hold.

³⁶ Orla Ryan, "Northern Ireland's Economic Fears," BBC News, June 22, 2001; Northern Ireland Executive Economic Strategy, *Consultation on Priorities for Sustainable Growth and Prosperity*, January 2011.

³⁷ Northern Ireland Statistics and Research Agency, *Northern Ireland Composite Economic Index Quarter 3 2019*, January 16, 2020.

³⁸ Northern Ireland Statistics and Research Agency, *Northern Ireland Labour Market Report*, February 18, 2020.

³⁹ Gross value added (GVA) is similar, although not exactly equivalent, to gross domestic product; the UK government uses GVA as the measure to compare regional economic performance. House of Commons Library Briefing Paper, *Regional and Country Economic Indicators*, February 25, 2020.

⁴⁰ Northern Ireland Statistics and Research Agency, *Northern Ireland Multiple Deprivation Measures 2017*, November 2017; John Campbell, "Belfast Home to Half of NI's 100 Most Deprived Areas," BBC News, November 24, 2017.

⁴¹ Office of the First Minister and Deputy First Minister, *Labour Force Survey Religion Report 2017*, January 2019.

⁴² Vincent Boland, "Northern Ireland Braces for Austerity," *Financial Times*, March 2, 2015.

Possible Implications of Brexit

The UK exited the EU on January 31, 2020. In the UK's June 2016 public referendum on EU membership, voters in Northern Ireland favored remaining in the EU, 56% to 44% (the UK overall voted in favor of leaving, 52% to 48%). Brexit has added to divisions within Northern Ireland and poses considerable challenges, with potential implications for Northern Ireland's peace process, economy, and, in the longer term, constitutional status.

The Irish Border, the Peace Process, and the Withdrawal Agreement

At the time of the 1998 Good Friday Agreement, the EU membership of both the UK and the Republic of Ireland was regarded as essential to underpinning the political settlement by providing a common European identity for unionists and nationalists in Northern Ireland. EU law also provided a supporting framework for guaranteeing the human rights, equality, and nondiscrimination provisions of the peace accord. Since 1998, as security checkpoints were dismantled in accordance with the peace agreement, and because both the UK and Ireland belonged to the EU's single market and customs union, the circuitous 300-mile land border between Northern Ireland and Ireland effectively disappeared. The open border served as an important political and psychological symbol on both sides of the sectarian divide and helped produce a dynamic cross-border economy.

Preventing a *hard border* with customs checks and physical infrastructure on the island of Ireland was a key goal, and a major stumbling block, in negotiating the UK's withdrawal agreement with the EU. UK, Irish, and EU leaders asserted repeatedly that they did not desire a hard border post-Brexit. Security assessments suggested that if border or custom posts were reinstated, violent dissident groups opposed to the peace process would view such infrastructure as targets, endangering the lives of police and customs officers. Experts feared that such violence would threaten the region's security and stability and potentially put the entire peace process at risk.

Many in Northern Ireland and Ireland also were eager to maintain an open border to ensure "frictionless" trade, safeguard the North-South economy, and protect community relations. People in border communities worried that any hardening of the border could affect daily travel across the border to work, shop, or visit family and friends. Estimates suggest there are upward of 300 public and private border crossing points along the border today; during the Troubles, only a fraction of crossing points were open, and hour-long delays due to security measures and bureaucratic hurdles were common.⁴³

Devising a mechanism to maintain an open border, however, was complicated by the UK government's pursuit of a largely *hard Brexit*, which would keep the UK outside of the EU's single market and customs union. In early 2019, the UK Parliament rejected the initial UK-EU withdrawal agreement three times, in large part because of concerns about the *backstop* for the Irish border, which would have kept the UK inside the EU customs union until the UK and EU determined their future trade relationship. Some Brexit advocates contended that Ireland and the EU were exaggerating and exploiting the security concerns about the border to keep the UK close to the EU. Those of this view noted that although the Good Friday Agreement commits the UK to normalizing security arrangements, including the removal of security installations "consistent

