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The British-Irish Relationship and the Centrality of the British-Irish Intergovernmental Conference¹

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ABSTRACT

The Brexit referendum precipitated an era of tension and distrust between the British and Irish governments. The argument in this article is that weaknesses in the implementation of Strand Three of the Belfast/Good Friday Agreement

¹ Read Responses to this paper in *Irish Studies in International Affairs: ARINS* 32 (2) (2021) by Rory Montgomery <https://doi.org/10.3318/isia.2021.32b.35> and Mary E. Daly <https://doi.org/10.3318/isia.2021.32b.36>.

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(hereafter ‘the Agreement’) exacerbated Brexit’s impact on the British-Irish relationship. This paper provides an overview of the three strands approach and the relationship since 1985 and then examines reasons for its deterioration in the face of Brexit. The failure of Strand Three of the Agreement—the British-Irish Intergovernmental Conference (hereafter the B-IIGC)—to be robustly implemented is identified as an underlying factor in current tensions. An enhanced and rigorous role for the B-IIGC is necessary to help facilitate stability.

INTRODUCTION

The visit of Queen Elizabeth II to Ireland in 2011, the first by a reigning British monarch since Irish independence, marked a high point in the British-Irish relationship. The visit was reciprocated when the president of Ireland Michael D. Higgins was hosted by the queen in Buckingham Palace. Cooperation seemed embedded. In 2012 then British prime minister, David Cameron and then taoiseach, Enda Kenny, met and issued a joint statement² emphasising the close economic and cultural relations between the two states that could thrive because of the success of the peace process in Northern Ireland. The governments pledged to hold annual bilateral meetings at prime ministerial and senior civil service level. In 2014, David Cameron said that relations were at ‘an all-time high’.³ Five years later, the Brexit referendum on 23 June 2016 precipitated a sharp deterioration in British-Irish intergovernmental relations that has not been arrested. Throughout 2017–20 Sinn Féin called for preparation for a referendum on Irish reunification and the DUP sought a hard Brexit, opposing any planning for a referendum.

The British-Irish intergovernmental relationship did little to de-escalate rhetoric in Northern Ireland. In fact, the opposite occurred: the British-Irish relationship was fractious.

This article provides an overview of the three strands approach and the relationship since 1985 and then examines reasons for its deterioration in the face of Brexit. The three strands approach refers to the late John Hume’s

² Merriionstreet.com, ‘Joint Statement: Taoiseach Enda Kenny and Prime Minister David Cameron’, 12 March 2012. Available at: <https://merriionstreet.ie/en/category-index/international/united-kingdom/joint-statement-taoiseach-enda-kenny-prime-minister-david-cameron.43275.shortcut.html> (accessed 26 May 2021).

³ BBC.com, ‘David Cameron: ‘All-time high for Anglo-Irish relations’, 3 March 2014. Available at: <https://www.bbc.com/news/uk-northern-ireland-26527087> (26 May 2021).

argument that resolving the conflict in Northern Ireland necessitates dealing with the totality of relations: relations within Northern Ireland, relations between Ireland and Northern Ireland and relations between the two islands and especially British-Irish governmental relations. The core argument here is that Brexit is not the sole or fundamental cause of a weak British-Irish relationship, but that it exposed that relationship's fragility. The failure of Strand Three of the Agreement—the British-Irish Intergovernmental Conference—to be robustly implemented is identified as an underlying factor in current tensions. An enhanced and rigorous role for the B-IIGC is necessary to help facilitate stability.

THE BRITISH-IRISH FRAMEWORK AND THE THREE STRANDS: 1985–2016

Until 1973 no British prime minister had visited Ireland since 1921.⁴ The conflict in Northern Ireland and the opportunities for communication offered by joint EC and then EU membership led to the evolution of a more cooperative relationship. The European model of institutionalised cooperation was central to the evolution of John Hume's strategy.⁵ European integration, especially cooperation between France and Germany, was admired by Hume as a model of post-war reconciliation and its dense institutional network was viewed as central to its success, particularly the European Council and the Council of Ministers.

Hume's emphasis on institutionalised relationships had an academic parallel in international relations theory. Rational institutionalism argues that states create international institutions because formalised cooperation serves their interests,⁶ and they endure because the cost of leaving exceeds the cost of remaining. They provide fuller information for governments, greater information sharing and compromise, lowering the transaction costs of bargaining and so enable enduring cooperation in a way that ad hoc meetings do not. They also enable policy learning,⁷ leading to more successful outcomes.

⁴ John O'Brennan, 'Requiem for a shared independent past: Brexit and the deterioration of in UK-Irish Relations', *Capital and Class* 5 (2019), 1–15.

⁵ Etain Tannam, 'The future of British-Irish relations', in F. Fabbrini (ed.), *The Withdrawal Agreement* (2020, Oxford), 254. Doi: 10.1093/oso/9780198848356.003.0012.

⁶ Robert Keohane and Joseph Nye, *Power and complex interdependence* (Princeton, NJ, 2001).

⁷ Ernst Haas, *When knowledge means power* (Berkley, 1990).

The 1985 Anglo-Irish Agreement typified the new approach by providing for an institutionalised Anglo-Irish Intergovernmental Council in the Anglo-Irish Agreement (AIA). The Council imitated in some ways the EU's European Council by comprising representatives of both governments that met every 6 months. However, it gave a consultative, not an executive role to Irish governments over areas of concern to the nationalist minority. The logic was that cooperation between the kin states of the communities in Northern Ireland, Ireland and the UK, was vital in reassuring the respective communities that their rights were protected. Institutionalised cooperation ensured that a balanced, joined up and firm approach would be adopted, providing a security umbrella that would enable conflict resolution over time. The Conference was opposed by the vast majority of unionists, who viewed it not as balanced, but as favouring nationalist preferences. However, for the first time the British government did not allow a unionist veto:⁸ the Agreement was an international treaty that could not be revoked except by mutual consent of the signatories.

From 1985 onwards senior British and Irish civil servants continued to meet regularly in what became known as the Maryfield Secretariat, just outside Belfast, and developed exceptional working and, in some instances, personal relationships.⁹ Many civil servants observed how, over time, problem-solving became a joint exercise.¹⁰ The late Dermot Nally, a key negotiator, observed how in the early stages of negotiating the AIA there were clearly opposing sides.¹¹ However, 'as negotiations continued, trust increased between both sides and gradually the Irish delegation ceased to advocate a purely Irish set of preferences on the bargaining table, but instead would take on board British approaches and vice versa'.¹² Both the conceptualisation of a problem and its solutions emerged organically from both governments and adversarial policy-making declined. An informal liaison group was also central in the 1990s, but it was preceded by the Anglo-Irish Conference. Although there were contentious issues,¹³ it was this approach that typified the negotiations that preceded the 1998 Agreement. Thus, British-Irish

⁸ Brendan O'Leary, *A treatise on Northern Ireland*, Vol 3 (Oxford, 2020).

⁹ Etain Tannam, 'Explaining the Good Friday Agreement: a learning process', *Government and Opposition* 36 (4) (2001), 493–518.

¹⁰ Etain Tannam, 'Explaining British-Irish cooperation', *Review of International Studies* 37 (2011), 1191–1204.

