

# *A Thesis of the Northern Ireland Border Issue after Britain's Departure from the European Union*

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**Abstract:** It took the United Kingdom four years from the EU referendum in 2016 to formally leave the EU in 2020 before it finally left the EU. This process is quite complicated, during which the British and European sides went through a number of negotiations before reaching an agreement to leave the European Union, but the agreement was rejected three times in the British Parliament, mainly because of dissatisfaction with the "guarantee" clause on the Northern Ireland border, and it was only after the two sides negotiated and reached the Northern Ireland Protocol that the obstacles were finally removed for the completion of Britain's exit from the European Union. In other words, without the Northern Ireland border "guarantee" clause, the obstacles to Britain's exit from the EU would have been removed. In other words, without the drag of the Northern Ireland border issue, the process of Britain's exit from the European Union would not have been so tortuous. This paper starts from the perspective of border studies and tries to find the answer to the Anglo-European relationship from the historical evolution of the Northern Ireland border issue.

## **1. Introduction**

In a referendum on June 23, 2016, 51.9% of British voters voted in favor of leaving the European Union, but it was not until January 31, 2020 that the United Kingdom officially left the EU. Negotiations between the UK and the EU have not progressed smoothly, and have lasted for four years, focusing on three areas: the "break-up fee" between the UK and the EU, the Northern Ireland border, and the rights of EU citizens in the UK. Among them, the Northern Ireland border negotiation between Ireland and the United Kingdom is the main reason why "Brexit" has turned into "dragging the European Union". The core of the crux of the problem is that the Northern Ireland border is the internal border of the EU before the UK leaves the EU, but after the UK proposes to leave the EU, it will become the external border of the EU, i.e., the only land border between the UK and the EU, which means that the border in Northern Ireland will face "hardening" again. From the EU's point of view, in order to secure its single market and customs union, it needs to establish customs and checkpoints at borders with "third countries". For the United Kingdom, "taking back control" means introducing a secure "hard" border for the United Kingdom of Great Britain and Northern Ireland, or at least Great Britain. The answer to the question of why the Northern Ireland border issue has become a Brexit sticking point must be found in the signs of the historical development of the Northern Ireland border. It is only by understanding the specificity of

the Northern Ireland border, the impact of the EU on its transformation, and the transition from hard to soft borders in the process of integration, that the challenges posed by Brexit to the border, both practically and symbolically, can be more clearly understood.

Borders are transitional spaces between cultures, societies and states. Borders are often understood as static territorial lines and buffer zones, however, this simplistic understanding of borders is not desirable. Borderlands can also be fluid and ambiguous spaces, shaped by processes of economic and political integration or changing geopolitical dividing lines. In today's world, globalization, integration and new forms of transnational exchange have transformed the complex interrelationships between states, societies, spaces and borders. However, under the impact of the 2015 European refugee crisis, European states have rekindled their interest in border control, and "taking back control" has even become a political slogan for Britain's exit from the European Union. It can be seen that there is a link between the right to control the border and the UK's departure from the European Union, and because of this, the Northern Ireland border issue has become a key factor affecting the UK's departure from the European Union. The Northern Ireland border has lasted for a century. 1921 the British government reached an agreement with representatives of the Irish rebel leaders in London and signed the Anglo-Irish Treaty, which divided the island of Ireland into two parts, north and south. Once the demarcation of the North-South border was finalized, the physical infrastructure of the border area began to be built. The border became more and more entrenched as a result of the long-standing antagonism and hostility between the north and the south of the island, and the conflict in the border area never ceased.<sup>[1]</sup>

Britain's choice to leave the European Union is a reborderization in the traditional territorial and socially constructed sense. Constructed borders are not visible compared to the boundary lines on maps, but their effects are often more profound and more divisive to society. This paper analyzes the multifaceted impacts of the shifting borders of Northern Ireland, which side-steps the complexity of the impacts of Britain's departure from the European Union.