⁴³ Sarah Lyall, "On Irish Border, Worries That Brexit Will Undo a Hard-Won Peace," *New York Times*, August 5, 2017; Henry McDonald, "Police Chief Says 'Hard Brexit' Irish Border Would Be Paramilitary Target," *Guardian*, February 7, 2018; Maeve Sheehan, "Irish Army Identifies 300 Border Crossing Points," *Belfast Telegraph*, December 17, 2018.

with the level of threat,” it does not explicitly require an open border. The Irish government and many in Northern Ireland—as well as most UK officials—argued that an open border had become intrinsic to peace on the island of Ireland.⁴⁴

In October 2019, EU and UK negotiators reached a revised withdrawal agreement with new provisions for Northern Ireland to ensure an open border on the island of Ireland post-Brexit while safeguarding the rules of the EU single market. Under the new withdrawal agreement, following the end of the 11-month transition period in December 2020, Northern Ireland is to remain legally in the UK customs territory but is to maintain regulatory alignment with the EU. In effect, this arrangement keeps Northern Ireland for all practical purposes in the EU customs union, thus eliminating the need for regulatory checks on trade in goods between Northern Ireland and the Republic of Ireland but essentially creating a customs border in the Irish Sea. Any physical checks necessary to ensure customs compliance are to be conducted at ports or points of entry away from the Northern Ireland-Ireland land border, with no checks or infrastructure at this border. At the end of the transition period, the entire UK, including Northern Ireland, will leave the EU customs union and conduct its own national trade policy.⁴⁵

The DUP strongly opposed these “Northern Ireland-only” arrangements, contending the effective customs border in the Irish Sea will divide Northern Ireland from the rest of the UK and threaten the UK’s constitutional integrity. In light of the large majority won by Prime Minister Johnson’s Conservative Party in the December 2019 UK parliamentary elections, however, the DUP lost political influence and was unable to block approval of the renegotiated withdrawal agreement. Both the UK and the EU subsequently ratified the withdrawal agreement, thus enabling the UK to end its 47-year membership in the EU.

With the UK-EU withdrawal agreement in place, concerns have largely receded about a hard border developing on the island of Ireland. At the same time, EU and UK negotiators still must flesh out many of the details related to how the post-Brexit regulatory and customs arrangements for Northern Ireland will work in practice, including where and how customs checks will take place. In accordance with the terms of the withdrawal agreement, a Joint Committee of UK and EU officials is to decide such issues during the transition period. Implementation is likely to remain a work in progress.⁴⁶

Uncertainty also persists about what the overall UK-EU relationship—including with respect to trade—will look like post-Brexit and whether the two sides can reach an agreement by the end of the transition period. However, the provisions related to the Northern Ireland land border are not expected to change pending the outcome of negotiations on the future UK-EU relationship. Prolongation of the post-Brexit arrangements to keep Northern Ireland aligned with EU regulatory and customs rules will be subject to the consent of the Northern Ireland Assembly in 2024. Should the Assembly fail to renew these arrangements (an unlikely scenario, given that pro-EU parties are expected to continue to hold a majority in the Assembly), the UK and the EU would need to agree on a new set of provisions to keep the border open.⁴⁷

⁴⁴ John Campbell, “Brexit: Does the Irish Peace Accord Rule Out a Hard Border?,” BBC News, January 30, 2019; Tom McTague, “Brexit’s Ulster Problem,” *Politico*, June 12, 2019.

⁴⁵ Department for Exiting the European Union, *New Withdrawal Agreement and Political Declaration*, October 19, 2019, at <https://www.gov.uk/government/publications/new-withdrawal-agreement-and-political-declaration>.

⁴⁶ George Parker, “Boris Johnson’s Vow to Implement Brexit Deal by December 2020 in Doubt,” *Financial Times*, December 9, 2019.

⁴⁷ Lisa O’Carroll, “How Is Boris Johnson’s Brexit Deal Different from Theresa May’s?,” *Guardian*, October 17, 2019; Amanda Ferguson, “N. Ireland’s DUP Says It Can’t Support Johnson’s Brexit Deal,” Reuters, October 17, 2019.