¹¹ Nally, cited in Tannam, 'Explaining British-Irish cooperation', 1204.

¹² Nally cited in Tannam, 'Explaining British-Irish cooperation', 1204.

¹³ Tannam, 'The future of British-Irish relations', 254.

institutionalised cooperation was argued by many to be central to the success of the peace process.¹⁴

Under the Good Friday Agreement, the three strands approach ensured a highly institutionalised framework. Strand One provided for a consociational government in Northern Ireland agreed by the Social Democratic and Labour Party (SDLP) and the Ulster Unionist Party (UUP), by Sinn Féin and much later by the Democratic Unionist Party (DUP). However, the Agreement was not just consociational, it has been defined as a complex power-sharing agreement comprising a consociation, a federacy, matching confederal institutions, inter-governmentalism and a peace process.¹⁵ Strand Two provided for cross-border bodies with executive power over designated areas. These bodies comprised ministers from the Northern Ireland executive and the Irish government. Strand Three modified the Anglo-Irish Conference and re-named it the British-Irish Intergovernmental Conference (B-IIGC), ‘the key guardianship body of the Agreement’.¹⁶ It also provided for a new British-Irish Council to represent Northern Ireland, Ireland, Scotland, Wales and the Crown Dependencies, and the UK.

The B-IIGC, ‘dealing with the totality of the relationships’¹⁷ was to meet frequently at summit level (that is, with both prime ministers in attendance) ‘as required’, but otherwise at ministerial level as appropriate. The Conference enshrined the Irish government’s role:

In recognition of the Irish Government’s special interest in Northern Ireland and of the extent to which issues of mutual concern arise in relation to Northern Ireland, there will be *regular and frequent* meetings of the Conference concerned with non-devolved Northern Ireland matters, on which the Irish Government may put forward views and proposals. These meetings, to be co-chaired by the Minister for Foreign Affairs and the Secretary of State for Northern Ireland, would also deal with all-island and cross-border co-operation on non-devolved issues.¹⁸

¹⁴ Tannam, ‘Explaining British-Irish cooperation’.

¹⁵ Brendan O’Leary, ‘Getting ready: the need to prepare for a referendum on reunification’, *Irish Studies in International Affairs: ARINS* 32 (2) (2021), 24.

¹⁶ O’Leary, ‘Getting ready’, 24.

¹⁷ Good Friday Agreement (Dublin, 1998).

¹⁸ Good Friday Agreement, Strand Three (author’s emphasis).

Clearly, the 1998 Agreement reflected the view that British-Irish intergovernmental cooperation was central to continued stability in Northern Ireland. The preface to the Agreement also stated that:

It is accepted that all of the institutional and constitutional arrangements—an Assembly in Northern Ireland, a North/South Ministerial Council, implementation bodies, a British-Irish Council and a British-Irish Intergovernmental Conference and any amendments to British Acts of Parliament and the Constitution of Ireland—are interlocking and interdependent and that in particular the functioning of the Assembly and the North/South Council are so closely inter-related that the success of each depends on that of the other.¹⁹

BREXIT AND THE BRITISH-IRISH RELATIONSHIP: CONTENTIOUS ISSUES

Brexit created a vast array of unintended and complex consequences for the British-Irish relationship. Until the EU stated that Northern Ireland was a key priority in the Brexit negotiations, there was a noticeable lack of engagement from the UK government, contributing to an increasingly strained relationship. From September 2018, however, Theresa May met with Leo Varadkar on a monthly basis,²⁰ formally, or informally (e.g. on the margins of European Council meetings). There was still UK governmental reluctance to embrace the B-IIGC, but by the time Theresa May resigned in summer 2019, trust had improved between the governments, the Irish government and the EU being sympathetic to May's domestic political constraints. However, the incidence of meetings with Boris Johnson, Theresa May's successor, was more erratic.

The B-IIGC was the obvious forum for both governments to discuss Brexit's challenges for Northern Ireland and their relationships. Yet, it only met three times from 2017 to 2020 and not at all in 2016. In addition, the common practice in the 1980s and 1990s, of issuing joint statements after

¹⁹ Good Friday Agreement, Declaration of Support.

²⁰ Department of the Taoiseach, 2019.

prime ministerial meetings, all but disappeared. A joint statement following a meeting in September 2019 was unusual.²¹

The core division between the governments was about whether an open ‘soft’ Irish border was central to preserving peace in Northern Ireland and about the significance of Strand Two of the Agreement. There was an even more fundamental difference in that the UK government and the Tory party’s commitment to the Agreement itself seemed less solid after Brexit. For example, former Secretary of State Owen Paterson and Brexit negotiator Michael Gove stated that the Agreement had outlived its usefulness. This ambivalence, to say the least, further weakened British-Irish relations. If there was a hard Brexit, in which the UK left the EU’s Single Market or Customs Union, the Irish government, and security experts, including the PSNI, feared that to maintain the integrity of the Single Market, the EU would insist that customs and regulatory posts be erected on the Irish border, thereby undermining Strand Two of the Agreement, providing for cross-border cooperation. In addition, security experts and the Irish government feared that any fresh physical infrastructure would be targeted by dissident republicans, leading eventually to the UK being obliged to securitise the border, fuelling more support for republican violence. The UK government downplayed this scenario. It appeared to view the border as an economic issue, not a political one of identity, and it did not recognise the shadow of the past for nationalists if physical infrastructure was erected on the border. It insisted that technical solutions could be found to manage the border.²² The UK government’s approach was supported by the Eurosceptic DUP,²³ thus the political cleavages in Northern Ireland about Brexit matched the cleavage between both governments.

Tensions quickly emerged as these different perceptions became clear. In April 2017, then Irish minister for foreign affairs, Charlie Flanagan, expressed frustration at the UK government’s failure to communicate directly with the Irish government.²⁴ Similarly, in July 2017, then taoiseach, Leo Varadkar spoke bluntly in a media briefing, stating that ‘what we’re not going to do is to design

²¹ Gov.uk, ‘Joint statement following the meeting between PM and Taoiseach Leo Varadkar: 9 September 2019’. Available at: <https://www.gov.uk/government/news/joint-statement-following-the-meeting-between-pm-and-taoiseach-leo-varadkar-9-september> (26 May 2021).

²² Theresa May, Florence speech, ‘A new era of cooperation and partnership’, Available at: <https://www.gov.uk/government/speeches/pms-florence-speech-a-new-era-of-cooperation-and-partnership-between-the-uk-and-the-eu> 27 September 2017, (May 23 2021)

²³ Mary C. Murphy and Jonathon Evershed, ‘The DUP and the European Union: from contestation to conformance and back again’, *Irish Political Studies* 35 (3) (2020), 378–98.

²⁴ Etain Tannam, ‘Cracks are beginning to appear in British-Irish relations’, *LSE Brexit Blog*, 26 July 2017. Available at: <https://blogs.lse.ac.uk/brexit/2017/07/26/cracks-are-beginning-to-appear-in-british-irish-relations/> (26 May 2021).

a border for the Brexiteers because they're the ones who want a border. If anyone should be angry, it's us.'²⁵ The UK government's responses were more muted and megaphone diplomacy diminished, but the *Daily Telegraph*, close to the Conservative Party, ran various stories vilifying the taoiseach and the Irish government's role, as did other right-wing tabloid press in London.