## **2. The Multiple Impacts of the Northern Ireland Border Issue**

### **2.1 Implications for the United Kingdom**

Much has changed since the day of the Brexit referendum, as it did since 1975 when Britain joined the European Union. The urgent political desire to 'take back control' has led to a simplification of Britain's difficulties as an invasion by outsiders, and the most straightforward way to deal with this is to take back control of its own borders, preventing the free movement of people. The over-emphasis on sovereignty contrasted with the lack of awareness of the Northern Ireland border issue, which did not receive much attention even in the early stages of the Brexit negotiations, but when other issues were going well, the importance of the Northern Ireland border issue became more and more prominent, and it eventually became a stumbling block that made it difficult to reach an agreement within the UK, as well as between the UK and Europe. From the holding of the referendum to the difficult negotiations between Britain and Europe, and then to the smooth departure of Britain from the European Union and even to the post-Brexit period of the whole process, can be seen in the figure of the Northern Ireland border issue, which is affected by the departure of the European Union also affect the direction of the development of the departure of the European Union.

The political positions of the two opposing communities around the option of a Northern Ireland border arrangement in the Brexit negotiations are represented by the corresponding parties, Sinn Féin and the Democratic Unionist Party (DUP). Sinn Féin, the party of Catholic nationalists, has in the past advocated the use of force to promote Irish unity, but has gradually shifted from violent to political means under the institutionalization of power-sharing. It has advocated "special treatment"

for Northern Ireland in the context of Britain's exit from the European Union and the arrangements for the North Irish border. The Democratic Unionist Party (DUP), which has been the largest political party in Northern Ireland since 2003, is a major pro-British and pro-Brexit force. Its opposition to a special arrangement for Northern Ireland and to the "guarantee" agreement in the Brexit deal, which it sees as undermining the UK's constitutional integrity, has had a direct impact on the Brexit process. The party has conditioned its support for the Conservative Party on making it difficult for Prime Minister May to compromise with the EU on the Northern Ireland border issue.

In addition to exacerbating party rivalries and political polarization, the resurgence of the border issue in Northern Ireland has disrupted British territorial politics and undermined devolution in Northern Ireland, as Brexit went directly against the wishes of the electorate in the devolved institutions. After the signing and entry into force of the Belfast Agreement, local councils were established in Northern Ireland, and accordingly some governance powers were transferred to the local level, with nationalists sharing power with unitarians. But during the Brexit process, the two factions have never been able to form a unified position on the arrangements for the border, and even induced the collapse of Northern Ireland's devolved institutions in January 2017, which forced the UK to impose de facto direct jurisdiction over Northern Ireland. One side wants to keep the border and the other wants to remove it, but in the absence of a functioning Northern Ireland Assembly, Northern Ireland has been deprived of a forum for discussing Brexit among the political parties.

In conclusion, Brexit has brought new changes to Northern Ireland, and at the same time, the border issue has affected the Brexit process from the beginning to the end, and it has been present throughout the Brexit referendum, Brexit negotiations, and the formation of the agreement, and it will be an intractable problem even after the success of Brexit, and it affects the domestic situation of the UK in many ways from the aspects of communal relations, territorial sovereignty, decentralization, party politics, etc. It influences the progress of Brexit and has a negative impact on the UK-Irish bilateral relations as well as UK-Irish-European relations.

## 2.2 Impact on Anglo-Irish relations

The Northern Ireland border is a disputed border, which is related to the territorial sovereignty of the Northern Ireland region, and has always stood between Britain and Ireland. Under the influence of European integration and the peace process, especially after the signing of the Belfast Agreement and the establishment of the North-South institutions, the importance of the border has been declining, the sovereignty dispute over the border has been put aside, and the corresponding cross-border cooperation has been developing rapidly. The key to the success of the stabilization of the situation in Northern Ireland following the Belfast Agreement has been the resolution of the sovereignty dispute over Northern Ireland, the core of the conflict. Unitarians favored British ownership of Northern Ireland, while nationalists favored the Republic of Ireland. The Belfast Agreement made multiple identities possible through "constructive ambiguity", whereby Northern Irish citizens could identify themselves as British, Irish or both. It institutionalized North-South cooperation through the creation of North-South institutions to address issues of common concern on an island-wide and cross-border basis, a stable state of affairs that is conducive to stability.<sup>[2]</sup>

Following the referendum in the UK, the maintenance of an open border in Northern Ireland and peace on the island of Ireland has become a priority on the political agenda of the Republic of Ireland. In the long term, the decision to draw the post-Brexit North Irish border in the Irish Sea is a cloud floating over the heads of unificationists; it will deepen the differentiation from the rest of the UK, it will weaken the North Irish population's national identity with the UK and their own identity as British citizens, and it will contribute to the established tendency for divisiveness and secession

in the region and the promotion of Irish unity. Both Ireland and the EU also perceive this, but given the short period of time, Ireland realizes that the instability it faces as a result of Brexit is extremely high, and that this is not the right time to have a debate on a united Ireland.