Many analysts assert that Brexit has further exacerbated political and societal divisions in Northern Ireland. As noted previously, the DUP was the only main political party in Northern Ireland to support Brexit, but it opposed the Northern Ireland provisions in the renegotiated withdrawal agreement because it viewed them as treating Northern Ireland differently from the rest of the UK and undermining the union. Amid ongoing demographic, societal, and economic changes in Northern Ireland that predate Brexit, some in the unionist community perceive a loss in unionist traditions and dominance in Northern Ireland. Some experts suggest the new post-Brexit border and customs arrangements for Northern Ireland could enhance this sense of unionist disenfranchisement, especially if Northern Ireland is drawn closer to the Republic of Ireland's economic orbit post-Brexit. Such unionist unease in turn could intensify frictions and political instability in Northern Ireland; observers also worry that heightened unionist frustration could prompt a resurgence in loyalist violence post-Brexit.⁴⁸

Economic Concerns

Some experts contend that Brexit could have serious negative economic consequences for Northern Ireland. According to a UK parliamentary report, Northern Ireland depends more on the EU market (and especially that of Ireland) for its exports than does the rest of the UK.⁴⁹ In 2017, approximately 57% of Northern Ireland's exports went to the EU, including 38% to Ireland, which was Northern Ireland's top single export and import partner.⁵⁰ Many manufacturers in Northern Ireland and Ireland also depend on integrated supply chains north and south of the border; raw materials in products such as milk, cheese, butter, and alcoholic drinks often cross the border between Northern Ireland and Ireland several times for processing and packaging.⁵¹

Trade with Ireland is especially important for small- and medium-sized companies in Northern Ireland. Although sales in 2017 to other parts of the UK (£11.3 billion, or about \$14.8 billion) surpassed the value of all Northern Ireland exports (£10.1 billion, or about \$13.2 billion) and were nearly three times the value of exports to Ireland (£3.9 billion, or about \$5.1 billion), small- and medium-sized companies in Northern Ireland were responsible for the vast majority of the region's exports to Ireland. Large- and medium-sized Northern Ireland firms dominated in sales to the rest of the UK.⁵² UK and DUP leaders maintain that given the value of exports, the rest of the UK is overall more important economically to Northern Ireland than the EU.

The DUP and others in Northern Ireland suggest the renegotiated withdrawal agreement could be detrimental to the economy. A UK government risk assessment released in October 2019 acknowledged that the lack of clarity about how the customs arrangements for Northern Ireland will operate in practice and possible regulatory divergence between Northern Ireland and the rest of the UK could lead to reduced business investment, consumer spending, and trade in Northern Ireland.⁵³ The DUP also highlights the potential negative profit implications for Northern Ireland businesses engaged in trade with the rest of the UK. Northern Ireland firms that export goods to

⁴⁸ Ceylan Yeginsu, "In Northern Ireland, Brexit Deal Is Seen as Betrayal," *New York Times*, October 24, 2019; Dieter Reinisch, "After Brexit, Will Northern Ireland Return to Violence?," *Washington Post*, December 5, 2019.

⁴⁹ Report of the UK House of Lords European Union Committee, *Brexit: UK-Irish Relations*, December 2016.

⁵⁰ Northern Ireland Statistics and Research Agency, *Overview of Northern Ireland Trade*, June 19, 2019.

⁵¹ Simon Marks, "Brexit Is (Maybe) the Ruin of Irish Whiskey," *Politico*, March 3, 2017.

⁵² Northern Ireland Statistics and Research Agency, *Overview of Northern Ireland Trade*, June 19, 2019.