The incompatibility between the UK leaving the EU, including its customs union and single market, and maintaining an open border on the island of Ireland, made a bespoke solution necessary. The 'backstop' agreed by Theresa May and the EU in November 2018 stated that if there was a hard Brexit, regulatory alignment between Northern Ireland, Ireland and Britain would occur, so with no customs checks there would be no need for a sea border, or a hard land border.²⁶ It was opposed by a majority in Westminster, including the DUP, who argued it undermined Northern Ireland's constitutional status in the UK.

Instead, the revised Northern Ireland Protocol prioritised the soft Irish border, but created a sea border between Northern Ireland and Great Britain. The path to agreement was tortuous and relations were strained between British and Irish governments until the final agreement. For the Irish government, any UK government efforts to arrange a bilateral deal, over the head of the EU negotiating team led by Michel Barnier, had to be resisted, though dialogue did continue, particularly between David Lidington, Minister for the Cabinet Office and former shadow secretary of state for Northern Ireland, and Simon Coveney. Although there were tensions when Theresa May was prime minister, under Boris Johnson there was no predictability in UK government behaviour, and frequent u-turns. A significant meeting in the Wirral in October 2019 between Leo Varadkar and Boris Johnson led the taoiseach to say he was 'absolutely convinced'²⁷ that Boris Johnson wanted a Brexit deal and seemed to contribute to the UK government's later signing of the Withdrawal Agreement. Yet, even during the EU-UK trade talks, after the Withdrawal Agreement's ratification, the UK government announced that it would renege on provisions in the Protocol,²⁸ with the secretary of state for

²⁵ *Irish Times*, 'Defiant Varadkar tells British: we won't design the Brexit border for you', 28 July 2017.

²⁶ Murphy and Evershed, 'The DUP and the European Union'; Mary C. Murphy and Eoin Tannam, 'The Internal Market Bill may further erode trust and security in Ireland/Northern Ireland', *LSE Brexit Blog*, 24 September 2020. Available at: <https://blogs.lse.ac.uk/brexit/2020/09/24/the-internal-market-bill-may-further-erode-trust-and-security-in-ireland-northern-ireland/> 2021 (26 May 2021).

²⁷ *Sky News*, 'Irish PM Leo Varadkar "now absolutely convinced" Boris Johnson wants Brexit deal after talks', 10 October 2019.

²⁸ Murphy and Tannam, 'The Internal Market Bill'.

Northern Ireland explicitly stating it would break international law, causing further strains.²⁹ The UK government stepped back from the threat and the EU-UK Customs and Trade Agreement was agreed on Christmas Eve 2020.

Relief again was short-lived when chaotic implementation³⁰ of the sea border arrangements contributed to increasingly vehement calls from some unionists to trigger Article 16 of the Protocol and revoke it. The final straw seemed to be when the European Commission itself said it would trigger Article 16 to install customs checks on vaccines from the EU, crossing the Irish border to Northern Ireland. Although the Commission reversed the decision in response to the Irish government's intervention,³¹ the damage was done in that unionists galvanised in anger at the Protocol. Riots among young people including teenagers in loyalist communities occurred a week later. There were various causes and tensions brewing, including the pandemic lockdown itself and its impact on deprived young loyalists who many argued were left behind in the past 23 years,³² loyalist and some unionist anger at a decision that Sinn Féin politicians would not be prosecuted for attending a large funeral of a former IRA member during the lockdown, and also criticisms of PSNI behaviour. However, unionist anger about the Protocol appeared to be a key factor that led to some adults encouraging youth violence.³³ The initial UK stance was adversarial—to call for the Protocol's abolition, rather than its revision. However, the Commission's error of judgement brought the governments together in opposing the error and the taoiseach Micheál Martin called for cool heads from both sides—the EU and the UK.³⁴

Simon Coveney and Brandon Lewis met on 5 May 2021, announcing in a joint statement that the B-IIGC would be convened in June. However, shortly after the joint statement, the British government announced, without consultation with the Irish government, that it planned to alter the legacy agreement to deal with justice issues for victims of the past violence, arranged under the 2014 Stormont House Agreement, by providing an amnesty to all. The apparent aim was to assuage unionists' and some Tory MPs' allegations and anger that former British soldiers were targeted by the process, whereas former

²⁹ Murphy and Tannam, 'The Internal Market Bill'.

³⁰ *Financial Times*, 'Plans for sea border in a mess', 20 December 2020.

³¹ *Irish Times*, 'Brussels vaccines move prompts backlash both sides of border', 31 January 2021.

³² Allison Morris, 'Peace funding is not filtering down to those who need it most', *Belfast Telegraph*, 12 April 2021.

³³ Allison Morris of the *Belfast Telegraph* also reported that the riots were linked to criminal gangs involved in drugs.

³⁴ *The Times*, 'Micheal Martin bids to calm EU-UK vaccine row', 31 January 2021.

IRA perpetrators of violence were not, so victims of paramilitary violence were treated unjustly. After the June 24th B-IIGC meeting, Simon Coveney acknowledged the concerns of some that the legacy process was not comprehensive and stated there would be an open-ended legacy process but subject to the Stormont House Agreement processes. Although there was no agreement on the Protocol, he described the meeting as 'good'. In Brussels on the same day, the taoiseach, who had asked EU states to ameliorate their response to the UK, stated that the EU should agree to the UK government's demand for an extended transition period and the UK government should respond proactively. The relationship by late June 2021 appeared to be slightly better than in previous months. It was also announced that there would be several B-IIGC meetings a year in future.³⁵

At the time of writing, the UK government and the EU continue to negotiate a solution, with the EU seeking to persuade the UK to accept an agreement to enable Sanitary and Physio-sanitary arrangements aligned with EU standards to as to avoid 80% of checks on goods to Northern Ireland.³⁶ President Biden made a strong intervention in support of the EU and the 1998 Agreement at the G7 Summit on June 11th.³⁷ The pragmatic Sir Jeffrey Donaldson is the new leader of the DUP and the modernising³⁸ Doug Beattie is the new leader of the UUP and highly supportive of the Agreement, but there are some calls from loyalists for the collapse of the Northern Ireland Assembly, with implicit prescription that it should not be restored again. Unionist parties, with some Tory politicians, are also taking legal action against the Protocol, which, they argue, violates the Act of Union.

There have been and are immense pressures on the British-Irish relationship. Brexit and its management saw the relationship hurtle from crisis to crisis and with each crisis, trust was depleted. Though Brexit was a large factor, it was not an inevitable cause of such deterioration.

³⁵ Gov.uk, 'Joint Statement by Secretary of State Brandon Lewis and Simon Coveney', 5 May 2021, available at: <https://www.gov.uk/government/news/joint-statement-by-secretary-of-state-brandon-lewis-and-simon-coveney> (26 May 2021).

³⁶ Tony Connelly, 'Bad Faith and Brinkmanship: Northern Ireland Protocol on the Edge', June 5 2021 <https://www.rte.ie/news/2021/0604/1226148-tony-connelly-analysis/>, June 14 2021.