In addition to this, the border is not set in stone once it is drawn in the Irish Sea, and with this comes the question of consent. The institutional design of the Belfast Agreement was universally recognized and maintained peace in Northern Ireland for almost 20 years. One of the core principles of the Agreement, the "principle of consent", was crucial. It makes it clear that the sovereignty of Northern Ireland depends on the will of the majority of the people of Northern Ireland: at present, the will of the majority of voters in Northern Ireland is to remain in the United Kingdom, and therefore the constitutional status of Northern Ireland as part of the United Kingdom cannot be changed without the consent of the majority of voters. However, if the public opinion changed in the future, the reunification of Ireland would be legitimate and would have to be endorsed by the British and Irish governments through the appropriate legislative process.

In so doing, all the core principles of the Belfast Agreement were undermined and the guarantees and underpinnings of peace on the island of Ireland were shaken. A range of political consequences, both foreseen and unforeseen, arising from the arrangements regarding the Northern Ireland border will have an impact on the stability of Anglo-Irish relations. Relations between the two neighbors will no longer be as easy to reconcile as they were before, as the two countries are on different trajectories,<sup>[3]</sup> one within the EU and the other outside. There are disputes and disagreements about how to maintain an open Northern Irish border. The respective British and Irish interpretations of the Northern Ireland border issue, the provisions for maintaining an open border on the island, and the differing views of the UK and Ireland on the exercise of the joint sovereignty clause contained in the Belfast Agreement have shaken the mutual trust that the two countries had previously built up.

### **2.3 Impact on Anglo-Irish-European relations**

The Northern Ireland border is in the sights of Britain, Ireland and Europe, and this is particularly evident at this late stage of the Brexit process, where it has become a central issue and a thorny dilemma for the UK's exit from the EU. Although the three parties agreed to avoid a hard border, the answer to the question of where the new border should be drawn was not agreed, an outcome that is of great importance to both Britain and Ireland.<sup>[4]</sup>

Given that the Republic of Ireland and Northern Ireland share a common land border, the border negotiations are very important to Ireland, but in the face of the United Kingdom as the object of negotiation, Ireland has been in an asymmetric position, so the Irish government has worked hard to fight for the issues relating to the island of Ireland to be placed on the EU negotiating agenda in an important position, and to combine their own interests with those of the EU. The EU's acceptance of Ireland's political action in relation to the Northern Ireland border and its understanding of Ireland's concerns, in addition to Ireland's active diplomacy, is also related to the EU's ongoing interest in the Northern Ireland border and the Northern Ireland peace process. The EU has long supported the Northern Ireland peace process and positively influenced the peace, and in May 2017, the Irish government published Negotiating Ireland's and the UK's exit from the EU: the Government's approach, which stated bluntly that "Ireland's interests would be best served by retaining full commitment to membership of the EU", arguing for Ireland to move from "being a member of the European Union" to "being a member of the European Union". It advocates for Ireland to negotiate from a position of "being part of the EU27 group".

So even though Ireland has often been influenced by the UK in the conduct of its international relations affairs, this British exit will instead strengthen Ireland's loyalty to the EU in a short period

of time. It is conceivable that an Irish exit from the EU would only expose Ireland directly to the vagaries of British politics, creating a new asymmetrical relationship with a larger and more powerful neighbor.<sup>[5]</sup>

Europeanization has always played a contextualizing role in the Northern Ireland peace process and the signing of the Belfast Agreement, and indeed in the nearly two decades of stability in Northern Ireland that followed. The acceptance of the idea of shared sovereignty within the framework of integration and the concept of the 'post-sovereign nation-state' in the handling of border issues,<sup>[6]</sup> as well as the temporary abandonment of the constitutional tradition of indivisibility of sovereignty, constituted important pillars of peace in Northern Ireland. However, following the UK's withdrawal from the EU, the border between Northern Ireland will change and the necessary border facilities will be put in place. Britain and Ireland lose their common membership, and the foundations that form the basis of cooperation between Ireland and Britain within the context of the British-Irish Council would change, a scenario in which nationalism in Northern Ireland appeals to a number of voters. Ireland, in turn, saw the promise of reunification and persuaded the EU to offer a declaration that Northern Ireland could automatically join the EU in the event of Irish reunification. It seems unlikely that the EU would have made such an implicitly pro-Irish reunification statement without Britain's exit from the EU and the return of the Northern Ireland border issue. 1 The re-triggering of the Northern Ireland border issue demonstrates that the resolution of the issue of disputed sovereignty between Northern Ireland and Ireland has not been resolved once and for all by integration, and that there are limits to the practice of the EU model, which reverts to realpolitik when it comes to territorial sovereignty. And Northern Ireland has its own uniqueness, its practice on the border issue is not universal.<sup>[7]</sup>