⁵³ The UK government risk assessment also contained caveats with respect to its findings due to certain data limitations. John Campbell, "Brexit Deal Could Reduce Spending, Investment, and Trade in NI," BBC News, October 22, 2019.

elsewhere in the UK would be required under EU customs rules to make exit declarations, which likely would increase costs and administrative burdens.⁵⁴

Brexit could have other economic ramifications for Northern Ireland, as well. Some experts argue that access to the EU single market was one reason for Northern Ireland's success in attracting foreign direct investment since the end of the Troubles, and they express concern that Brexit could deter future investment. Post-Brexit, Northern Ireland will lose EU regional funding (roughly \$1.3 billion between 2014 and 2020) and agricultural aid (direct EU farm subsidies to Northern Ireland are nearly \$375 million annually).⁵⁵

UK officials maintain that the government is determined to safeguard Northern Ireland's interests and "make a success of Brexit" for Northern Ireland.⁵⁶ They insist that Brexit offers new economic opportunities for Northern Ireland outside the EU. Supporters of the renegotiated withdrawal agreement argue that it will help improve Northern Ireland's economic prospects. Northern Ireland will remain part of the UK customs union and thus will be able to participate in future UK trade deals, but it also will retain privileged access to the EU single market, which may make it a more attractive destination for foreign direct investment.⁵⁷

Constitutional Status and Border Poll Prospects

Brexit has revived questions about Northern Ireland's constitutional status. Sinn Féin argues that "Brexit changes everything" and could generate greater support for a united Ireland.⁵⁸ Since the 2016 Brexit referendum, Sinn Féin has repeatedly called for a *border poll* (a referendum on whether Northern Ireland should remain part of the UK or join the Republic of Ireland) in the hopes of realizing its long-term goal of Irish unification. As noted previously, the Good Friday Agreement provides for the possibility of a border poll in Northern Ireland, in line with the consent principle.

Any decision to hold a border poll in Northern Ireland on its constitutional status rests with the UK Secretary of State for Northern Ireland. In accordance with the Good Friday Agreement, the UK Secretary of State for Northern Ireland must call a border poll if it "appears likely" that "a majority of those voting would express a wish that Northern Ireland should cease to be part of the United Kingdom and form part of a united Ireland."⁵⁹ At present, experts believe the conditions required to hold a border poll in Northern Ireland do not exist. Most opinion polls indicate that a majority of people in Northern Ireland continue to support the region's position as part of the UK.⁶⁰

At the same time, some surveys suggest that views on Northern Ireland's status may be shifting and that a "damaging Brexit" in particular could increase support for a united Ireland. A September 2019 survey found that 46% of those polled in Northern Ireland favored unification with Ireland, versus 45% who preferred remaining part of the UK.⁶¹ Analysts note that Northern

⁵⁴ Jayne McCormack, "Brexit Deal: NI Firms Must Declare Goods Heading to Rest of the UK," BBC News, October 22, 2019; John Campbell, "What Would No-Trade-Deal Mean for NI?," BBC News, December 18, 2019.

⁵⁵ *Brexit: Impact Across Policy Areas*, UK House of Commons Library, August 26, 2016.

⁵⁶ Stephen Walker, "Brexit: Northern Ireland Can Be Success Outside EU," BBC News, October 4, 2016.

⁵⁷ Campbell, "Brexit Deal Could Reduce Spending, Investment, and Trade in NI," Op. cit.

⁵⁸ Sinn Féin Discussion Document, *Towards a United Ireland*, November 2016.

⁵⁹ UK Government, Northern Ireland Act 1998.

⁶⁰ Stephen Collins, "UK Election Shows a Border Poll Is Not a Priority," *Irish Times*, December 20, 2019.