³⁷ Tony Connelly, Colm O'Mongáin, RTE Brexit Republic Podcast, 'Tommy Cooper and Two Tonys', June 12 2021, <https://www.rte.ie/news/brexit/2021/0611/1227611-podcast-brexit-republic-tommy-cooper-two-tonys/> June 12 2021

³⁸ Chris Donnelly, 'Doug Beattie may not rush to role of progressive new Unionist leader', *Irish News*, 7 June 2021.

REASONS FOR THE DETERIORATION IN THE BRITISH-IRISH RELATIONSHIP

The role of Brexit

There are various ways in which Brexit negatively affects the British-Irish relationship. The opportunities for communication afforded by the EU vanished with Brexit. One former Irish ambassador to the UK, Daniel Mulhall, commented that there were on average 25 meetings a day in Brussels where Irish and UK representatives met.³⁹

Moreover, Ireland and the UK often shared common interests in the EU, sharing similar policy preferences. Therefore, the EU provided numerous ties that bound Ireland and the UK closely together. Both governments often converged in their attitudes on a number of EU issues, including taxation and social policy. Brexit turned such common interests into competing ones. The 2020 Trade and Cooperation Agreement left many issues for future discussion. In addition, the Northern Ireland Assembly will vote on articles 5-10 of the Protocol in 4 years, possibly igniting tensions further.

Most of all, Brexit inflamed the unification issue. The Agreement had sought to resolve the issue of unification by providing a settlement that attempted to reflect both unionist and nationalist voices and had no pre-determined outcome. It did state though that the secretary of state is legally obliged to call a referendum on unification if he or she feels there is evidence of a majority in favour of unification. If the UK left the EU completely, then a united Ireland would not only satisfy traditional nationalist demands, it would enable Northern Ireland to return to the EU, as part of a member state in good standing.⁴⁰

Although according to polls and surveys, a majority does not currently support unification,⁴¹ Brexit's impact may alter that situation. The proportion of the population who says it has neither nationalist nor unionist identity has increased significantly, indicating a weaker connection to the Union. If Scottish independence occurs, a UK government, whether Conservative or

³⁹ House of Lords, *Inquiry in into Brexit and British-Irish Relations* (Westminster, 2016).

⁴⁰ *Irish Times*, 'Brexit summit: EU accepts united Ireland declaration', 29 April 2021.

⁴¹ UCL, Constitution Unit, *Final Report of the Working Group on Referendums on the Island of Ireland* (London, 2021) Available at: <https://www.ucl.ac.uk/constitution-unit/working-group-unification-referendums-island-ireland> (4 June 2021).

Labour, could be more determined not to let any other region leave the Union. Under *Bunreacht na hÉireann*, the Irish government would be obliged to support unification if there were a majority in favour, but a Conservative UK government would be likely to support the Union, implying an antagonistic relationship.

Thus, Brexit unleashed many actual and potential conflicts of interest. These actual and potential problems were known from 2016, but the scale of British-Irish division—the failure to minimise the damage and carve a path of least division for Northern Ireland—was not predicted. A soft Brexit, with the UK remaining in the Single Market, or even in the Customs Union, would have eased problems. Thus, Brexit in itself does not explain the sharp deterioration in British-Irish cooperation. Four main factors explain that deterioration: i. Different perceptions of the peace process ii. Different perceptions of the meaning of the 1998 Agreement; iii. Less attention to Northern Ireland and the B-IIGC by both governments, but especially by the UK government; iv. The particular nature of the Brexiteer-dominated UK government.

DIFFERENT PERCEPTIONS OF THE CAUSES AND STABILITY OF THE PEACE PROCESS

The failure of the UK government to consult properly with the Irish government about the political implications of Brexit for Northern Ireland before, during and after the referendum highlighted that the Irish government emphasised far more the significance of the EU in the peace process, of the Single European Market and of the open Irish border. According to one adviser to David Cameron during the referendum campaign, despite repeated efforts to persuade the UK prime minister to consider Brexit's implications for Northern Ireland, including efforts by former prime ministers Tony Blair and John Major, Northern Ireland was neglected in the campaign.⁴² The UK government appeared not to understand the symbolic importance of an open border for nationalists. The Irish government's first preference was to maintain the status quo of both the land and sea border so as not to undermine political stability in Northern Ireland and also to minimise economic costs to Ireland.

⁴² Matthew O'Toole, 'Ireland an afterthought during Brexit campaign when I was Cameron adviser', *Irish Times*, 4 October 2017.

Eventually, following EU prioritisation of Northern Ireland in the first stage of Brexit negotiations, Theresa May in her Florence speech affirmed that the UK government and the EU ‘have both stated explicitly that we will not accept any physical infrastructure at the border’.⁴³ The assertion that technical solutions (also known as alternative arrangements) would suffice was undermined by international trade experts⁴⁴ and not accepted by the EU. The UK government’s interpretation of the EU’s stance about the border was that Michel Barnier had ‘a tendency to view the issue of the Irish border from the nationalist perspective’.⁴⁵ The then UK Brexit secretary David Davis observed that the UK found it ‘difficult to engage with Dublin on the issue in his final months in government’.⁴⁶ The UK government’s perception, echoed in the right-wing tabloid press and the *Telegraph*, was that the Irish government was ‘stubborn’,⁴⁷ implying it had unreasonable concerns about the border and that it was fuelled by nationalist preferences to eradicate the border completely. Taoiseach Leo Varadkar was accused of playing to a nationalist audience to win votes, particularly given the threat of Sinn Féin increasing its support at the next election.

Thus, both governments had very different perceptions of the significance of the Irish border and the significance of Strand Two of the Agreement. For the Irish government the soft border was crucial to peace and stability and to protecting the Agreement. However, for Brexiteers in the UK government, the Irish ‘stubbornness’ about the soft border was fuelled by covert nationalism. Underlying those differences was a different perception of the enduring importance of identity in the peace process. It was clear that for the UK government the identity conflict in Northern Ireland was over completely and there was no risk of its return. For the Irish government, by contrast, peace in Northern Ireland was ‘fragile’.⁴⁸

⁴³ Theresa May, Florence speech.

⁴⁴ David Henig, ‘Technology is no panacea for UK trade policy’, <https://www.brightblue.org.uk/technology-is-no-panacea-for-uk-trade-policy/>, 6 May 2020. See also *BBC News*, ‘Border technology could take 10 years’, 13 February 2019, <https://www.bbc.com/news/world-europe-47228959>.

⁴⁵ *Daily Express*, ‘Ireland skewered on ‘stubborn backstop or nothing’ stance against UK’s latest proposal’, 20 September 2019.

⁴⁶ *Politico*, ‘David Davis: Barnier saw Irish border issue from nationalist perspective’, 30 September 2018.

⁴⁷ *Politico*, ‘David Davis’.

⁴⁸ Department of Foreign Affairs and Trade, Simon Coveney, ‘Tánaiste’s speech at the British-Irish Association Conference’, 8 September 2018.