The special treatment of Northern Ireland was the result of a compromise between the UK and Europe, whereby the EU had to accept that non-member state regions enjoyed freedom of movement in the EU, and the UK had to accept the status quo where goods entering Northern Ireland from the UK mainland would be subject to relevant EU regulations.<sup>[8]</sup> But even with this outcome, the Northern Ireland border issue has affected the movement of people and goods and has been an impediment to the development of trade, which is particularly evident in the area of food supply. When some goods from the UK mainland enter Northern Ireland, they are subject to stringent checks, as entry into Northern Ireland also means that they may flow into the EU national sphere, and the EU is very demanding when it comes to food. For example, when a truck carrying mainly food enters Northern Ireland, it will need to stop and be inspected to prove that the food quality and safety is up to standard, which can delay deliveries, increase the cost of time and the cost of setting up facilities for specialized inspections. A supermarket truck may contain tens of thousands of products, many of which are food products, and therefore require the most stringent inspections and controls, directly leading to increased transaction costs, such as those incurred in certifying proof of quality and safety compliance. Given that most supermarket trucks contain products of this nature, they are more likely to be required to stop for inspection, which requires specialized facilities, and delivery time and costs are added to the inspection process. These added costs, which in turn need to be borne by retailers, have caused dissatisfaction and have led to a request to the government to reduce the number of border checks.

On January 13, 2022, the UK and EU decided to resume negotiations on the Northern Ireland Protocol. Elizabeth Truss, the British Foreign Secretary, acted as the UK's chief negotiator with Maros Sefcovic, Vice-President of the European Commission. Truss said she would propose "practical, sensible solutions", but also needed the EU to show good faith. The negotiations ahead are bound to be long and difficult and will require patience on both sides. According to the results of the May 7, 2022 election in Northern Ireland, Sinn Fein won and became the largest party in the Assembly,<sup>[9]</sup> which was cheered by nationalists, but British public opinion was particularly worried.

The election results directly enhanced the UK's sense of urgency and determination to amend the Northern Ireland Protocol, as the nationalists' victory would reduce the UK's control over Northern Ireland in the future, and even lead to an earlier "Brexit" agenda, which the UK did not want to see. May 17, the British foreign secretary announced a plan to amend the "Northern Ireland Protocol", officially submitted to the parliament on June 13, this unilateral insistence on amending the protocol behavior directly caused by the European Union's opposition, so the two sides have reached an impasse. A better alternative has yet to be negotiated, so even if the two sides agree to negotiate, they will not be able to avoid exacerbating the tense political party relations in Northern Ireland and creating great legal uncertainty in the region.

Northern Ireland border from nothing, from hard to soft, and then leave the European Union once caused people to re-hardening of the border of the panic, although the final arrangement is the Irish Sea border, to avoid the emergence of a hard border, but the debate on the unity of Ireland has been evoked, the future of the island of Ireland north and south of whether to achieve unity resulting in the absence of a border needs to be longer to give the answer.<sup>[9]</sup>

### 3. Conclusion

Borders are not predetermined, but are a dynamic process of practice. After British colonization and the partition of the North and South, and the completion of Ireland's national independence, the Northern Ireland border existed in the form of an international border. This ancient border has always been between Britain and Ireland, and is a historical legacy that has not yet been fully resolved in Europe. Its development process has taken many twists and turns, from nothing to something, from hard to soft, and the Northern Ireland border issue has also had its ups and downs in the process, from intense to depressed to the resurgence of the present day. Looking back at the whole process of Brexit, it is obvious that the protracted controversy over the Northern Ireland border issue has triggered a territorial dispute on the island of Ireland, rekindled the issue of identity choice of the Northern Ireland community, affected the development of the UK's community relations, territorial sovereignty, decentralization, party politics, etc., and brought about a turbulence and impact on the political relationship between Britain and Ireland as well as on the management of the border.

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