⁶¹ Jonathan Bell, "Brexit Impact on Northern Ireland Could Sway Border Poll Result," *Belfast Telegraph*, October 25,

Ireland's changing demographics (in which the Catholic, largely Irish-identifying population is growing while the Protestant, British-identifying population is declining)—combined with the post-Brexit arrangements for Northern Ireland that could lead to enhanced economic ties with the Republic of Ireland—could boost support for a united Ireland in the long term.⁶²

Irish unification also would be subject to Ireland's consent and approval. Some question the current extent of public and political support in the Republic of Ireland for unification, given potential economic costs and concerns that unification could spark renewed loyalist violence in Northern Ireland. According to Irish Prime Minister Leo Varadkar, a border poll in Northern Ireland in the near future would be divisive amid an already contentious Brexit process.⁶³

In Ireland's February 8, 2020, parliamentary election, however, Sinn Féin (which also has a political presence in the Republic of Ireland) secured the largest percentage of the vote for the first time in Ireland's history, surpassing both Varadkar's Fine Gael party and the main opposition party, Fianna Fáil. Although Sinn Féin's election platform included a pledge to begin examining and preparing for Irish unification, the party appeared to benefit mostly from the Irish electorate's desire for domestic political change and concerns about housing, health care, and economic policy, rather than from its stance on a united Ireland. Nevertheless, some commentators suggest that Sinn Féin's electoral success could add momentum to calls for a united Ireland.⁶⁴

U.S. Policy and Congressional Interests

Support for the Peace Process

Successive U.S. Administrations have viewed the Good Friday Agreement as the best framework for a lasting peace in Northern Ireland. The Clinton Administration was instrumental in helping the parties forge the agreement, and the George W. Bush Administration strongly backed its full implementation. U.S. officials welcomed the end to the IRA's armed campaign in 2005 and the restoration of the devolved government in 2007.

The Obama Administration remained engaged in the peace process. In October 2009, then-U.S. Secretary of State Hillary Clinton visited Northern Ireland, addressed the Assembly, and urged Northern Ireland's leaders to reach an agreement on devolving policing and justice powers. In February 2010, President Obama welcomed the resulting Hillsborough Agreement. In June 2013, President Obama visited Northern Ireland and noted that the United States would always "stand by" Northern Ireland.⁶⁵ The Obama Administration welcomed the conclusion of both the December 2014 Stormont House Agreement and the November 2015 Fresh Start Agreement.

Like its predecessors, the Trump Administration has offered support and encouragement to Northern Ireland. In March 2017, Vice President Mike Pence noted that, "the advance of peace and prosperity in Northern Ireland is one of the great success stories of the past 20 years."⁶⁶ In

2017; "Slight Majority for Unification in Northern Ireland – Poll," *Irish Times*, September 11, 2019.

⁶² Tony Barber, "Brexit Raises the Spectre of the UK's Break-Up," *Financial Times*, October 22, 2019.

⁶³ Naomi O'Leary, "In Brexit Talks, Belfast Loyalists See Risk of Return to Violence," *Politico*, September 23, 2019; Pat Leahy and Vivienne Clark, "UK Election: Varadkar Warns Against Move Towards United Ireland," *Irish Times*, December 13, 2019.

⁶⁴ Naomi O'Leary, "Sinn Féin Surge Makes Irish Political History," *Politico*, February 9, 2020.

⁶⁵ As quoted in, "G8 Summit: U.S. Will Stand by Northern Ireland, Says Obama," BBC News, June 17, 2013.

⁶⁶ Remarks by the Vice President to the American Ireland Fund National Gala, March 15, 2017.

November 2017, a U.S. State Department spokesperson expressed regret at the impasse in discussions to restore Northern Ireland's power-sharing institutions and asserted that the United States remained "ready to support efforts that ensure full implementation of the Good Friday Agreement and subsequent follow-on cross-party agreements."⁶⁷ On March 6, 2020, President Trump appointed his former acting Chief of Staff Mick Mulvaney as U.S. special envoy to Northern Ireland; leaders in Northern Ireland and Ireland welcomed Mulvaney's appointment.⁶⁸

Many Members of Congress have actively supported the Northern Ireland peace process for decades. Over the last several years, congressional hearings have focused on the implementation of the Good Friday Agreement, policing reforms, and human rights in Northern Ireland. Some Members have been interested in the status of public inquiries into several past murders in Northern Ireland in which collusion between the security forces and paramilitary groups is suspected—including the 1989 slaying of Belfast attorney Patrick Finucane and the 1997 killing of Raymond McCord, Jr.⁶⁹ Some Members also urged the Trump Administration to name a special envoy for Northern Ireland to signal continued U.S. commitment to the region.⁷⁰