DIFFERENT PERCEPTIONS OF THE 1998 AGREEMENT AND BRITISH-IRISH COOPERATION

The Brexit era highlighted that there were different perceptions of the importance of the 1998 Agreement and of British-Irish cooperation. Tory politicians appeared to downplay the potential for the Agreement to be undermined by Brexit's fallout and as some stated it had outlived its usefulness. In addition, Brexit revealed that the Irish government placed more emphasis on the British-Irish relationship in managing Brexit. The rationale behind John Hume's emphasis on the B-IIGC was that it would ensure regular and frequent contact to maintain the conceptualisation of a mutual problem-solving approach and mutual trust. Trust and joint conceptualisation would develop further in the aftermath of the Agreement. It would also ensure that nationalists and unionists' interests were represented and protected fairly.

However, after 2007 the B-IIGC did not meet until 2018. Despite Brexit's challenges, there were only three meetings of the B-IIGC, from 2016 to 2020, the first occurring in 2018. UK officials were reluctant to engage with their Irish counterparts formally, or informally, until the border issue became a key blockage. They had tried unsuccessfully to lobby the member states, especially Germany and the East European states, in a strategy of divide and conquer. Again, the underlying assumption for UK government politicians was that the risks to stability in Northern Ireland and to the Agreement were being exaggerated by Irish politicians, and British-Irish engagement was not necessary. Overall, both governments had very different and conflictual perceptions of the importance of both the causes of the peace process and the centrality of the Agreement. However, as regards the B-IIGC, the Irish government also appeared to neglect its significance for a period.

LESS ATTENTION TO NORTHERN IRELAND AND TO THE B-IIGC BY BOTH GOVERNMENTS 2007–2016

B-IIGC meetings were infrequent after 2007. There was a perception that stability was assured in Northern Ireland, though Micheál Martin, then minister for foreign affairs, in 2011 expressed concern that Northern Ireland was drifting. There are five key reasons why neither the British nor the Irish government emphasised the B-IIGC after 2007.

i. The governments' failure to convene the B-IIGC more often was also because of DUP opposition to the B-IIGC⁴⁹ (believing it enshrined Irish influence over Northern Ireland.) Unionist hostility to the B-IIGC has been rooted in unionist perceptions of Ireland since the foundation of the Irish state. The DUP's assumption is that Ireland has a nationalist agenda and seeks to protect nationalists and does so covertly by influencing British governments to support nationalist aims. Hence, hostility to the 1985 Anglo-Irish Conference and to the B-IIGC. Thus, for traditional unionists there are many policies since 1998 that are viewed as reflecting an in-built nationalist bias, facilitated by the intergovernmental process.⁵⁰

The Hume model that intergovernmentalism would protect communities is not accepted and not their experience of the implementation of the Agreement.

ii. The second reason for the B-IIGC's weakness is that both governments did not perceive there to be a need for it. The royal and Irish presidential visits, the hand shake between Martin McGuinness, the late former leader of Sinn Féin and the queen, and the strong relationship in the 1990s, created an impression of deeper cooperation than existed. Peace in Northern Ireland and the Agreement led to less emphasis on Northern Ireland compared to previous decades. Thus, 'the weakness in implementing the Good Friday Agreement' also stemmed from both governments placing less priority on Northern Ireland.⁵¹

Both governments mistook an absence of core conflicts of interest for cooperation. The halcyon days of the 1990s are not examples of cooperation in a meaningful sense. Cooperation is more accurately defined as the 'actions of separate individuals or organisations—which are not in pre-existent harmony...brought into conformity with another through a process of

⁴⁹ O'Leary, 'Getting ready', 24.

⁵⁰ Cathal McCall, 'Shifting thresholds, contested meanings: governance, cross-border co-operation and the Ulster Unionist identity', *European Studies* 19 (2003), 81–103.

⁵¹ Jennifer Todd, 'The vulnerability of a (quasi-)constitutional settlement: Northern Ireland after 1998 and the British-Irish relationship' (2014) *Working Paper 112*, Institute for British-Irish Studies, University College Dublin, 1–28: 20.

negotiation.’⁵² In this way, the queen’s visit in 2011 reflected fewer deep conflicts of interest, rather than being an act of cooperation in itself. By 2011, peace had been sustained in Northern Ireland and the Executive was in place from 2007 to 2017. Northern Ireland was not perceived by both governments to be an issue necessitating any hands-on involvement.

iii. Third, the weakness of the B-IIGC is also partially explained by a reduction in the number of non-devolved policy areas in Northern Ireland following the 2006 St Andrews Agreement: ‘The St Andrews Agreement of 2006 had the effect of reducing further the role of the Intergovernmental Conference. By providing for the creation of an inclusive Northern Ireland executive to manage major devolved areas... and for the devolution of control over policing...it removed responsibility over these areas from the Intergovernmental Conference and the momentum behind the conference seems to have evaporated.’⁵³

Staff numbers fell in the B-IIGC after 2007 and the UK side of the secretariat left the British-Irish Intergovernmental Conference office to move to Stormont.⁵⁴ Whereas the Irish dimension in the 1980s was viewed by Irish governments as crucial because nationalists were not adequately represented, with the creation of the consociational executive, neither Irish protection of nationalists nor British protection of unionists was seen as necessary. Northern Ireland remained in the UK and nationalists had a seat at the table and were empowered. Thus, although Hume’s logic emphasised the intergovernmental model, there was an assumption that Strand One made it less necessary. In this way there appears to have been a lack of understanding of Hume’s strategy, or, when faced with other challenges, a reluctance to prioritise it.

iv. A loss of institutional memory with the passage of time may be relevant. This appears to be particularly relevant to the UK government, where knowledge of the peace process has seemed

⁵² Robert Keohane, *After hegemony* (Princeton, 1984), 4.

⁵³ John Coakley, ‘British-Irish institutional structures: towards a new relationship’, *Irish Political Studies* 24 (1) (2014), 81.

⁵⁴ Coakley, ‘British-Irish institutional structures’, 81.

less widespread among younger staff. Devolution to Scotland and Wales paradoxically increased the administrative load in London and created less focus on relations with Northern Ireland. The issue of institutional memory was also a problem, though to a lesser degree, in the Irish civil service, where young recruits were less well-versed personally in the history of the conflict and peace process.

v. Another reason for less emphasis on the B-IIGC and Northern Ireland is that the Irish government was faced with the burden of the bailout and austerity from 2008 to 2013. Scarce resources were dedicated to the EU level and dealing with the Troika. In the context of limited resources, unionist antipathy to the B-IIGC and to the Irish government's involvement, the UK government's weak engagement and the existence of peace in Northern Ireland, all led to less prioritisation of Strand Three. There was also more commitment to the Northern Ireland issue from the UK Labour government than from its Tory successor who formed a government in 2011.

THE ROLE OF THE UK GOVERNMENT

The travails of dealing with Boris Johnson and his Brexiteer government have been well-documented by the media. Even the DUP who 'welcomed' Johnson 'to the DUP party conference as a saviour' were forced to realise by 2021 that Johnson had an 'uneasy relationship with the truth',⁵⁵ and that he would 'say absolutely anything to man, woman or child that will give them pleasure at that moment, heedless of whether he may be obliged to contradict it ten minutes later'.⁵⁶ However, before Johnson became prime minister, although negotiations with Theresa May were better, the Brexiteer-dominated

⁵⁵ Max Hastings, cited in Sam McBride, 'Northern Ireland in a breathtakingly undemocratic position which dishonest Boris Johnson knows indefensible yet he knowingly chose it', *Belfast Newsletter*, 13 February 2021, <https://www.maxhastings.com/2018/the-english-love-a-buffoon-but-the-boris-johnson-joke-went-tragically-wrong/>.

