

For Northern Ireland, Brexit borders are more about identity than markets

Blog post by Adviser Denzil Davidson, 5 February 2021

The great Irish-American politician Tip O’Neill was famous for pointing out that all politics is local. But local politics doesn’t always stay local. The history of Northern Ireland is decades-long proof of that, and that proof is again being applied to the whole UK/EU relationship.

Two events have returned the Brexit deal’s impact on Northern Ireland to the headlines: the European Commission’s near use of the emergency article 16 of the Northern Ireland Protocol to prevent covid vaccines going from Ireland to Northern Ireland, and the withdrawal of staff checking agri-food products from the port of Larne after threats to their safety. Not only is Northern Ireland’s place in the UK/EU relationship at best unsettled but the part may unsettle the whole, despite the UK/EU agreement being barely a month old.

The European Commission’s general attitude to the disruptions to trade created by Brexit, and indeed most member states’ governments’, is that they are the natural consequence of the UK’s choice both to leave the EU and then to choose a distant relationship. In short: this is what you wanted; suck it up. It would not be wholly unfair for the UK to retort that it was the EU’s own choice to offer so little on non-tariff barriers and rules on repackaging. Such a retort, however, has not and will not change the EU’s perceptions of its own interests.

But in Northern Ireland trade is not just about economics and business adaption. It is about identity and belonging. Both the unionist and nationalist communities feel themselves part of a larger self: the United Kingdom and the Republic of Ireland, respectively. Trade barriers between Northern Ireland and either larger entity make a community feel cut off from part of themselves, in this case cut off without their consent. So, any kind of Brexit poses an existential problem for Northern Ireland.

It has been reasonably [pointed out](#) that, while the Northern Ireland protocol creates barriers to the goods trade between Britain and Northern Ireland, the manner of Brexit equally creates barriers to trade in services between Northern Ireland and Ireland. But tangible barriers matter more to people’s sense of belonging: it is hard to think of something more visceral than banning British soil from Ulster.

The UK and the EU agreed to avoid a hard border for goods between Northern Ireland and Ireland because it was recognised that it was a threat to nationalists’ sense of belonging and a threat to peace. A threat to peace broadly because it might jeopardise the nationalist community’s acceptance of current constitutional arrangements, and narrowly because it might encourage a small minority of extremists from that community to resort to violence. But although a sea border may be less visible than a land border, the Belfast/Good Friday Agreement requires a “parity of esteem” for the two communities, a parity unionists feel they have lost. It should not be a

complete surprise that this has led to a small minority of extremists from the unionist community to threaten violence.

Some hoped that the unionist community would simply accept the protocol and embrace its opportunity: it makes Northern Ireland the only place on earth with open access to the market in goods for both the whole UK and the EU. But three points always made this unlikely.

First, in terms of identity and belonging the opportunity is small compensation for trade barriers with Britain. It is not clear, while these barriers exist, what could banish the sense of injury they create.

Second, political incentives for political parties in Northern Ireland encourage unionists to keep this feeling of injury raw. Almost all its political parties compete for votes within a community, not between them. It is in the political interest for the DUP's rivals for unionist votes - the UUP and Traditional Ulster Voice (TUV) - to highlight that the protocol was imposed on Northern Ireland on the DUP's watch. The DUP had been chewing on the idea that they could swallow the notion of protocol as opportunity. They have for now [decided](#) that that will not work for them.

Third, the protocol's trade contents depend, broadly speaking, for their renewal on the Northern Ireland Assembly's consent every four years. This is a strong incentive for both communities' parties to drive up their vote share by making each election a binary choice, a potentially permanent rhythm of polarisation.

Recognising that the protocol created potential instabilities and could have wider consequences for trade, the UK and the EU agreed an emergency clause to allow temporary part suspensions in case of serious difficulties: article 16. A European Commission under acute pressure for a lack of vaccine provision did not legally trigger this article, but by almost doing so they have lowered the political bar for its use. The commission's proposed use has legitimised what they had tried to make nearly unthinkable. The unionist parties are now creating pressure, and are under pressure from their voters, for its deployment to alleviate trade barriers, while the British government is brandishing their new moral leverage.

The British government are clearly right to point out that there is a problem with the protocol's implementation, a problem set to worsen as the current grace periods for Britain to Northern Ireland trade, such as for chilled meat, pet documentation and commercial parcels, expire over the first half of this year.

But their authority is undermined by their inability to describe Northern Ireland's situation frankly and consistently. Its position has been that there is no border in the Irish Sea even as border control posts are erected in Northern Irish ports. This week the prime minister has said that there is a barrier, but that it must be removed, even though this is a barrier he negotiated, signed and voted for. The difficulty is that this behaviour does not signify a reliable negotiating partner, and unreliability does not encourage Dublin, Brussels or anywhere else to make an extra effort to find solutions. Even so, solutions must start with a recognition of reality. Michael Gove has rightly said that these are not "[teething problems](#)". They are indeed structural to the agreement.

A further worry must be that the expression of the unionist community's dissatisfaction with this agreement has been suppressed by the covid-19 lockdown. As it is lifted, the community's lack of

consent to the protocol may be demonstrated in ways that make the cost of its implementation significant. The potential consequences for stability in Northern Ireland are something everyone - London, Stormont, Dublin and Brussels - should want to avert.

But the consequences may not stop in Northern Ireland. The liberal use of article 16 is bound to have a read across into the whole UK/EU relationship, including but not confined to market access. If article 16's deployment effectively created a disorderly border for the EU's single market and customs union, which it has a legitimate interest in protecting, then Dublin could be faced with impossible choices on how it should be protected.

So, it is all parties' interests urgently to find solutions. The commission should recognise that a technocratic approach will not suffice: the consequences will go beyond simple supply chain adjustment. A Northern Ireland protocol is not much use if it does not protect peace and stability there and, perhaps, cannot be enforced. The British government should approach the problem in a manner that facilitates a solution. It will not have a persuasive effect in Brussels or Washington if it talks about the mere use of article 16 in a way that brings the beam of the Internal Market Bill's initial provisions to mind. Talking respectfully to the commission would help. Overpromising to domestic audiences only means an uglier problem down the line. The [substance](#) of their proposals are, after all, reasonable.

In the longer run, all parties should think hard about how arrangements can be made genuinely workable in Northern Ireland. If trust between the UK and the EU can be established, the commission might think hard about what measures are really vitally needed to protect the single market in light of Northern Irish realities. Unionist politicians should reflect on what kind of UK/EU relationship actually serves their own core interests.

Until then, we could all be in for a bumpy ride.

This blog is part of Global Counsel's Brexit coverage, from the nature and substance of the deal to the political and economic implications and opportunities in the post-deal environment. To see this content, please click [here](#).