On the economic front, the United States is a key trading partner and an important source of investment for Northern Ireland. According to statistics from the Northern Ireland Executive, in 2017, exports to the United States accounted for 17% of total Northern Ireland exports, and imports from the United States accounted for 10% of total Northern Ireland imports. Foreign direct investment by U.S.-based companies totaled £1.8 billion (about \$2.5 billion) between 2008 and 2018.⁷¹ Between 2009 and 2011, a special U.S. economic envoy to Northern Ireland worked to further economic ties between the United States and Northern Ireland and to underpin the peace process by promoting economic prosperity.

Views on Brexit

Since 2016, President Trump has repeatedly expressed his support for Brexit.⁷² The Trump Administration also backs a future U.S.-UK free trade agreement post-Brexit. In a September 2019 visit to Ireland, Vice President Pence reiterated the Administration's support for Brexit but asserted that the United States recognizes the "unique challenges" posed by the Irish border and "will continue to encourage the United Kingdom and Ireland to ensure that any Brexit respects the Good Friday Agreement."⁷³ At the same time, Vice President Pence urged Ireland and the EU to reach a Brexit withdrawal agreement that "respects the United Kingdom's sovereignty," which

⁶⁷ U.S. Department of State, Office of the Spokesperson, "Statement on Northern Ireland Power-Sharing Talks," November 1, 2017.

⁶⁸ "Appointment of Mick Mulvaney as US Special Envoy to NI Welcomed," *Irish Times*, March 7, 2020.

⁶⁹ See, for example, House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, and Subcommittee on Europe, Eurasia, and Emerging Threats, "The Northern Ireland Peace Process Today: Attempting to Deal with the Past," 113th Congress, March 11, 2014; Commission on Security and Cooperation in Europe, "Northern Ireland: Stormont, Collusion, and the Finucane Inquiry," 114th Congress, March 18, 2015; Commission on Security and Cooperation in Europe, "The Good Friday Agreement at 20," 115th Congress, March 22, 2018.

⁷⁰ "Donald Trump Urged to Appoint NI Special Envoy," BBC News, February 22, 2018.

⁷¹ Northern Ireland Department for the Economy, *Trade in Goods Data Analysis Northern Ireland – USA (2015-2017)*, June 2018; Northern Ireland Department for the Economy, *Northern Ireland Trade and Investment Patterns*, October 2, 2018.

⁷² Sam Levin, "Donald Trump Backs Brexit, Saying UK Would Be 'Better Off' Without EU," *The Guardian*, May 5, 2016; Justin Wise, "Trump Says He Supports UK Leaving EU Without a Brexit Deal," *The Hill*, June 2, 2019.

⁷³ Remarks by Vice President Pence and Taoiseach Varadkar of Ireland in Joint Press Statement, September 3, 2019.

many Irish commentators viewed as indicating a limited understanding of Brexit's potential implications for both Northern Ireland and Ireland.⁷⁴

Some Members of Congress have demonstrated an interest in how Brexit might affect Northern Ireland and expressed continued support for the Good Friday Agreement. Although many Members back a future U.S.-UK free trade agreement post-Brexit, some Members also have tied their support to protecting the Northern Ireland peace process. In April 2019, House Speaker Nancy Pelosi said there would be “no chance whatsoever” for a U.S.-UK trade agreement if Brexit were to weaken the Northern Ireland peace process.⁷⁵ On October 22, 2019, the House Foreign Affairs Committee's Subcommittee on Europe, Eurasia, Energy, and the Environment held a hearing titled “Protecting the Good Friday Agreement from Brexit.” On December 3, 2020, the House passed H.Res. 585, reaffirming support for the Good Friday Agreement in light of Brexit and asserting that any future U.S.-UK trade agreement and other U.S.-UK bilateral agreements must include conditions to uphold the peace accord. Other Members of Congress have not directly tied their support for a bilateral U.S.-UK free trade agreement to protecting Northern Ireland post-Brexit.⁷⁶