⁵⁶ Hastings in McBride.

government was slow to engage with the Irish government. It was dogmatic from the start, and only began to prioritise Northern Ireland when it was clear that the EU prioritised Northern Ireland.

Thus, the weakness in implementing Strand Three of the Agreement and the deterioration in British-Irish relations are also due to the nature of the current UK government.⁵⁷ The shadow secretary of state for Northern Ireland, Louise Haigh, is clearly deeply committed to Northern Ireland, but it cannot be assumed that any Labour government would ‘solve’ British-Irish malaise, given domestic politics in England and the very many contentious issues involved,⁵⁸ not least calls for a referendum on unification. Even before Brexit, ‘the force of British-Irish agreements tended to vary with wider British interests.’⁵⁹ However, Tory governments appeared to feel less ‘ownership’ of the 1998 Agreement, than the Labour Party, implying a particular problem.

THE FUTURE OF THE BRITISH-IRISH RELATIONSHIP: IN DEFENCE OF THE B-IIGC

The above analysis highlights that British-Irish cooperation was not as embedded as once thought and identifies the factors that led to misperception of the relationship. Brexit has also revealed weaknesses in reconciliation in Northern Ireland despite 23 years of the Agreement. This article concludes by highlighting some positives in the bilateral relationship, but it is argued that although policy issues that trigger identity politics in Northern Ireland are often devolved Strand One issues, successful resolution and confidence building necessitates firm guardianship by both governments under Strand Three.

In some ways the future relationship may not be as bleak as some may fear. For example, the UK’s absence from the EU need not automatically imply that the future British-Irish relationship will be weak. Although EU membership oiled the wheels of cooperation and highlighted Ireland’s status as a separate independent state from the UK, its role in the peace process and British-Irish evolution is sometimes exaggerated. The main cause of

⁵⁷ Etain Tannam, ‘British-Irish intergovernmental cooperation’, in Etain Tannam (ed.), *Beyond the Good Friday Agreement* (London, 2018).

⁵⁸ UCL, *Final Report of the Working Group on Referendums on the Island of Ireland*.

⁵⁹ Todd, ‘The vulnerability of a (quasi-)constitutional settlement’.

British-Irish cooperation was the failure of policy in the 1970s to end violence in Northern Ireland and in England, and the need for a more effective strategy that would achieve UK and Irish interests.⁶⁰ Post-Brexit, although there will be many conflicts of interest, there could also be rational interests to drive cooperation:

Diplomatic relations between the UK and Ireland may improve, perhaps later in the decade ahead, and that may occur with or without further changes of government in Dublin and London. The two neighbours' treaty obligations formally compel them to honour the Good Friday Agreement in all its parts, and to implement the protocol, and both European and American pressure, especially in the event of a Biden administration, will encourage the British government to enhance its cooperation with Ireland.⁶¹

In addition, although some nationalists have criticised the Irish government's 2020 Programme for Government⁶² because it does not state the aim of a united Ireland,⁶³ the programme seeks to rebuild the British-Irish relationship and bring about reconciliation. It calls for enhanced roles for the B-IIGC and the BIC and the creation of a new bilateral institution:

It...seeks to 'expand and develop' [Programme for Government, 2020] mechanisms for engagement between the Irish parliament, the Northern Ireland Assembly, the UK parliament and the devolved assemblies in Scotland and Wales. It pledges to prioritise regular bilateral engagements between both governments across all sectors and to deepen relations with devolved governments in Wales and Scotland. In short, the new programme for government provides a detailed plan that guides policy in the context of the UK's departure from the EU for the next four years, if not longer.⁶⁴

⁶⁰ Eoin Tannam, *Cross border cooperation in Ireland* (Basingstoke, 1999).

⁶¹ O'Leary, 'Getting ready', 3.

⁶² Department of the Taoiseach, 'Programme for Government: Our Shared Future', 29 October 2020.

⁶³ *Irish News*, 'Brian Feeney: Both Arlene Foster and Micheál Martin are ignoring reality on border poll', 27 January 2021.

⁶⁴ Eoin Tannam, 'The shared Island: there's hope for British-Irish relations', *LSE Brexit Blog*, <https://blogs.lse.ac.uk/brexit/2020/07/02/shared-island-theres-hope-for-british-irish-intergovernmental-relations/> 2020.

In addition, the BIC:

Could have a dedicated task group focused on the implementation of the Protocol (12 dedicated task groups already exist in other areas) and that the Council's reach could be extended to include areas that were previously considered at EU level. In a sense, this would suggest that there is no need for a 'new' framework for British-Irish relations. Rather, putting the existing frameworks to work would be a better solution.⁶⁵

Indeed, both the B-IIGC and the BIC could be used creatively to allow indirectly a Northern Irish input into the EU-UK Joint Committee to implement the Protocol, provided it does not undermine EU agreements. The Agreement states that 'relevant executive members of the Northern Ireland Administration will be involved in meetings of the Conference, and in the reviews...to discuss non-devolved Northern Ireland matters.'⁶⁶ Also, the BIC allows for members to form bilateral agreements on policy issues. It:

Will be open to two or more members to develop bilateral or multilateral arrangements between them. Such arrangements could include, subject to the agreement of the members concerned, mechanisms to enable consultation, co-operation and joint decision-making on matters of mutual interest; and mechanisms to implement any joint decisions they may reach.⁶⁷

The Irish minister for foreign affairs, Simon Coveney, stated in 2018 that the B-IIGC in July of that year would 'take forward proposals for future East-West cooperation...this [cooperation] should be comprehensive across all policy areas of shared concern and should culminate in meetings at the highest political levels'.⁶⁸ Overall, the Programme for Government calls for more robust implementation of the Agreement.

⁶⁵ Cathy Gormley-Heenan, 'Brexit and Ireland North and South', *UK in a Changing Europe*, 26 September 2020. Available at: <https://ukandeu.ac.uk/long-read/brexit-and-ireland-north-and-south/> (4 June 2021).

⁶⁶ Good Friday Agreement, 1998, Strand Three.

⁶⁷ Good Friday Agreement, 1998, Strand Three.

⁶⁸ Department of Foreign Affairs, 'Tánaiste's speech at the British-Irish Association Conference', 8 September 2018.

Broader Irish relations are likely to develop with Scotland and Wales. An Irish-Scottish strategic review of the relationship was published in 2021⁶⁹ and an Irish and Wales joint action plan is also underway.⁷⁰ The devolved governments and Irish government have expressed their commitment to increasing economic and cultural cooperation. The Irish government re-opened its consular office in Cardiff in 2019 and will open a consular office in Manchester in 2021 to serve the north of England. In this way the nature of British-Irish cooperation is likely to alter quite significantly over the next decades and diversify to include not just London, but other regions in the UK. However, as regards Northern Ireland, the Irish government's relationship with London is the most significant relationship.

Also, on a more hopeful note, although the relationship was generally bleak from 2016 to 2021, there were examples of technical and bureaucratic cooperation. In May 2020 the two governments signed a Memorandum of Understanding to preserve the Common Travel Area, involving significant cooperation between officials in various civil service departments. The MoU stated:

Recognising the deep and enduring relationship between our two countries, the governments of Ireland and of the United Kingdom of Great Britain and Northern Ireland have today entered into a Memorandum of Understanding reaffirming our joint commitment to the Common Travel Area (CTA), and to maintaining the associated rights and privileges of Irish and British citizens under this longstanding reciprocal arrangement.⁷¹

Yet various legal scholars and NGOs called for a formal legal agreement to protect the Common Travel Area. The MoU, while welcomed, is not a legal agreement.

⁶⁹ Government of Scotland, 'Irish Scottish Relations, Strategic Review: concept note', 12 November 2019. Available at: <https://www.gov.scot/publications/irish-scottish-relations---strategic-review-concept-note/> (4 June 2019).

⁷⁰ 'Consulate General of Ireland, Cardiff, 'Ireland & Wales Shared Statement & Joint Action Plan 2021–25' <https://www.dfa.ie/irish-consulate/cardiff/news-and-events/latest-news/ireland--wales-shared-statement--joint-action-plan-2021-25.php> (22 June 2021).

⁷¹ Gov.uk, 'Joint statement of 8 May 2019 between the UK Government and Government of Ireland on the Common Travel Area'. Available at: <https://www.gov.uk/government/publications/memorandum-of-understanding-between-the-uk-and-ireland-on-the-cta/joint-statement-of-8-may-2019-between-the-uk-government-and-government-of-ireland-on-the-common-travel-area> (4 June 2021).

Policy-based cooperation will continue to be necessary given Northern Ireland and continued British-Irish cultural interdependence. Various policy networks could be institutionalised and the B-IIGC could be made part of a wider framework of cooperation. It could be shown to protect unionist identity and rights in future years,⁷² a point also made in an earlier study.⁷³

However, it is unclear what is the B-IIGC's future role. It is possible that because of unionist and UK government attitudes, it will be positioned within new networks to make it more palatable, but it could be less central than some would like. Although the UK's departure from the EU is not necessarily a fatal blow to British-Irish cooperation, it does alter the Irish government's cost-benefit analysis. Resources will be concentrated on EU bargaining, but also on the shared island mission. There is a debate about whether new bilateral institutions should subsume the B-IIGC's role or should become senior partners to the B-IIGC, given unionist hostility to the B-IIGC. In addition, current relations between unionists and the Irish government are so poor, there is a view that now is not the time to advance any formal cooperation, but rather informal, below-the-radar cooperation should occur. However, the argument in this article is that it is the weakness of formal cooperation in the first place that has contributed to poor relations with unionists.

Moreover, to underplay the B-IIGC is to underplay the 1998 Agreement and if there is a referendum on Irish unification and if the result supports unification, there are reasons why Strand Three would be central:

The possible agenda of the B-IIGC, when the Northern Assembly is functioning, is...the totality of British-Irish relationships minus the exclusively devolved powers of the Assembly. The all-island and cross-border aspects of rights, justice, prisons, and policing are part of the remit of the B-IIGC; the devolution of functions in these domains does not remove these matters from the conference's remit. The B-IIGC is obliged to keep under review the international treaty and the machinery and institutions established under it, and should be expected to play an active role in

⁷² Bryce Dickson, 'Unionist Fears in a United Ireland', IACL/IADC blog, 27 February 2020. Available at: <https://blog-iacl-aadc.org/irish-unification/2020/2/27/unionist-fears-in-a-united-ireland> (4 June 2021).

⁷³ Richard Humphries, *Beyond the border: the Good Friday Agreement and Irish unity After Brexit* (Dublin, 2018).

handling the transfer of powers that would accompany a decision on both sides of the border to reunify Ireland.⁷⁴

Unionists, reconciliation and the B-IIGC

It is debatable whether unionists would be greatly reassured by a new institution for British-Irish cooperation that fulfilled the same purpose as the B-IIGC. Possibly it would give cover to those unionists who want to adopt a more conciliatory approach to Irish involvement. Many ‘pro-Union’ advocates provide a more positive view of the benefits of cooperation with the Irish government and of interdependence on the islands.⁷⁵ However, the depth of anger and distrust among a section of the unionist community implies that more would have to be done to reassure them than simply creating a new institution. Therefore, a more effective policy would be to examine the B-IIGC’s operation with a view to making its benefits to unionism more tangible.

The Brexit era has highlighted the many real challenges faced by unionists. Fears about unification and about identity are not irrational given the scale of change since 2016, as well as on-going demographic change. Given the rise of support for nationalist parties and for the ‘neither’ identity Alliance Party, and increased numbers saying they feel neither British nor Irish,⁷⁶ some unionists feel even more vulnerable. In addition, Sinn Féin’s support base rose in the 2020 General Election in Ireland, making it likely that in the next general election it would form part of a government, which adds to unionist insecurity. Moreover, at the 2021 Fine Gael Ard Fheis, Leo Varadkar emphasised the need to plan for unification and reiterated plans to establish a Fine Gael branch in Northern Ireland, though he also emphasised strongly the need for reconciliation.⁷⁷

The Protocol and sea border arrived on foot of many other challenges. For many unionists, the understandable perception is that far more priority was given by the EU and Irish government to nationalists’ concerns

⁷⁴ O’Leary, ‘Getting ready’, 25

⁷⁵ Peter Shirlow, ‘Interdependence can help put the constitutional question on the back burner’, *Belfast Telegraph*, 11 January 2021.

⁷⁶ Katy Hayward and Cathal McManus, ‘Neither/nor: the rejection of unionist and nationalist identities in post-Agreement Northern Ireland’, *Capital and Class* (13 December 2018).

⁷⁷ Fine Gael, ‘Speech of the Tanaiste, Leo Varadkar at the Opening of the Fine Gael Ard Fheis, June 15’, <https://www.finegael.ie/speech-of-the-tanaiste-leo-varadkar-at-the-opening-of-the-2021-fine-gael-ard-fheis/> (22 June 2021).

and identity in protecting the soft land border than to unionist concerns about the sea border. The perception by unionists of UK failure to protect their status is a source of fundamental insecurity. Incidents such as Sinn Féin's refusal to allow a commemoration stone in Stormont to mark Northern Ireland's centenary, the glorification of former IRA members and mutual bitterness about the legacy of the past and lives lost, highlight some unionists' sense of injustice, but the fundamental issue is a weakness in reconciliation for sections of both communities. For example, the DUP refused to implement the Irish Language Act agreed in January 2020, claiming that unlike the Welsh Language Act, it was being used politically by Sinn Féin. Indeed, confirming the politicisation of the language issue, Colum Eastwood, the leader of the SDLP, commented that the DUP and Executive upheaval was 'the legacy of the approach of those two parties [the DUP and Sinn Féin] which is cultural war first'.⁷⁸

Thus, there is a need for the Agreement to develop reconciliation and to reassure that both identities are protected by both governments—the custodians of the Agreement. In the post-conflict situation, the role of perception is crucial—not simply whether imbalance is real or imagined, but how deeply some perceive it exists.⁷⁹ Despite unionist suspicions, the B-IIGC is the main vehicle for that balanced protection. It cannot engage in devolved policy areas, but it can provide an overarching security umbrella and engage directly with the Executive. Afterall:

In 1998 Ireland, north and south, agreed to the equivalent protection of rights, north and south, regardless of whether London or Dublin held sovereign authority. Rights provisions and institutions were mandated that could in principle transfer from UK to Irish sovereignty. Voters mandated the incumbent UK government to exercise rule with 'rigorous impartiality' and made the same provision for a future Irish government with sovereign authority over Northern Ireland.⁸⁰

⁷⁸ Colum Eastwood, cited by Freya McClements, 'DUP leader will have many challenges after party's darkest moment', *Irish Times*, 18 June 2021.