International Fund for Ireland

The United States has provided development aid to Northern Ireland primarily through the International Fund for Ireland (IFI), which was created in 1986. The UK and Irish governments established the IFI based on objectives in the Anglo-Irish Agreement of 1985, but the IFI is an independent entity. It supports economic regeneration and social development projects in areas most affected by the conflict in Northern Ireland and in the border areas of the Republic of Ireland; in doing so, the IFI has sought to foster dialogue and reconciliation. The United States has contributed more than \$540 million since the IFI's establishment, roughly half of total IFI funding. The EU, Canada, Australia, and New Zealand have provided funding for the IFI as well. In the 1980s and 1990s, U.S. appropriations for the IFI averaged around \$23 million annually; in the 2000s, U.S. appropriations averaged \$18 million each year.⁷⁷

According to the IFI, the vast majority of projects it has supported with seed funding have been located in disadvantaged areas that have suffered from high unemployment, a lack of facilities, and little private sector investment. In its first two decades, IFI projects in Northern Ireland and the southern border counties focused on economic and business development and sectors such as tourism, agriculture, and technology. In 2006, the IFI announced it would begin shifting its focus toward projects aimed at promoting community reconciliation and overcoming past divisions.

Successive U.S. Administrations and many Members of Congress have backed the IFI as a means to promote economic development and encourage divided communities to work together. Support for paramilitary and dissident groups in Northern Ireland traditionally has been strongest in communities with high levels of unemployment and economic deprivation. Thus, many observers have long viewed the creation of jobs and economic opportunity as a key part of resolving the conflict in Northern Ireland and have supported the IFI as part of the peace process.

⁷⁴ Suzanne Lynch, “Pence's Brexit Backing Catches Dublin Unawares,” *Irish Times*, September 3, 2019; Edward Helmore, “Mike Pence Accused of Humiliating Hosts in Ireland,” *The Guardian*, September 5, 2019.

⁷⁵ Simon Carswell, “Pelosi Warns No US-UK Trade Deal if Belfast Agreement Weakened by Brexit,” *Irish Times*, April 15, 2019.

⁷⁶ Senator Chuck Grassley, *Grassley Joins Colleagues in Letter Pledging to Back Britain After Brexit*, August 6, 2019.

⁷⁷ The Anglo-Irish Agreement Support Act of 1986 (P.L. 99-415) authorizes U.S. contributions to the International Fund for Ireland.

Many U.S. officials and Members of Congress also encouraged the IFI to place greater focus on reconciliation activities and were pleased with the IFI's decision to do so in 2006. At the same time, some critics have questioned the IFI's effectiveness, viewing certain IFI projects as largely wasteful and unlikely to bridge community divides in any significant way.

In FY2011, amid the U.S. economic and budget crisis, some Members of Congress began to call for an end to U.S. funding for the IFI as part of a raft of budget-cutting measures. Some Members asserted that U.S. contributions to the IFI were no longer necessary given Ireland and Northern Ireland's improved political and economic situation (relative to what it was in the 1980s). In the final FY2011 continuing budget resolution (P.L. 112-10), Congress did not specify an allocation for the IFI (and has not done so in successive fiscal years).

Since FY2011, however, the Obama and Trump Administrations have continued to allocate funds from Economic Support Fund (ESF) resources to the IFI in the form of a grant for specific IFI activities to support peace and reconciliation programs. The Obama Administration provided \$2.5 million per year between FY2011 and FY2014 and \$750,000 per year in FY2015 and FY2016 from ESF funding. The Trump Administration provided \$750,000 per year from ESF funding to the IFI in FY2017 and FY2018.⁷⁸

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⁷⁸ U.S. Consulate General Belfast, "Background Paper: International Fund for Ireland," September 2018, at <https://uk.usembassy.gov/embassy-consulates/belfast/northern-ireland-policy-statements>.

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