⁷⁹ Claire Sugden, 'Behind the headlines: the future of Northern Ireland', a live discussion hosted by the Trinity Long Room Hub, 13 April 2021, <https://www.irishcentral.com/events/watch-trinity-discusses-future-northern-ireland> (May 21 2021).

⁸⁰ O'Leary, 'Getting ready', 10.

Thus, a weakness in the implementation of the Agreement is that policies have not been seen by a section of the unionist community to be rigorously impartial.

It may be difficult to overcome this perception, given the transformative changes in Northern Ireland and resultant insecurity. In other words, if the unionist support base falls, Irish identity seems more dominant and a united Ireland seems more likely, what reassurance can the Agreement possibly provide to those whose main fear is a united Ireland? The problem was identified in 2003, that unionists' perception was that in return for agreeing to an Irish dimension in the Agreement,⁸¹ a vibrant British identity would be reserved and respected. Thus, a 'unionist-nationalist power relationship...was increasingly played out in the representation of culture in Northern Ireland.'⁸²

The core problem is that unionists:

Committed themselves to the principle and act of political inclusion through sharing power with Irish nationalists and republicans. However, their perception that the implementation of the Agreement has witnessed the erosion of the Britishness of Northern Ireland leads to difficulties in embracing the principle of cultural inclusivity.⁸³

In addition, unionists tended to regard the Agreement as a final end point—a peace agreement, whereas as time passed they became increasingly concerned that for Sinn Féin, it was not a final agreement, but a triumphalist and very assertive 'process'⁸⁴ to achieve a united Ireland. Given the possibility of a referendum on unification, these concerns have deepened. For loyalists, for example, 'insecurity equally lies in the fear of being defined only by enemies, the 'triumphalist republicans', as collaborators and 'planters'. According to Jennifer Todd, 'in conflicts where identity has been asymmetrically constructed and oppositionally defined, respect for one identity involves disrespect for another'.⁸⁵ These issues are at the heart of problems in

⁸¹ McCall, 'Shifting thresholds', 97.

⁸² McCall, 'Shifting thresholds', 101.

⁸³ McCall, 'Shifting thresholds', 101.

⁸⁴ Ben Lowry, 'There is much confusion in unionism, so here are some suggested core pro-union principles', *Belfast Newsletter*, 29 May 2021.

⁸⁵ Todd, 'Unionism, identity and Irish unity: paradigms, problems and paradoxes', *Irish Studies in International Affairs: ARINS* 32 (2) (2021) 53–77.

achieving reconciliation and stability. They have increasingly festered since 2003 and have been greatly exacerbated by Brexit. These are deep perceptual issues with historical roots. Cultural issues are devolved and therefore not part of Strand Three's remit. However, leaving them solely to Strand One mechanisms with no oversight from the two governments, is bound to be destabilising.

Although, there are very real changes since the Brexit referendum which are threatening to the status quo, there is potential for the B-IIGC to provide a framework for policy equilibrium by setting a normative tone, creating an equilibrium framework, and inviting Executive members for consultations. The UK government's relatively detached involvement, punctuated recently by grandstanding behaviour about the Union, is a key factor in unionist alienation and insecurity, especially given the logic that the kinship states would protect each community consistently. Any unilateral grandstanding by the UK government, ostensibly to protect unionists, provokes extremism among loyalists, increases anger if promises are not delivered and can have an equally negative effect on some nationalists, so a joint approach by governments offers a more stable outcome that avoids see-sawing and partisan behaviour.

The failure of the B-IIGC to meet from 2007 to 2018 and the more reactive nature of policy to Northern Ireland was a factor in preventing the evolution of a long term joined-up policy in the 21st century that was seen to protect both communities equally. The need for a rigorous, secure and impartial umbrella to oversee the Agreement implies that the B-IIGC should be a central part of the future British-Irish relationship. It is also very important that calling for the B-IIGC to better listen to unionist voices should not be the preserve of those seeking a united Ireland who assert the B-IIGC as a means of reassuring unionists. That in itself politicises the B-IIGC, and re-affirms unionist suspicions. Therefore, its benefit to unionists must be made visible as soon as possible, in the context of current policies and of the Union, not as part of a plan to achieve a united Ireland.

CONCLUSION

The declaration that the three strands of the Agreement are interdependent, the B-IIGC's brief that the governments would deal with matters of mutual concern for Northern Ireland, the emphasis placed by John Hume on the EU

model of institutional cooperation, and the B-IIGC's central place in Strand Three all imply that it should be a central pillar of the future British-Irish relationship and of stability in Northern Ireland. The degree of unionist anger about the Protocol reflects far deeper and long-standing issues than the Protocol itself and a failure of the Agreement to bring about reconciliation among a section of the community. Without doubt Brexit intensely aggravated this failure, but it is not the root cause. Nor does the fault lie in the Agreement. Indeed, 'the breadth of the changes stemming from it [the Agreement] was remarkable, and, despite the vicissitudes it has suffered since the triumphant day of its approval...its essentials remain robust and largely uncontested, even if not always fully understood'.⁸⁶

However, though 'the main immediate institutional commitments of the Agreement have now been fulfilled...in execution they appear tarnished'.⁸⁷ Thus, though robust, in that the Agreement commands majority support and has survived, it has been argued here that the weak implementation of Strand Three has impeded embedded British-Irish cooperation and therefore embedded cooperation and reconciliation in Northern Ireland for a significant minority of the electorate. In other words, the fault lies in the failure to implement the Agreement properly in its entirety. As regards Strand Three institutions, this article has shown the B-IIGC's central significance and the need to provide more rigour and creativity to its operation.

Overall, the Hume model aimed to develop resilience, reconciliation and stability through the institutions of the 1998 Agreement. The B-IIGC was included in John Hume's strategy for a reason—to provide the framework for long term stability and reconciliation in Northern Ireland. That reason has not gone away. If anything, Brexit has revealed it is more pertinent than ever.

⁸⁶ Rory Montgomery, 'The Good Friday Agreement and a united Ireland', *Irish Studies in International Affairs: ARINS* 32 (2) (2021), 83–110.

⁸⁷ Alan Whysall, 'Northern Ireland in its centenary year: reviving the promise of the Good Friday Agreement', Queen's Policy Engagement blog, 17 February 2021.